Review Draft, December 2015

Pittsboro, North Carolina
Unified Development Ordinance

Module 1

Article 1: General Provisions
Article 2: Zoning Districts
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Article 1: General Provisions

Commentary

Article 1: General Provisions, contains general provisions relevant to the entire Unified Development Ordinance (UDO).

Specifically, this article includes sections that:

- Establish the title, or official name, of the document;
- Identify the statutory authority of the Town to adopt the UDO;
- Provide the general purpose and intent of the Town Board of Commissionsers in adopting the UDO;
- Set out who is subject to the UDO;
- Identify Town-adopted plans that serve as policy guides to administration of the UDO;
- Clarify that the stricter provision applies if ordinance provisions conflict with other regulations;
- Formally adopt and incorporate by reference the Official Zoning Map and provide rules for interpreting zoning district boundaries;
- Show how previous zoning districts translate to new zoning districts;
- Establish rules governing the rights of development approved under previous ordinances, and pending applications submitted before the effective date of the new UDO; and
- Provide a severability provision.

This comment box and the footnotes included in this draft are provided for reference purposes and will not be included in the adopted UDO.

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Article 1: General Provisions

Section 1.1. Title, Authority, and Purpose

1.1.1. Title[1]

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

1.1.2. Authority

A. General[2]

The UDO is enacted in accordance with the authority granted by the Charter of the Town of Pittsboro and the laws of the State of North Carolina—including, but not limited to:

1. Article 14, Section 5 of the Constitution of North Carolina;
2. Articles 8 and 19 of Chapter 160A, Article 4 of Chapter 63, Article 4 of Chapter 113, Chapter 136, and Article 21 of Chapter 143 of the General Statutes of North Carolina;
3. Session Laws 2009-216 and 2009-484 of the General Assembly of North Carolina;
4. Title 15A of the North Carolina Administrative Code; and
5. Any special legislation enacted by the North Carolina General Assembly for the Town of Pittsboro.

B. References to North Carolina Laws[3]

Whenever any provision of this Ordinance refers to or cites a section of the North Carolina General Statutes (N.C.G.S.) or the North Carolina Administrative Code (NCAC), and that section is later amended or superseded, this Ordinance shall be deemed to refer to the amended section or the section that most nearly corresponds to the superseded section.

1.1.3. Purpose and Intent[4]

The general purpose of this Ordinance is to guide and manage the development of the Town of Pittsboro in a way that takes into account present and future needs and resources and that protects the health, safety, prosperity, and general welfare of the Town's citizens and landowners. This Ordinance is also intended to implement the goals, objectives, and policies in the Land Use Plan and other adopted plans guiding the Town's growth and development. More specifically, this Ordinance is intended to:

A. Promote the orderly and efficient growth and development of the Town;

---

[1] This establishes the name of the UDO.

[2] This carries forward and consolidates the authority sections of the current zoning ordinance (Sec. 1.3), Subdivision Regulations (Sec. 1.2), Flood Damage Prevention Ordinance (Art. 1, Sec. A), Riparian Buffer Protection Ordinance (Sec. 1), and Stormwater Management Ordinance (Sec. 102)—modified to more broadly reference authorizing statutes and to omit irrelevant refrences to county enabling statutes.

[3] This clarifies that if a referenced statute or other law is amended, the reference continues to be valid as to the amended statute—i.e., such references need not be revised every time the statute is amended.

[4] This identifies the overall purposes of the UDO, as derived from objectives from the enabling legislation, the Land Use Plan, and current development regulations.

B. Maintain and enhance the character and quality of residential neighborhoods while providing increased housing choices;

C. Maintain and enhance the unique character and quality of the downtown;

D. Help establish Town gateways that provide a sense of place and a good impression for visitors;

E. Encourage the accommodation and enhancement of Pittsboro's cultural resources;

F. Preserve and protect significant natural resource areas and the ecological connections between them;

G. Preserve and protect the rural character of areas surrounding the Town;

H. Reduce the vulnerability of development and residents to flooding and other natural hazards;

I. Protect the integrity of watersheds and preserve the health and quality of water resources;

J. Promote a healthy, diversified, and sustainable economy that meets the needs of Town residents and businesses;

K. Ensure the provision of adequate open space for light, air, and fire safety;

L. Prevent the overcrowding of land and avoid undue concentration of population;

M. Improve transportation mobility by integrating land uses with transportation infrastructure, encouraging multimodal transportation opportunities, promoting safe and efficient vehicle, bicycle, and pedestrian traffic circulation, and lessening congestion in the streets;

N. Facilitate the efficient and adequate provision of transportation, water, sewerage, schools, parks, and other community services and public infrastructure as needed to maintain and enhance the quality of life for Town citizens of today, the elderly who have enriched our past, and future generations;

O. Secure safety from fire, panic, and dangers;

P. Conserve the value of buildings and land; and

Q. Encourage the most appropriate use of land.

Section 1.2. Applicability

1.2.1. Effective Date[5]

This Ordinance shall be effective on _____ [*insert effective date*].

1.2.2. Territorial Jurisdiction[6]

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

[5] This will establish the date the adopted UDO becomes effective. That date could be the date of adoption, though many codes set a later date to provide time for Town staff to establish forms and procedures to administer UDO provisions, and for developers and other code users to more thoroughly familiarize themselves with UDO provisions.
[6] This carries forward provisions in the various current development regulations that identify the area to which the ordinance applies.

1.2.3. Development Subject to Ordinance[7]

A. Development Subject to Ordinance

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

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

B. Activities Not Subject to Ordinance

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

[7] This new subsection defines what development-related activities are or are not generally subject to regulation under the UDO (though specific UDO provisions may include further exemptions from certain procedures or standards). It consolidates and expands on applicability provisions in the various current development regulations—e.g., the Zoning Ordinance refers to the use or occupancy of any buildings or land and the erection, moving, or structureal alteration of any building (Sec. 3.1). The Subdivision Regulstions refer to any division of land into two or more lots or buildings sites (Sec. 1.4). The Flood Damage Prevention Ordinance refers to the location, extension, conversion, alteration, or development of any structure or land (Sec. D). The Riparian Buffer Protection Ordinance includes a long list of uses and activities (Sec. 8.B). The Stormwater Management Ordinance refers to any land-distrubing activity that increases built-upon area or decreases rainfall infiltration.

1. The inspection, maintenance or repair of an existing transportation facility (roadway, walkway, railroad tracks, bus shelter, traffic control device, etc.) or an existing utility, stormwater management, or public service facility (pipe, cable, valve, catch basin, outlet, ditch, basin, bulk refuse container pad, etc.), if no substantial engineering redesign is involved;
2. The ordinary maintenance and repair of existing structures, where no activities identified as development in subsection A above are involved;
3. The ordinary planting or maintenance of vegetative landscaping or gardens;
4. A change in the ownership or form of ownership of any parcel or structure;
5. The creation or termination of easements, covenants, condominium titles, or other rights in land or development, where no street right-of-way dedication in involved;
6. Any division of land proposed as one of the activities specially listed as excluded from the definition of "subdivision" in Section 10.5, Terms and Uses Defined.

1.2.4. Application to Governmental Agencies[8]

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

1.2.5. Emergency Exemption[9]

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

Section 1.3. Relationship to Comprehensive Plan[10]

This Ordinance is intended to ensure that all development within the Town's jurisdiction is generally consistent with goals, objectives, and policies of those plans and policies adopted by the Board of Commissioners to address the Town's growth and development. Such plans and

[8] This new section clarifies that the UDO also applies to development by government agencies or on government land unless otherwise provided by law. For example, most development by federal agencies is deemed exempt from local government regulation, while State law expressly states that local zoning regulations apply to the construction and use of buildings by State agencies.

[9] This new subsection recognizes that in emergency conditions (e.g., flooding, tornado, ice storm, large power outage), it may be necessary and desirable to provide temporary relief from some UDO provisions to address the emergency in a prompt and effective manner.

[10] This new section identifies the Land Use Plan and other Town-adopted plans as comprising the Town's Comprehensive Plan and provides that consistency with the goals, objectives, and policies of the Comprehensive Plan is a primary guiding principle for interpretation and amendment of the UDO. Referencing "Comprehensive Plan" instead of "Land Use Plan" or other Town-adopted growth management plans is consistent with terminology used by the General Statutes and provisions defining the Planning Board's primary responsibility (to prepare a Comprehensive Plan), and can include any growth-related plans the Town may adopt in the future. Doing so also allows the UDO to use shorthand references to the Comprehensive Plan rather than more cumbersome references to multiple plans that must be amended as new growth management plans are added in the future.

policies comprise the Town's Comprehensive Plan and include, but are not limited to, the Land Use Plan, small area plans that provide guidance on desired development in specific geographic areas and corridors, the Pedestrian Transportation Plan, and other functional plans related to public infrastructure and services.

Consistency with the Comprehensive Plan shall be a primary guiding principle for interpretation and amendment of this Ordinance. To the extent this Ordinance is or becomes inconsistent with the Comprehensive Plan, this Ordinance or the Comprehensive Plan should be amended so the plan and this Ordinance remain generally consistent with each other. Additionally, all amendments to this Ordinance's text or Official Zoning Map should maintain and enhance consistency between this Ordinance and the Comprehensive Plan.

Section 1.4. Relationship to Other Laws[11]

1.4.1. Conflicts with Other Government Laws

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

1.4.2. Relationship to Private Agreements

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

Section 1.5. Official Zoning Map

1.5.1. Establishment and Maintenance[12]

A. Land subject to this Ordinance is divided into the various zoning districts established in Article 2: Zoning Districts, with the locations and boundaries of the districts shown on the Official Zoning Map. The Official Zoning Map and all notations thereon is hereby incorporated by reference and made part of this Ordinance.

B. The original and all revised versions of the Official Zoning Map shall be certified as such by the Town Clerk and shall be kept on file, in either hardcopy or digital form, in the Planning Department.

C. Copies of the Official Zoning Map shall be made available for public inspection during normal business hours in the Planning Department.

[11] This section consolidates and expands provisions in the current Subdivision Regulations (Sec. 1.7 and 1.8), Flood Damage Prevention Ordinance (Sec. E), Riparian Buffer Protection Ordinance (Sec. 6), and Stormwater Management Ordinance (Sec. 108) that define the relationship between this Ordinance and other government regulations. It provides that in case of a conflict, the more restrictive provision applies. It also clarifies that the UDO does not affect covenants or other agreements between private parties, and that the Town is not obligated to enforce private agreements.
[12] This subsection carries forward Sec. 4.2 of the current Zoning Ordinance, modifying it to simplify wording and to provide for certification of the Official Zoning Map by the Town Clerk rather than the Town Manager. State law generally assigns responsibility for certifying ordinances to the Town Clerk.

1.5.2. Changes[13]

A. Changes made in zoning district boundaries or other matters portrayed on the Official Zoning Map shall be made in accordance with Section 8.3.6.B, Zoning Map Amendment.

B. The Planning Director shall enter changes on the Official Zoning Map promptly after a rezoning is approved by the Town Board of Commissioners. Where the ordinance enacting a rezoning contains wording explaining or clarifying the location of zoning district boundaries, the Planning Director may enter on the Official Zoning Map notations reflecting the ordinance wording.

C. The Planning Director shall maintain copies of superseded versions of the Official Zoning Map for historical reference.

1.5.3. Interpretation[14]

The Planning Director shall be responsible for interpretations of the Official Zoning Map in accordance with procedures in Section 8.3.5.F, Interpretation, and standards in Section 10.2, Interpretation of Zoning Map Boundaries.

Section 1.6. Transitional Provisions[15]

1.6.1. Transition to New Zoning Districts

On _____ [*insert the effective date of this Ordinance*], land zoned with a zoning district classification from the previous Zoning Ordinance shall be translated or reclassified to one of the zoning district classifications in this Ordinance as set forth in Chapter 2: Zoning Districts. Table 1.6.1: Transition to New Zoning Districts, summarizes the translation or reclassification of the zoning districts used in the previous Zoning Ordinance to the zoning districts used in this Ordinance. For example, Table 1.6.1: Transition to New Zoning Districts, shows that all lands classified as Low Density Residential (R-15) in the previous Zoning Ordinance (under the column titled "Prior Zoning Districts") are now classified Residential-15 (R-15) in this Ordinance (under the column titled "New Zoning Districts").

Table 1.6.1: Transition to New Zoning Districts

Prior Zoning Districts	New Zoning Districts
Rural Base Districts	
Rural Agricultural District (RA-5)	Agricultural-Forestry (AF)
Residential-Agricultural (RA-2)	Rural-Agricultural-2 (RA-2)
Residential-Agricultural (RA)	Rural-Agricultural -1 (RA-1)
Residential Base Districts	
Low-Density Residential (R-15)	Residential-15 (R-15)
Medium Density Residential and Mobile Home Parks (R-12M)	Residential Manufactured Home Park-12 (R-12M)
Medium Density Residential (R-12)	Residential-10 (R-10)
High-Density Residential (R-10)	

[13] This new subsection assigns the Planning Director primary responsibility for maintaining the Official Zoning Map and making changes in accordance with the Board of Commissioners's rezoning decisions.
[14] Provisions in the current Zoning Ordinance that describe how zoning map boundaries are to be interpreted (Sec. 4.3) are relocated to Section 10.2, Interpretation of Zoning Map Boundaries, alongside other rules for interpreting the UDO.
[15] This new section clarifies how the UDO affects the status of violations of the prior development regulations, as well as nonconforming situations, and recent development approvals under the prior development regulations. It also includes a provisions addressing how pending applications may proceed (see next footnote).

Table 1.6.1: Transition to New Zoning Districts	
Prior Zoning Districts	**New Zoning Districts**
	Residential-5 (R-5) [NEW]
	Multifamily Residential (MR) [NEW]
Mixed-Use and Nonresidential Base Districts	
Office and Institutional District (O-I)	Office and Institutional (OI)
Neighborhood Shopping District (C-1)	Neighborhood Mixed Use Activity Center (NMUC)
Highway Commercial District (C-2)	Community Mixed Use Activity Center(CMUC)
Central Business District (C-4)	Downtown (D)
Manufacturing District (Restricted) (M-1)	Light Industrial (LI)
Manufacturing District (Heavy Industrial) (M-2)	Heavy Industrial (HI)
Planned Development Districts	
Planned Development District (PDD)	Planned Development District (PDD)
Mixed Use Planned Development (MUPD)	Mixed Use Planned Development (MUPD)
Overlay Districts	
	Gateway Overlay (GO) [NEW]
Major Transportation Corridor District (MTC)	Major Transportation Corridor Overlay (MTCO)
Watershed Overlay Critical Area (WSIV-CA)	Watershed Critical Area Overlay (WCAO)
Watershed Overlay Protected Area (WSIV-PA)	Watershed Protected Area Overlay (WPAO)
	Natural Resource Conservation Overlay (NRCO) [NEW]

1.6.2. Prior Violations

To the extent a development or activity in violation of the prior development regulations fully complies with this Ordinance, it shall no longer be deemed a violation. Otherwise, it shall continue to be deemed a violation under this Ordinance and subject to penalties and enforcement in accordance with Article 9: Enforcement.

1.6.3. Prior Nonconformities

To the extent a legal nonconformity under the prior development regulations becomes conforming under this Ordinance, it shall no longer be deemed nonconforming. Otherwise, it shall continue to be deemed a nonconformity and subject to the provisions of Article 6: Nonconformities.

1.6.4. Prior Development Approvals

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

B. To the extent a prior approval authorizes development that does not comply with this Ordinance, the subsequent development, although permitted, shall be nonconforming and subject to the provisions of Article 6: Nonconformities.

1.6.5. Pending Complete Applications[16]

A. A development application accepted as complete under the prior development regulations, but still pending a final decision as of _____ [*insert effective date of this Ordinance*] shall be reviewed and decided, at the applicant's option, wholly in accordance with the development regulations in effect when the application was accepted, or wholly in accordance with this Ordinance (but not in accordance with a mix of provisions from both sets of regulations).

B. If the applicant elects to have the pending development application reviewed in accordance with the prior development regulations, the Town shall review and decide the application in good faith and in accordance with any time frames established by the prior regulations.

C. To the extent approval of a pending application in accordance with the prior development regulations authorizes development that does not comply with this Ordinance, the subsequent development, although permitted, shall be nonconforming and subject to the provisions of Article 6: Nonconformities.

1.6.6. Nonconformities

If a use, structure, lot, sign, or site feature legally existed on _____ [*insert effective date of this Ordinance*], but does not fully comply with the standards of this Ordinance, it shall be considered nonconforming under this Ordinance and shall comply with the requirements in Article 6: Nonconformities.

Section 1.7. Severability[17]

The Town Board of Commissioners declares that it would have adopted this Ordinance and any provision in it regardless of whether one or more other portions of the Ordinance is declared invalid by a court of competent jurisdiction.

A. If a court of competent jurisdiction invalidates any provision of this Ordinance, such judgment shall not affect the validity of the remaining provisions of this Ordinance.

B. If a court of competent jurisdiction invalidates the application of any provision of this Ordinance to a development, such judgment shall not affect the application of that provision to any other development not specifically included in the judgment.

C. If a court of competent jurisdiction invalidates any condition attached to a development approval granted under this Ordinance, such judgment shall not affect the validity of any other condition attached to the approval that is not specifically included in the judgment.

[16] NOTE TO STAFF: This new subsection provides that where a development application was already accepted—but is still pending approval—when the UDO becomes effective, the applicant may choose to have the application processed under the prior rules or under the new regulations. It is intended to ensure that adoption of the new UDO does not unfairly burden developers with pending applications. If the Town is concerned about a lot of last-minute applications being submitted to "get under the wire," however, it might take a stricter approach—allowing applications to proceed under the prior regulations only if they were accepted before public notice of the new UDO was known—i.e., when the UDO was adopted, or even when notice of the public hearing on the UDO was published. The Town might also prefer to include provisions addressing how pending applications are addressed in the enacting ordinance rather than in the UDO itself. Does Town staff have a preference among these alternatives?

[17] This section carries forward the severability provision in Subdivision Regulations (Sec. 1.9), expanding it to apply to invalidation of conditions of approval or application of a UDO provision to a particular development.

Article 2: Zoning Districts

Commentary

Article 2: Zoning Districts, contains all zoning districts and district regulations, which make up one of the central elements of the Unified Development Ordinance. Zoning districts are categorized into base districts, planned development districts, and overlay districts.

Each district is presented in a consistent layout, which includes the district's purpose statement, followed by photos, graphics and tables that present the principal intensity and dimensional standards and applicable development standards in an easy-to-read format. Districts also include diagrams illustrating the application of key standards.

Highlights include:

- Establishing 14 base zoning districts (three rural; five residential; and six mixed-use and nonresidential); a Planned Development District, and five overlay districts;
- Establishing two new base residential zoning districts: Residential 5 (R-5) and Multifamily Residential (MR);
- Modifying and renaming the Neighborhood Commercial and Highway Commercial districts to mixed-use districts: Neighborhood Mixed-Use Center (NMUC) and Community Mixed-Use Center (CMUC);
- Carrying forward the two planned development districts, and clarifying applicable standards;
- Establishing two new overlay districts: the Gateway Overlay (GO) and Natural Resource Conservation Overlay (NRCO);
- Carrying forward provisions allowing for setback averaging, and extending this provision to minimum lot size and frontage for all base districts, in order to mitigate nonconformities;
- Carrying forward provisions requiring accessory structures to be located in side or rear yards, and extending this provision to mixed-use and nonresidential districts so primary structures prominently relate to street frontage;

Reader's guide to notes used in Article 2:

- **The two-page zoning district layout uses endnotes instead of footnotes. Endnotes are found at the bottom of the second page for each zoning district (the right-facing page, when printed when the zoning district is printed out over two-pages). Endnotes are distinguished with Roman numerals, and re-start (i, ii, iii…etc.) with each district.**
- **Footnotes are also included in this article. They appear in sections outside of the two-page zoning districts layout, and are distinguished with Arabic numerals, similar to footnotes used in other articles. The text for the notes appear at the bottom of the page on which they are locatd, and the numbering is continuous across Module 1.**
- **Lastly, table notes are also used in Article 2, and are at the bottom of the Density and Intensity Standards table. Table notes are supplementary to district density and intensity standards, and will remain in the document following the eventual removal of footnotes and endnotes.**

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Article 2: Zoning Districts

Section 2.1. General Provisions

2.1.1. Establishment of Zoning Districts

This Ordinance establishes the base, planned development, and overlay zoning districts listed in Table 2.1.1: Establishment of Zoning Districts, as well as conditional zoning districts paralleling each of the base zoning districts identified in Table 2.1.1: Establishment of Zoning Districts.

Table 2.1.1: Establishment of Zoning Districts

Rural Base Districts
Agricultural-Forestry (AF)
Rural-Agricultural-2 (RA-2)
Rural-Agricultural -1 (RA-1)
Residential Base Districts
R-15 Residential (R-15)
Residential Manufactured Home Park-12 (R-12M)
Residential-10 (R-10)
Residential-5 (R-5)
Multifamily Residential (MR)
Mixed-Use and Nonresidential Districts
Office and Institutional (OI)
Neighborhood Mixed-Use Center (NMUC)
Community Mixed-Use Center (CMUC)
Downtown (D)
Light Industrial (LI)
Heavy Industrial (HI)
Conditional Districts
One parallel to each Base District above (e.g., C-OI)
Planned Development Districts
Planned Development District (PDD)
Mixed Use Planned Development (MUPD)
Overlay Districts
Gateway Overlay (GO)
Major Transportation Corridor Overlay (MTCO)
Watershed Critical Area Overlay (WCAO)
Watershed Protected Area Overlay (WPAO)
Natural Resource Conservation Overlay (NRCO)

2.1.2. Types of Zoning Districts

A. Base Zoning Districts[18]

1. Base zoning districts are established initially by the Town's adoption of the Official Zoning Map and subsequently by approval of a rezoning (see Section 8.3.6.B, Zoning Map Amendment).

2. Development in a base zoning district is subject to the standards set out or referenced for the district in Section 2.2, Rural Base Districts, through Section 2.4, Mixed-Use and Nonresidential Base Districts.

3. For each base zoning district, the regulations set out the district's purpose, the intensity and dimensional standards applicable in the district, and reference other Ordinance standards generally applicable to development in the district. Each base zoning district also includes photos depicting a building form typical in the district and an illustration depicting how the district's dimensional standards apply to lots and typical building forms. Graphics following the intensity and dimensional standards tables are included for illustrative purposes only and show the application of the dimensional and intensity standards to some of the uses allowed in the district. If the standards in the illustration are inconsistent with the table of intensity and dimensional standards, the standards in the table govern.

B. Conditional Zoning Districts

1. Conditional zoning districts (e.g., C-OI) parallel each of the base zoning districts and are established through approval of a Conditional Rezoning (see Section 8.3.6.C, Conditional Zoning), which incorporates district-specific plans and conditions proposed and agreed to by the owner(s) of the rezoned land.

[18] For base zoning districts, all dimensional and intensity standards are carried forward from the current regulations unless otherwise noted.

2. Development in a conditional zoning district is subject to the same standards applicable to the parallel base zoning district, as modified by the approved district-specific terms and conditions.

C. Planned Development Districts[19]

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

1. Planned Development District (PDD)

a. The Planned Development District (PDD) is described in Section 2.5, Planned Development Districts, which references procedures, plans and standards for the PDD.

b. A PDD is established through a rezoning, consistent Section 8.3.6.B, Zoning Map Amendment, or Section 8.3.6.C, Conditional Zoning.

c. Development in a PDD is subject to approval of a PDD Master Plan, as required in 2.5.3.C, Planned Development District Master Plan Required.

2. Mixed Use Planned Development District (MUPD)

a. The MUPD District is described in Section 2.5.4, Mixed Use Planned Development District (MUPD), which includes a separate purpose statement and standards.

b. The procedure for establishing MUPD's is set forth in Section 8.3.6.D, Mixed Use Planned Development.

c. Development in an MUPD is subject to approval of an MUPD Plan / MUPD Agreement, as required in Section 8.3.6.D, Mixed Use Planned Development.

D. Overlay Zoning Districts

1. Overlay zoning districts are established initially by the Town's adoption of the Official Zoning Map and subsequently by approval of a Zoning Map Amendment (see 8.3.6.B, Zoning Map Amendment). They are superimposed over one or more underlying base, conditional, or planned development zoning districts.

2. Development in an overlay zoning district is subject to predetermined standards set out in the district. These standards supplement, modify, or supersede standards applicable by the underlying base or planned development district.

3. Regulations for each overlay zoning district set out the district's purpose and the supplemental, modified, or superseding standards applicable in the district.

[19] The two planned development districts in the current zoning ordinance are carried forward: Planned Development District (PDD) and Mixed-Use Planned Development District (MUPD).

Section 2.2. Rural Base Districts

2.2.1. General Purposes of Rural Base Districts

The rural base districts established in this section are intended to:

A. Provide lands for working agricultural and forestry uses, and agricultural and forestry support uses;

B. Maintain rural character; and

C. Allow low density residential development that is compatible with environmentally sensitive lands, and does not require public water and sewer service.

2.2.2. Rural Base Districts Established

The following districts are established as rural base districts:

A. Agricultural-Forestry (AF);

B. Rural-Agricultural - 2 (RA-2); and

C. Rural-Agricultural – 1 (RA-1).

2.2.3. Agricultural-Forestry (AF) District[i]

A. Purpose[ii]

The purpose of the Agricultural-Forestry (AF) District is to provide lands for agricultural and forestry uses. The district also accommodates very low density residential development in environmentally sensitive or transitional areas, as well as uses supportive to agriculture and forestry in order to maintain rural character. Areas in this district are located outside the urban growth area, which is not expected to be served by public water and sewer in the near future.

B. Use Standards

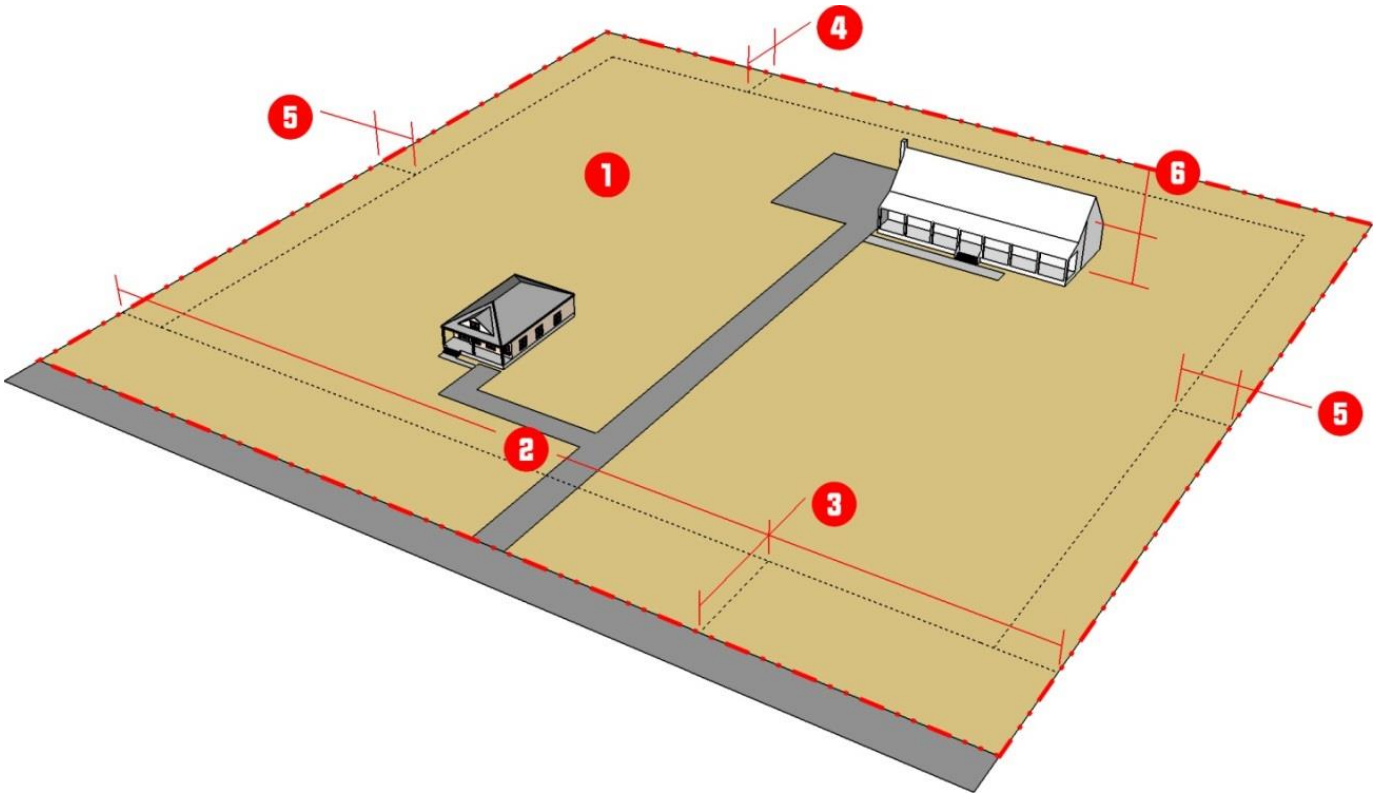
See use tables and use-specific standards in Article 3: Use Standards, and any modified use standards for any overlay districts (Section 2.6, Overlay Districts).

C. Intensity and Dimensional Standards

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

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

1. Minimum lot area, minimum lot width, and setbacks (except corner side yards) may be reduced to the average of adjacent structures (in the same district), in instances where structures within 100 feet on either side of the proposed structure (on the same street) do not conform to the minimum standard.[iv]
2. Net density shall be calculated in accordance with Section 10.4.1.C, Net Density (Dwelling Units per Acre).



D. References to Environmental, Open Space, and Other Development Standards

Section 4.2	Tree Protection	Section 5.4	Access and Circulation
Section 4.3	Common Open Space and Public Recreation Area	Section 5.5	Parking and Loading
Section 4.4	Riparian Buffers	Section 5.6	Utilities and Services
Section 4.5	Floodplain Management	Section 5.7	Landscaping
Section 4.6	Perimeter and Streetyard Buffers	Section 5.8	Screening
Section 4.7	Stormwater Management	Section 5.9	Fences and Walls
Section 4.8	Green Development Incentives	Section 5.10	Exterior Lighting
Section 5.2	General Site Layout and Design	Section 5.11	Signage
Section 5.3	Subdivision Standards	Section 5.12	Neighborhood Protection

[i] This district carries forward and renames the current RA-5: Rural Agricultural District. It is renamed to reflect an increased emphasis on accommodating agricultural and forestry uses.
[ii] The purpose of the district is to reflect an increased emphasis on accommodating agricultural and forestry uses.
[iii] These dimensional standards are added to rural and residential zoning districts, and apply to subdivisions utilitizing the Conservation Subdivision option (which is allowed by-right in this district), versus a conventional subdivision.
[iv] The current regulations allow setback reductions based on the average of adjacent structures for setbacks. We suggest expanding this provision to include minimum lot area and minimum lot frontage, in order to mitigate nonconformities.

2.2.4. Rural-Agricultural-2 (RA-2) District[i]

A. Purpose

The purpose of the Rural-Agricultural-2 (RA-2) District is to provide lands primarily for very low density residential development in rural areas while permitting continued agricultural and forestry uses. Lands in this district are located in areas where public water and sewer service is not expected in the near future.

B. Use Standards

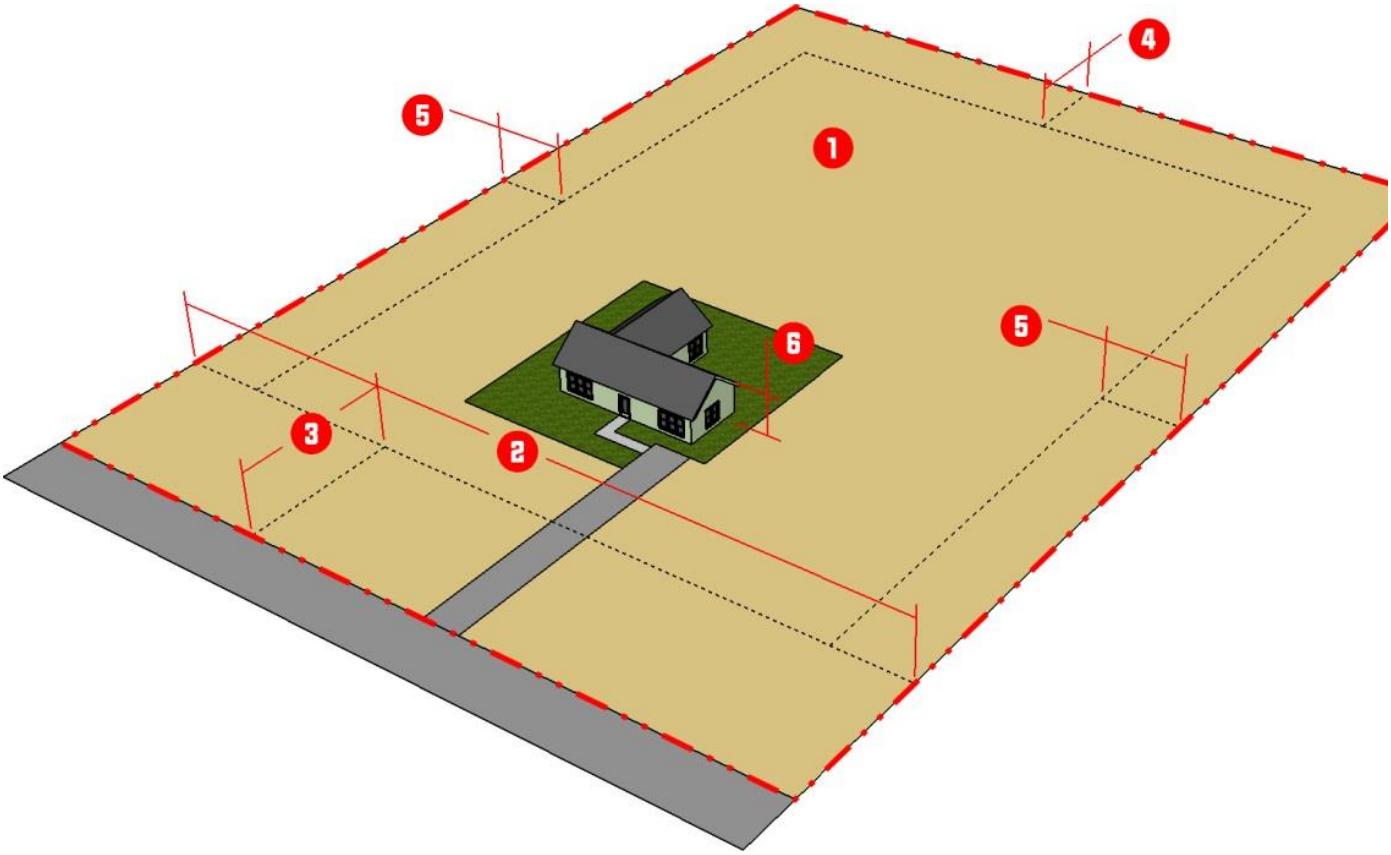
See use tables and use-specific standards in Article 3: Use Standards, and any modified use standards for any overlay districts (Section 2.6, Overlay Districts).

C. Intensity and Dimensional Standards

● Numbered items on the left correspond to labels in the graphic following the table.	**All Uses**
Lot Standards	
❶ Min. Net Lot Area (ac)	2 [1]
❷ Min. Lot Width (ft)	150 [1]
Max. Net Density (du/ac)	0.5 [2]
Max. Lot Coverage (%)	50
Setbacks	
❸ Min. Front Yard (ft)	50 [1]
❹ Min. Rear Yard (ft)	30 [1]
❺ Min. Side Yard (ft)	25 [1]
Min. Corner Side Yard (ft)	25
Building Standards	
❻ Max. Structure Height (ft)	35
Min. Building Separation (ft)	n/a
Conservation Subdivision Standards[ii]	
Max. Net Density (du/ac)	[to be developed as part of Module 2]
Required Open Space	[to be developed as part of Module 2]

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

1. Minimum lot area, minimum lot width, and setbacks (except corner side yards) may be reduced to the average of adjacent structures (in the same district), in instances where structures within 100 feet on either side of the proposed structure (on the same street) do not conform to the minimum standard.[iii]
2. Net density shall be calculated in accordance with Section 10.4.1.C, Net Density (Dwelling Units per Acre).



D. References to Environmental, Open Space, and Other Development Standards

Section 4.2	Tree Protection	Section 5.4	Access and Circulation
Section 4.3	Common Open Space and Public Recreation Area	Section 5.5	Parking and Loading
Section 4.4	Riparian Buffers	Section 5.6	Utilities and Services
Section 4.5	Floodplain Management	Section 5.7	Landscaping
Section 4.6	Perimeter and Streetyard Buffers	Section 5.8	Screening
Section 4.7	Stormwater Management	Section 5.9	Fences and Walls
Section 4.8	Green Development Incentives	Section 5.10	Exterior Lighting
Section 5.2	General Site Layout and Design	Section 5.11	Signage
Section 5.3	Subdivision Standards	Section 5.12	Neighborhood Protection

[i] This district carries forward and renames the current RA-2: Residential-Agricultural District.
[ii] These dimensional standards are added to rural and residential zoning districts, and apply to subdivisions utilitizing the Conservation Subdivision option (which is allowed by-right in the district), versus a conventional subdivision.
[iii] The current regulations allow setback reductions based on the average of adjacent structures for setbacks. We suggest expanding this provision to include minimum lot area and minimum lot frontage, in order to mitigate nonconformities.

2.2.5. Rural-Agricultural-1 (RA-1) District[i]

A. Purpose

The purpose of the Rural-Agricultural-1 (RA-1) District is to provide lands primarily for low density residential development in transitional areas located on the periphery of the urbanized area of he Town. Lands in this district are currently served primarily by wells and septic systems, but as land is converted from rural to urban uses, public water and sewer service may become more feasible.

B. Use Standards

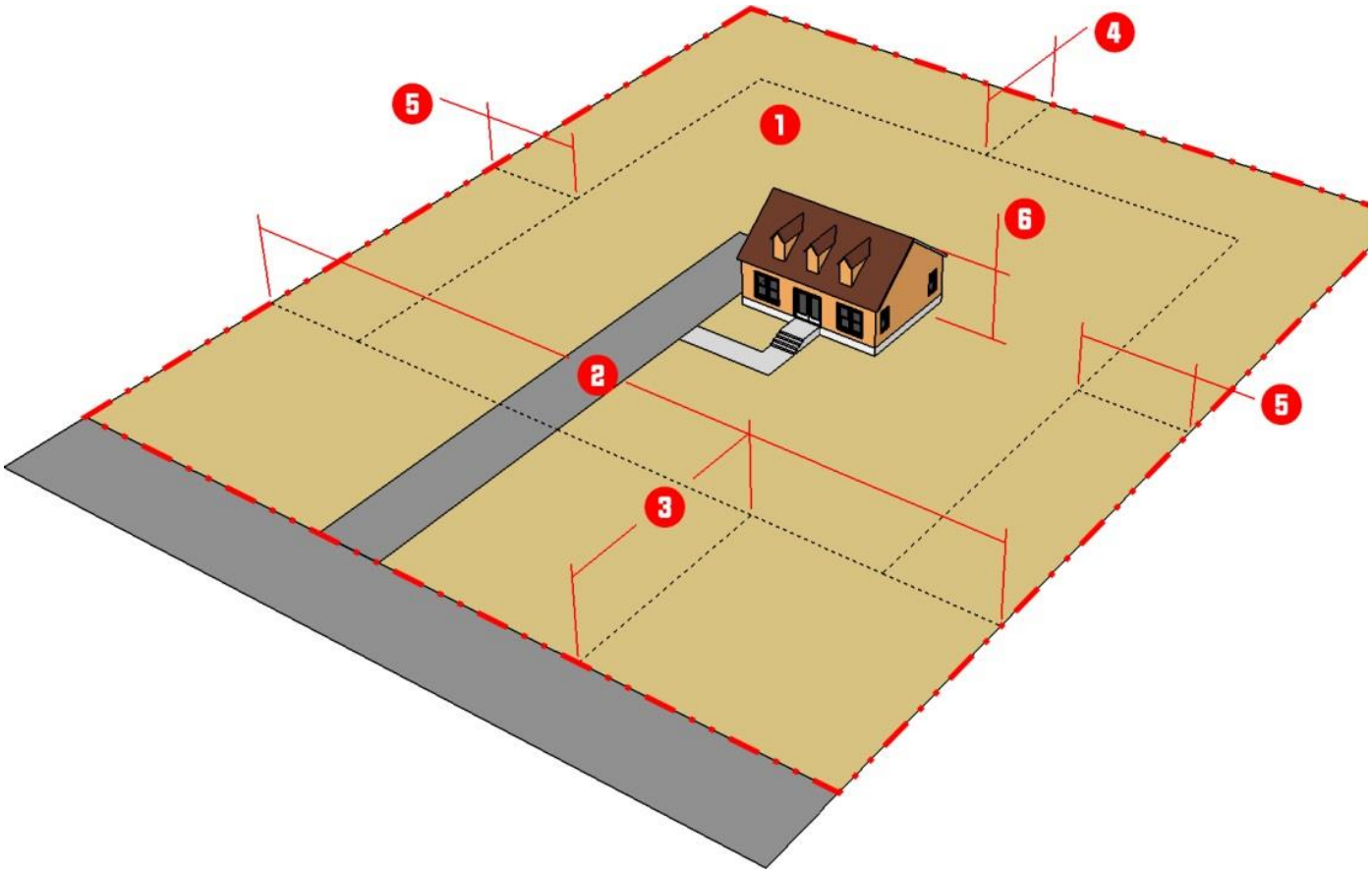
See use tables and use-specific standards in Article 3: Use Standards, and any modified use standards for any overlay districts (Section 2.6, Overlay Districts).

C. Intensity and Dimensional Standards

● Numbered items on the left correspond to labels in the graphic following the table.	**All Uses**
Lot Standards	
❶ Min. Net Lot Area (sf)	40,000 [1]
❷ Min. Lot Width (ft)	150 [1]
Max. Net Density (du/ac)	1.0 [2]
Max. Lot Coverage (%)	50
Setbacks	
❸ Min. Front Yard (ft)	50 [1]
❹ Min. Rear Yard (ft)	30 [1]
❺ Min. Side Yard (ft)	25 [1]
Min. Corner Side Yard (ft)	n/a
Building Standards	
❻ Max. Structure Height (ft)	35
Min. Building Separation (ft)	n/a
Conservation Subdivision Standards[ii]	
Max. Net Density (du/ac)	[to be developed as part of Module 2]
Required Open Space	[to be developed as part of Module 2]

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

1. Minimum lot area, minimum lot width, and setbacks (except corner side yards) may be reduced to the average of adjacent structures (in the same district), in instances where structures within 100 feet on either side of the proposed structure (on the same street) do not conform to the minimum standard.[iii]
2. Net density shall be calculated in accordance with Section 10.4.1.C, Net Density (Dwelling Units per Acre).



D. References to Environmental, Open Space, and Other Development Standards

Section 4.2	Tree Protection	Section 5.4	Access and Circulation
Section 4.3	Common Open Space and Public Recreation Area	Section 5.5	Parking and Loading
Section 4.4	Riparian Buffers	Section 5.6	Utilities and Services
Section 4.5	Floodplain Management	Section 5.7	Landscaping
Section 4.6	Perimeter and Streetyard Buffers	Section 5.8	Screening
Section 4.7	Stormwater Management	Section 5.9	Fences and Walls
Section 4.8	Green Development Incentives	Section 5.10	Exterior Lighting
Section 5.2	General Site Layout and Design	Section 5.11	Signage
Section 5.3	Subdivision Standards	Section 5.12	Neighborhood Protection

[i] This district carries forward and renames the current RA: Residential-Agricultural District.
[ii] These dimensional standards are added to rural and residential zoning districts, and apply to subdivisions utilitizing the Conservation Subdivision option (requires Special Use Permit in this district), versus a conventional subdivision.
[iii] The current regulations allow setback reductions based on the average of adjacent structures for setbacks. We suggest expanding this provision to include minimum lot area and minimum lot frontage, in order to mitigate nonconformities.

Section 2.3. Residential Base Districts

2.3.1. General Purposes of Residential Base Zoning Districts

The residential base districts established in this section are intended to provide a comfortable, healthy, safe, and pleasant environment in which to live and recreate. More specifically, they are intended to:

A. Provide appropriately located lands for residential development;

B. Ensure adequate light, air, privacy, recreation areas, and open space for each dwelling, and protect residents from the negative effects of noise, incompatible population density, traffic congestion, flooding, and other significant adverse environmental impacts;

C. Protect residential areas from fires, explosions, toxic fumes and substances, and other public safety hazards;

D. Provide for greater choices, affordability, and diversity in residential housing, with varying densities, types, and designs, including accessory dwelling units;

E. Provide for safe and efficient vehicular access and circulation and promote bicycle-, pedestrian-, and transit-friendly neighborhoods;

F. Provide for public services and facilities needed to serve residential areas and accommodate public and semi-public land uses that complement residential development while protecting residential areas from incompatible nonresidential development;

G. Preserve the unique character of the Town's traditional neighborhoods;

H. Accommodate new infill development and redevelopment consistent with the Town's planning and development goals; and

I. Promote sustainable development in terms of energy efficiency and conservation, food security, materials recycling, and similar sustainability goals.

2.3.2. Residential Base Districts Established

The following districts are established as residential base districts:

A. Residential – 15 (R-15);

B. Residential Manufactured Home Park – 12 (R-12M);

C. Residential – 10 (R-10);

D. Residential – 5 (R-5); and

E. Multifamily Residential (MR).

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2.3.3. Residential-15 (R-15) District[i]

A. Purpose

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

B. Use Standards

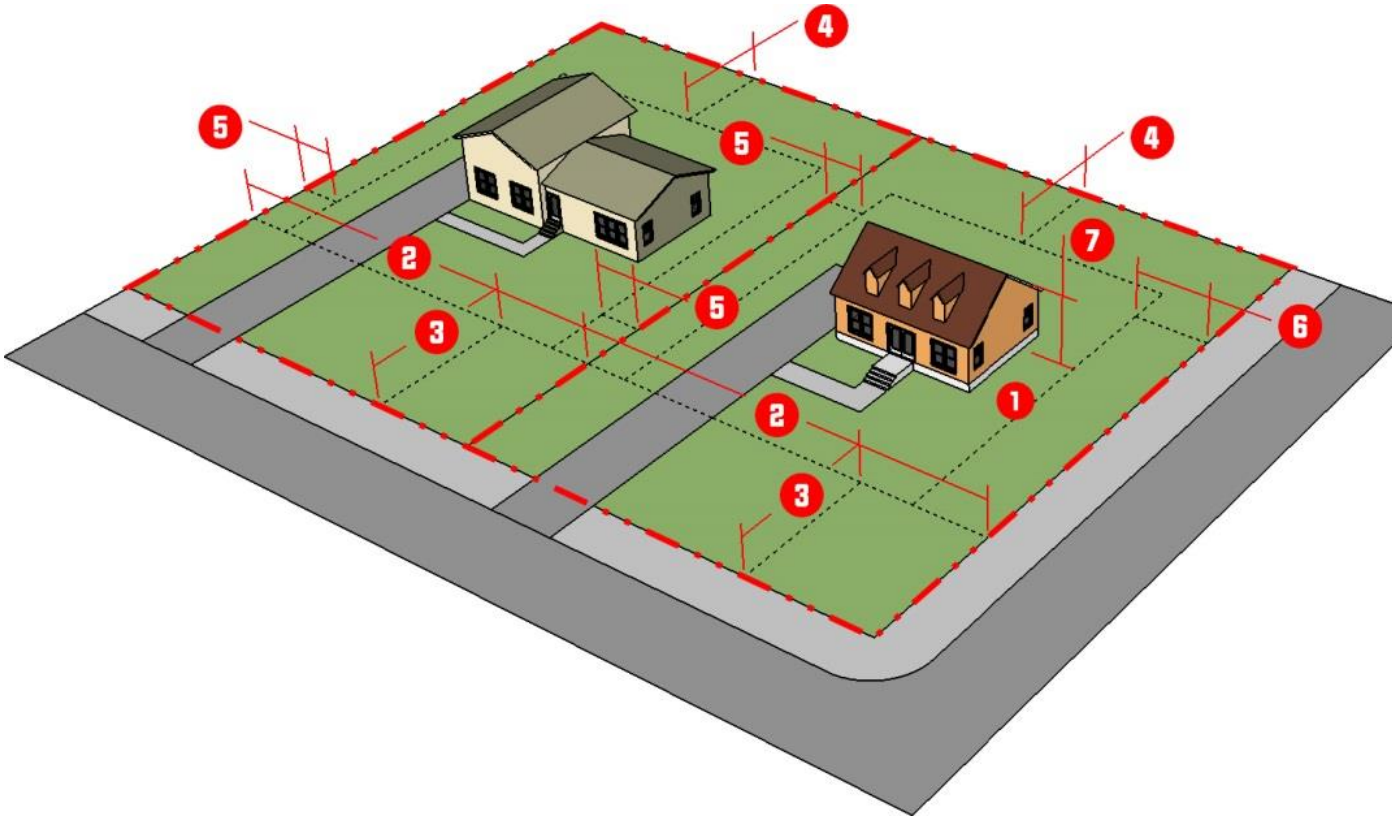
See use tables and use-specific standards in Article 3: Use Standards, and any modified use standards for any overlay districts (Section 2.6, Overlay Districts).

C. Intensity and Dimensional Standards

● Numbered items on the left correspond to labels in the graphic following the table.		**All Uses**
Lot Standards		
❶ Min. Net Lot Area (sf)		15,000 [1]
❷ Min. Lot Width (ft)		100 [1]
Max. Net Density (du/ac)		2.5 [2]
Max. Lot Coverage (%)		60
Setbacks [3]		
❸ Min. Front Yard (ft)		35 [1]
❹ Min. Rear Yard (ft)		20 [1]
❺ Min. Side Yard (ft)		10 [1]
❻ Min. Corner Side Yard (ft)[ii]	Primary Structure	17.5
	Accessory Structure	35
Building Standards		
❼ Max. Structure Height (ft)		35
Min. Building Separation (ft)[iii]		15

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

1. Minimum lot area, minimum lot width, and setbacks (except corner side yards) may be reduced to the average of adjacent structures (in the same district), in instances where structures within 100 feet on either side of the proposed structure (on the same street) do not conform to the minimum standard.[iv]
2. Net density shall be calculated in accordance with Section 10.4.1.C, Net Density (Dwelling Units per Acre).
3. Accessory structures (excluding those needed for utilities) shall be located in side or rear yards.



D. References to Environmental, Open Space, and Other Development Standards

Section 4.2	Tree Protection	Section 5.4	Access and Circulation
Section 4.3	Common Open Space and Public Recreation Area	Section 5.5	Parking and Loading
Section 4.4	Riparian Buffers	Section 5.6	Utilities and Services
Section 4.5	Floodplain Management	Section 5.7	Landscaping
Section 4.6	Perimeter and Streetyard Buffers	Section 5.8	Screening
Section 4.7	Stormwater Management	Section 5.9	Fences and Walls
Section 4.8	Green Development Incentives	Section 5.10	Exterior Lighting
Section 5.2	General Site Layout and Design	Section 5.11	Signage
Section 5.3	Subdivision Standards	Section 5.12	Neighborhood Protection

[i] This district carries forward and renames the current R-15: Low Density Residential District.
[ii] This provision is carried forward from the current regulations and clarified for readability.
[iii] We suggest adding this standard (which exceeds minimum building code for fire safety) to promote privacy in situations where multiple dwellings are allowed on-site.
[iv] The current regulations allow setback reductions based on the average of adjacent structures for setbacks. We suggest expanding this provision to include minimum lot area and minimum lot frontage, in order to mitigate nonconformities.

2.3.4. Residential Manufactured Home Park-12 (R-12M) District[i]

A. Purpose

The purpose of the Residential Manufactured Home Park-12 (R-12M) District is to provide lands to accommodate manufactured home and manufactured home park development on suitable sites that include residences and related recreational and other needed services and amenities. In addition, uses that support residential living are also allowed like places of worship, schools, and supporting public facilities.

B. Use Standards

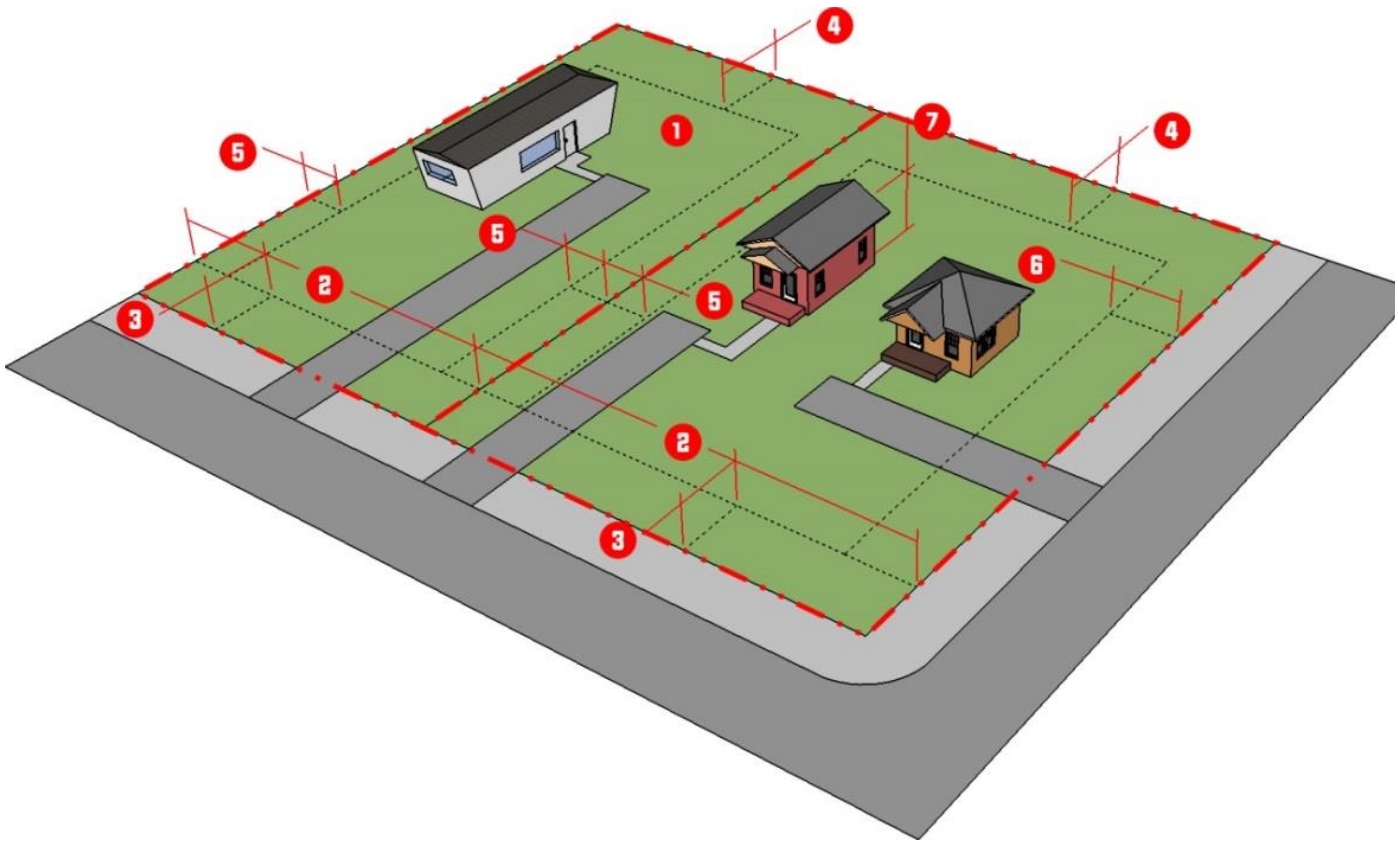
See use tables and use-specific standards in Article 3: Use Standards, and any modified use standards for any overlay districts (Section 2.6, Overlay Districts).

C. Intensity and Dimensional Standards

● Numbered items on the left correspond to labels in the graphic following the table.		**All Uses**
Lot Standards		
❶ Min. Net Lot Area (sf)		12,000 [1]
❷ Min. Lot Width (ft)		75 [ii] [1]
Max. Net Density (du/ac)		3.3 [2]
Max. Lot Coverage (%)		60
Setbacks [3]		
❸ Min. Front Yard(ft)		30 [1]
❹ Min. Rear Yard (ft)		15 [1]
❺ Min. Side Yard (ft)		10 [1]
❻ Min. Corner Side Yard (ft)[iii]	Primary Structure	15
	Accessory Structure	30
Building Standards		
❼ Max. Structure Height (ft)		35
Min. Building Separation (ft)[iv]		15

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

1. Minimum lot area, minimum lot width, and setbacks (except corner side yards) may be reduced to the average of adjacent structures (in the same district), in instances where structures within 100 feet on either side of the proposed structure (on the same street) do not conform to the minimum standard.[v]
2. Net density shall be calculated in accordance with Section 10.4.1.C, Net Density (Dwelling Units per Acre).
3. Accessory structures (excluding those needed for utilities) shall be located in side or rear yards.



D. References to Environmental, Open Space, and Other Development Standards

Section 4.2	Tree Protection	Section 5.4	Access and Circulation
Section 4.3	Common Open Space and Public Recreation Area	Section 5.5	Parking and Loading
Section 4.4	Riparian Buffers	Section 5.6	Utilities and Services
Section 4.5	Floodplain Management	Section 5.7	Landscaping
Section 4.6	Perimeter and Streetyard Buffers	Section 5.8	Screening
Section 4.7	Stormwater Management	Section 5.9	Fences and Walls
Section 4.8	Green Development Incentives	Section 5.10	Exterior Lighting
Section 5.2	General Site Layout and Design	Section 5.11	Signage
Section 5.3	Subdivision Standards	Section 5.12	Neighborhood Protection

[i] This district carries forward and renames the current R-12M: Medium Density Residential and Mobile Home Parks District.
[ii] The current regulations provide two lot width standards: one for single family residential structures and another for multifamily structures. We recommend using a single standard given that lot width averaging is allowed. The lower, 75-foot standard is used, in order to avoid creating nonconformities.
[iii] This provision is carried forward from the current regulations and clarified for readability.
[iv] We suggest adding this standard (which exceeds minimum building code for fire safety) to promote privacy in situations where multiple dwellings are allowed on-site.
[v] The current regulations allow setback reductions based on the average of adjacent structures for setbacks. We suggest expanding this provision to include minimum lot area and minimum lot frontage, in order to mitigate nonconformities.

2.3.5. Residential -10 (R-10) District[i]

A. Purpose[ii]

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

B. Use Standards

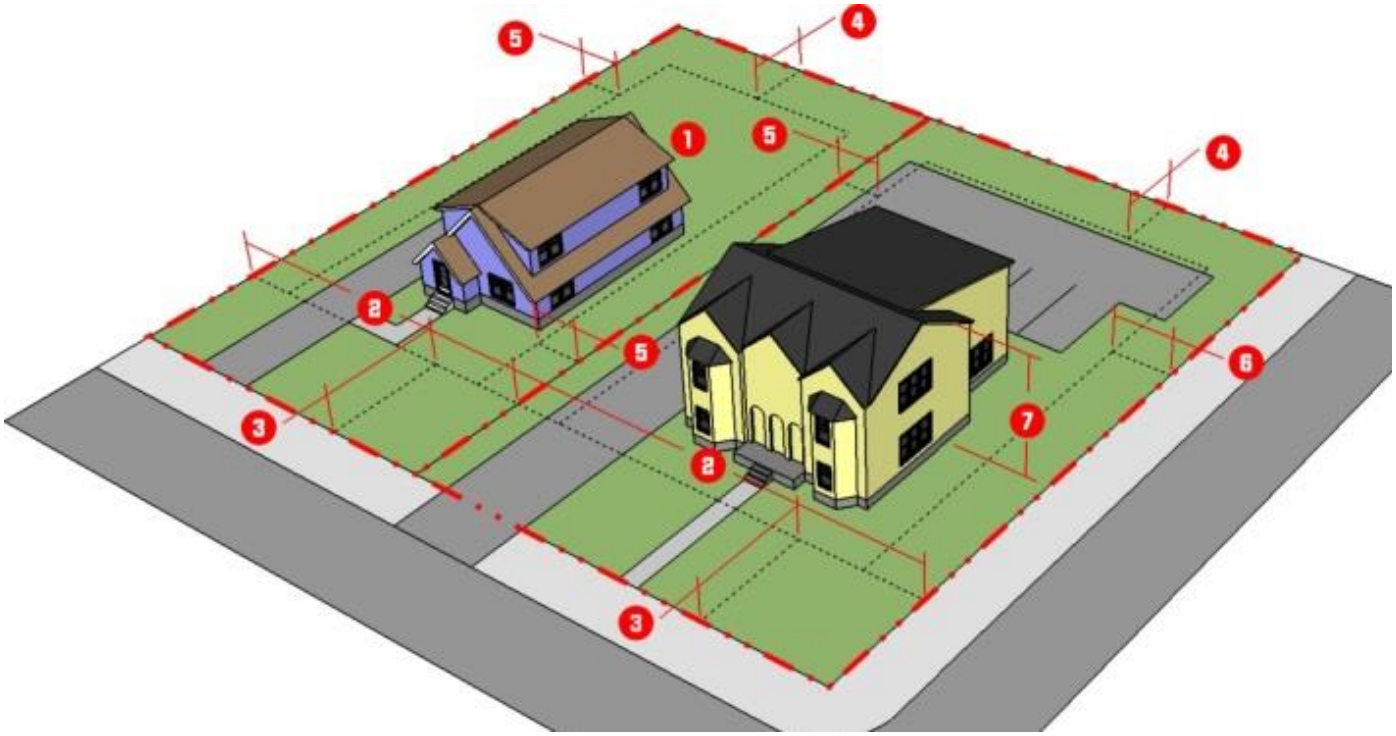
See use tables and use-specific standards in Article 3: Use Standards, and any modified use standards for any overlay districts (Section 2.6, Overlay Districts).

C. Intensity and Dimensional Standards[iii]

● Numbered items on the left correspond to labels in the graphic following the table.		**All Uses**
Lot Standards		
❶ Min. Net Lot Area (sf)		10,000 [1]
❷ Min. Lot Width (ft)		75 [iv] [1]
Max. Net Density (du/ac)		4.0 [2]
Max. Lot Coverage (%)		65
Setbacks [3]		
❸ Min. Front Yard (ft)		25 [1]
❹ Min. Rear Yard (ft)		15 [1][v]
❺ Min. Side Yard (ft)		10 [1]
❻ Min. Corner Side Yard (ft)[vi]	Primary Structure	12.5
	Accessory Structure	25
Building Standards		
❼ Max. Structure Height (ft)		35
Min. Building Separation (ft)[vii]		15

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

1. Minimum lot area, minimum lot width, and setbacks (except corner side yards) may be reduced to the average of adjacent structures (in the same district), in instances where structures within 100 feet on either side of the proposed structure (on the same street) do not conform to the minimum standard.[viii]
2. Net density shall be calculated in accordance with Section 10.4.1.C, Net Density (Dwelling Units per Acre).
3. Accessory structures (excluding those needed for utilities) shall be located in side or rear yards.



D. References to Environmental, Open Space, and Other Development Standards

Section 4.2	Tree Protection	Section 5.4	Access and Circulation
Section 4.3	Common Open Space and Public Recreation Area	Section 5.5	Parking and Loading
Section 4.4	Riparian Buffers	Section 5.6	Utilities and Services
Section 4.5	Floodplain Management	Section 5.7	Landscaping
Section 4.6	Perimeter and Streetyard Buffers	Section 5.8	Screening
Section 4.7	Stormwater Management	Section 5.9	Fences and Walls
Section 4.8	Green Development Incentives	Section 5.10	Exterior Lighting
Section 5.2	General Site Layout and Design	Section 5.11	Signage
Section 5.3	Subdivision Standards	Section 5.12	Neighborhood Protection

[i] This district consolidates and renames the current R-12: Medium Density Residential and R-10: High Density Residential Districts.
[ii] The purpose statement is revised to reflect the consolidation of the current R-12 and R-10 districts.
[iii] Standards for the current R-10 district are carried forward to avoid creating non-conforming lots in areas zoned R-12.
[iv] Currently, the R-10 and R-12 districts both show two lot width standards: one for single family residential structures and another for multifamily structures. We recommend using a single standard given that lot width averaging is allowed. The lower, 75-foot standard is used, in order to avoid creating nonconformities.
[v] Rear setback reduced in proportion to lot width.
[vi] This provision is carried forward from the current regulations and clarified for readability.
[vii] We suggest adding this standard (which exceeds minimum building code for fire safety) to promote privacy in situations where multiple dwellings are allowed on-site.
[viii] The current regulations allow setback reductions based on the average of adjacent structures for setbacks. We suggest expanding this provision to include minimum lot area and minimum lot frontage, in order to mitigate nonconformities.

2.3.6. Residential-5 (R-5) District[i]

A. Purpose[ii]

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

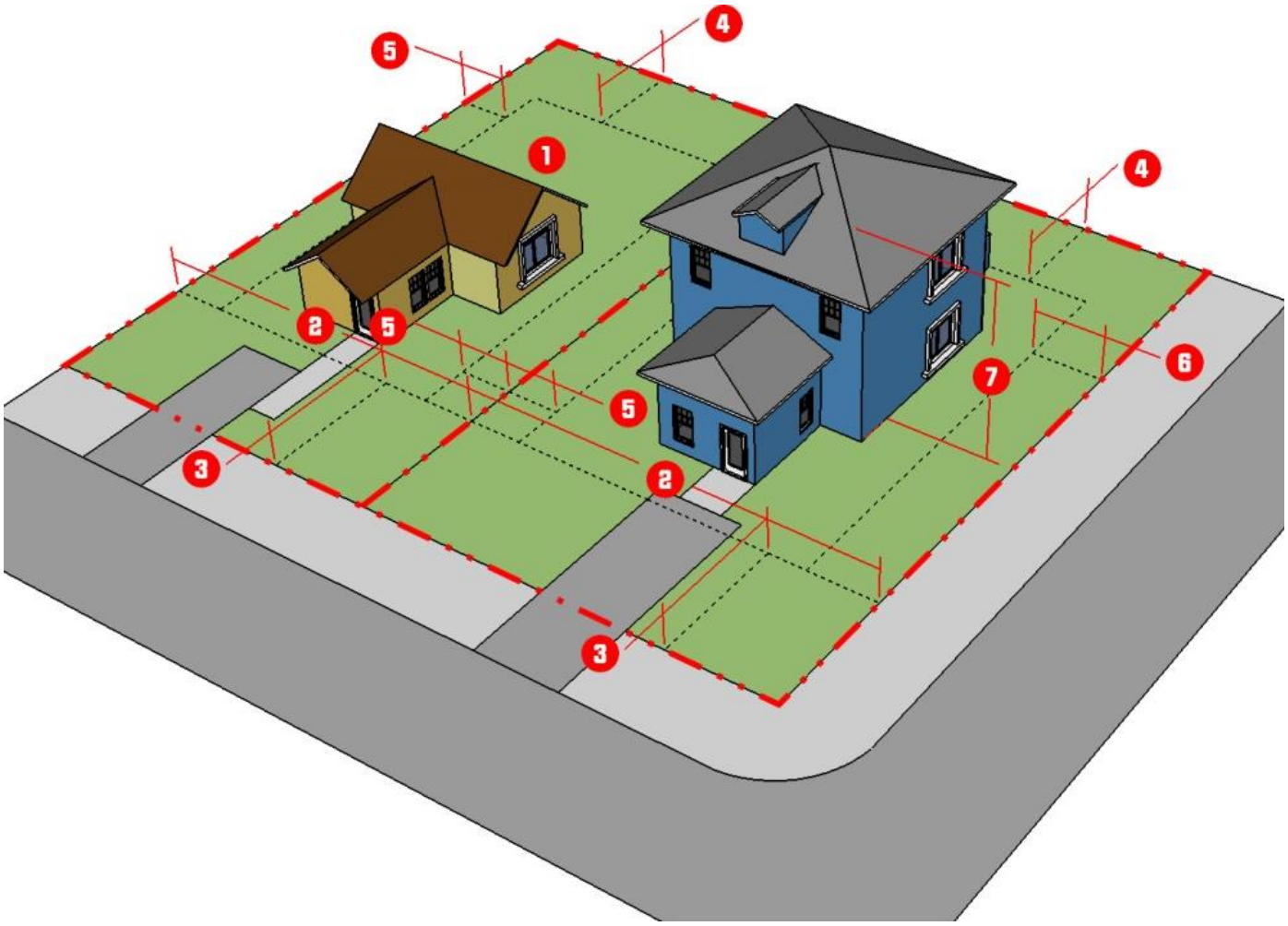
B. Use Standards

See use tables and use-specific standards in Article 3: Use Standards, and any modified use standards for any overlay districts (Section 2.6, Overlay Districts).

C. Intensity and Dimensional Standards[iii]

● Numbered items on the left correspond to labels in the graphic following the table.		**All Uses**
Lot Standards		
❶ Min. Net Lot Area (sf)		5,000 [1]
❷ Min. Lot Width (ft)		50 [1]
Max. Net Density (du/ac)		8.0 [2]
Max. Lot Coverage (%)		65
Setbacks [3]		
❸ Min. Front Yard (ft)		20 [1]
❹ Min. Rear Yard (ft)		20 [1]
❺ Min. Side Yard (ft)		7.5 [1]
❻ Min. Corner Side Yard (ft)	Primary Structure	10
	Accessory Structure	20
Building Standards		
❼ Max. Structure Height (ft)		35
Min. Building Separation (ft)		10

Table Notes: sf = square feet; ft = feet; du = dwelling unit; ac = acre; % = percent; n/a = not applicable
1. Minimum lot area, minimum lot width, and setbacks (except corner side yards) may be reduced to the average of adjacent structures (in the same district), in instances where structures within 100 feet on either side of the proposed structure (on the same street) do not conform to the minimum standard.
2. Net density shall be calculated in accordance with Section 10.4.1.C, Net Density (Dwelling Units per Acre).
3. Accessory structures (excluding those needed for utilities) must be located in side or rear yards.



D. References to Environmental, Open Space, and Other Development Standards

Section 4.2	Tree Protection	Section 5.4	Access and Circulation
Section 4.3	Common Open Space and Public Recreation Area	Section 5.5	Parking and Loading
Section 4.4	Riparian Buffers	Section 5.6	Utilities and Services
Section 4.5	Floodplain Management	Section 5.7	Landscaping
Section 4.6	Perimeter and Streetyard Buffers	Section 5.8	Screening
Section 4.7	Stormwater Management	Section 5.9	Fences and Walls
Section 4.8	Green Development Incentives	Section 5.10	Exterior Lighting
Section 5.2	General Site Layout and Design	Section 5.11	Signage
Section 5.3	Subdivision Standards	Section 5.12	Neighborhood Protection

[i] This new district is primarily residential. It is intended to accommodate infill development on smaller single-family lots.
[ii] The purpose statement suggests a mixed residential character, and a district that accommodates redevelopment on smaller, established lots, especially those under 10,000 sf which are non-conforming under current regulations.
[iii] We recommend the dimensional standards shown here, which 1) are consistent with the purpose of the new district; 2) represent a logical progression in density and physical characteristics relative to other residential districts; and 3) are appropriate for smaller, established lots in inner-ring residential neighborhoods.

2.3.7. Multifamily Residential (MR) District[i]

A. Purpose[ii]

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

B. Use Standards

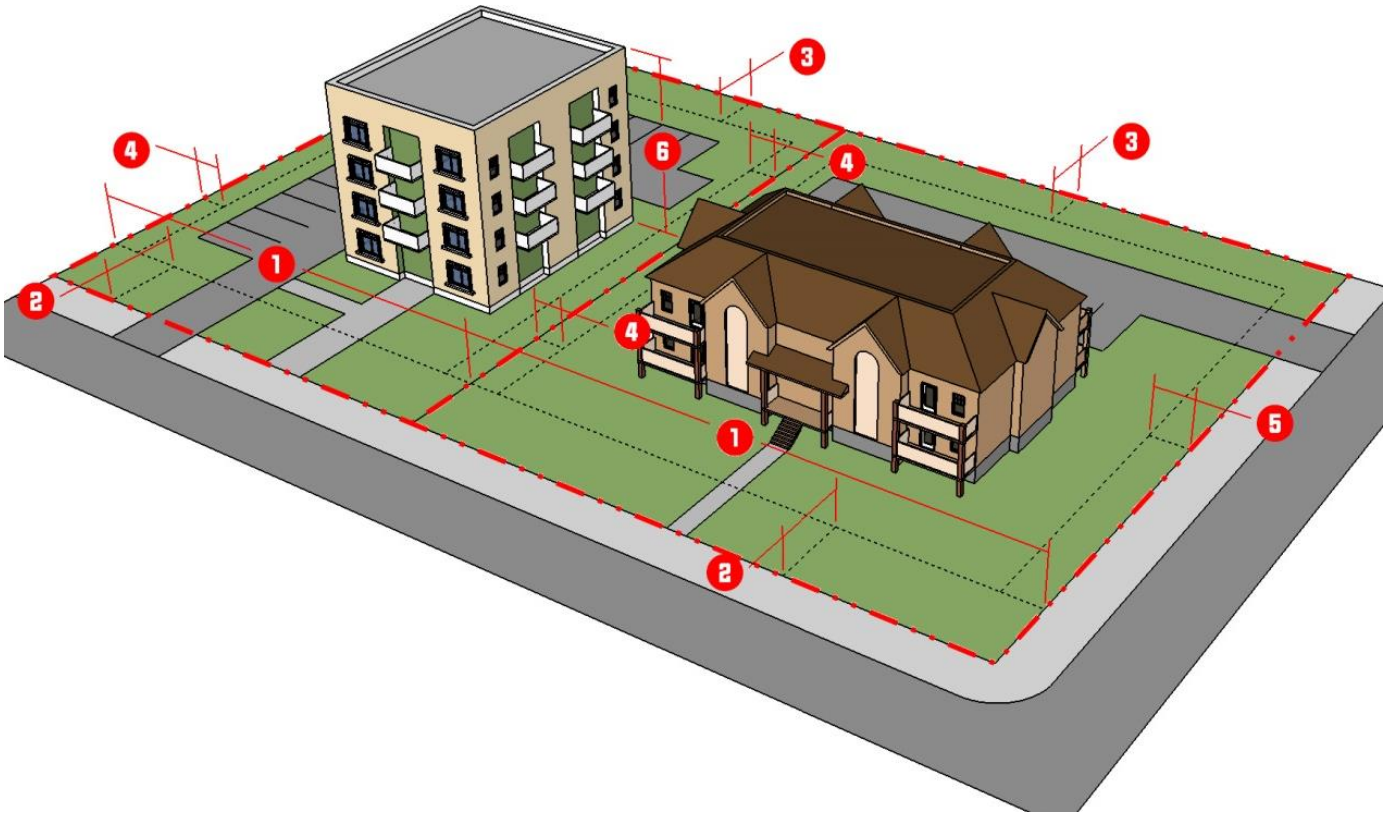
See use tables and use-specific standards in Article 3:Use Standards, and any modified use standards for any overlay districts (Section 2.6, Overlay Districts).

C. Intensity and Dimensional Standards[iii]

● Numbered items on the left correspond to labels in the graphic following the table.		Multifamily uses	All other uses
Lot Standards			
Min. Net Lot Area (sf)		n/a [1]	5,000 [1]
❶ Min. Lot Width (ft)		50 [1]	50 [1]
Max. Net Density (du/ac)		15 [2]	8.0 [2]
Max. Lot Coverage (%)		70	65
Setbacks [3]			
❷ Min. Front Yard (ft)		15 [1]	20 [1]
❸ Min. Rear Yard (ft)		5 [1]	20 [1]
❹ Min. Side Yard (ft)		5 [1]	7.5 [1]
❺ Min. Corner Side Yard (ft)	Primary Structure	10	10
	Accessory Structure	20	20
Building Standards			
❻ Max. Structure Height (ft)		50	35
Min. Building Separation (ft)		7	10

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

1. Minimum lot area, minimum lot width, and setbacks (except corner side yards) may be reduced to the average of adjacent structures (in the same district), in instances where structures within 100 feet on either side of the proposed structure (on the same street) do not conform to the minimum standard.
2. Net density shall be calculated in accordance with Section 10.4.1.C, Net Density (Dwelling Units per Acre).
3. Accessory structures (excluding those needed for utilities) shall be located in side or rear yards.



D. References to Environmental, Open Space, and Other Development Standards

Section 4.2	Tree Protection	Section 5.4	Access and Circulation
Section 4.3	Common Open Space and Public Recreation Area	Section 5.5	Parking and Loading
Section 4.4	Riparian Buffers	Section 5.6	Utilities and Services
Section 4.5	Floodplain Management	Section 5.7	Landscaping
Section 4.6	Perimeter and Streetyard Buffers	Section 5.8	Screening
Section 4.7	Stormwater Management	Section 5.9	Fences and Walls
Section 4.8	Green Development Incentives	Section 5.10	Exterior Lighting
Section 5.2	General Site Layout and Design	Section 5.11	Signage
Section 5.3	Subdivision Standards	Section 5.12	Neighborhood Protection

[i] This new district provides higher density developments options, to help meet demand for housing. It is primarily a higher-density residential district, intended to accommodate multifamily residential development that is not accommodated in the current regulations (except via Planned Development Districts).
[ii] The purpose statement suggests a moderate to high-density district, where multifamily development is allowed at intensities greater than the regulations currently allow.
[iii] We recommend dimensional standards shown here, which 1) are consistent with the purpose of the new district; 2) represent a logical progression in density and physical characteristics relative to other residential districts; 3) and are appropriate for areas suitable for modrate and higher desnity multifamily development.

Section 2.4. Mixed-Use and Nonresidential Base Districts[20]

2.4.1. General Purposes of Mixed-Use and Nonresidential Base Districts

A. The Office and Institutional (OI) District, the Mixed-Use Districts (NMUC and CMUC) and Downtown (D) District established in this section are intended to recognize and foster compact, mixed-use development patterns that provide people with the opportunity to live, work, recreate, and shop in a pedestrian-friendly environment. More specifically, they are intended to:

1. Provide strong connections between diverse uses to create a busier, safer, and more exciting environment for residents, employees, and visitors throughout the day, in evenings, and during weekends;
2. Encourage a complementary mix of residential, retail, office, employment-generating, and recreation uses in close proximity to each other;
3. Accommodate development intensities appropriate to the scale of the area served by the district (e.g., neighborhood, community, region);
4. Provide integrated pedestrian and bicycle access to afford safe and accessible foot and bike travel between the land uses; and
5. Facilitate efficient vehicular traffic flow by allowing only land uses developed with comprehensively planned access, egress, and internal circulation systems.

B. The Industrial districts (LI and HI) established in this section are intended to provide a wide range of industrial and related uses to meet household and business needs, and more specifically to:

1. Provide appropriately located lands for the full range of industrial uses needed by the Town's residents, businesses, and workers, consistent with the goals, objectives, and policies of the Land Use Plan;
2. Strengthen the Town's economic base, and provide employment opportunities close to home for residents of the Town and surrounding communities;
3. Create suitable environments for various types of industrial uses, and protect them from the adverse effects of incompatible uses;
4. Minimize the impact of industrial development on adjacent residential and lower-intensity uses; and
5. Promote sustainable development in terms of energy efficiency and conservation, greenhouse gas reductions, food security, materials recycling, and similar sustainability goals.

2.4.2. Mixed-Use and Nonresidential Base Districts Established

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

A. Office and Institutional (OI);
B. Neighborhood Mixed-Use Center (NMUC);
C. Community Mixed-Use Center (CMUC);
D. Downtown (D);
E. Light Industrial (LI); and
F. Heavy Industrial (HI).

[20] The term "mixed-use" is applied here to align with the recommendation that a broader range of uses be allowed within the current commercial districts.

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2.4.3. Office and Institutional (OI) District[i]

A. Purpose

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

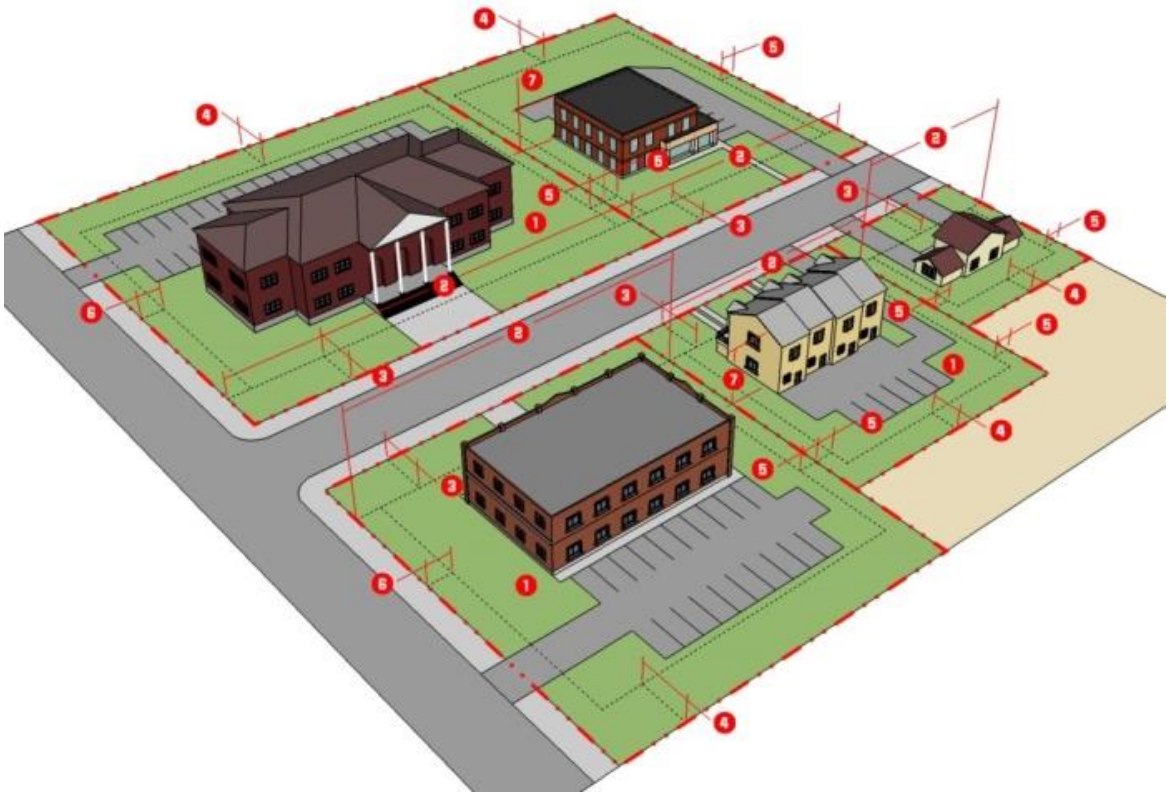
B. Use Standards

See use tables and use-specific standards in Article 3: Use Standards, and any modified use standards for any overlay districts (Section 2.6, Overlay Districts).

C. Intensity and Dimensional Standards

● Numbered items on the left correspond to labels in the graphic following the table.		**All Uses**
Lot Standards		
❶ Min. Net Lot Area (sf)		10,000 [ii] [1]
❷ Min. Lot Width (ft)		60 [iii] [1]
Max. Net Density (du/ac)		12 [2]
Max. Lot Coverage (%)		65
Setbacks [3] [iv]		
❸ Min. Front Yard (ft)		25 [1]
❹ Min. Rear Yard (ft)		15 [1]
❺ Min. Side Yard (ft)		10 [1]
❻ Min. Corner Side Yard (ft)	Primary structure	12.5
	Accessory Structure	25
Building Standards		
❼ Max. Structure Height (ft)		50
Min. Building Separation (ft)	Residential	10
	Nonresidential	n/a

Table Notes: sf = square feet; ft = feet; du = dwelling unit; ac = acre; % = percent; n/a = not applicable
1. Minimum lot area, minimum lot width, and setbacks (except corner side yards) may be reduced to the average of adjacent structures (in the same district), in instances where structures within 100 feet on either side of the proposed structure (on the same street) do not conform to the minimum standard.
2. Net density shall be calculated in accordance with Section 10.4.1.C, Net Density (Dwelling Units per Acre).
3. Accessory structures (excluding those needed for utilities) shall be located in side or rear yards.[v]



D. References to Environmental, Open Space, and Other Development Standards

Section 4.2	Tree Protection	Section 5.4	Access and Circulation
Section 4.3	Common Open Space and Public Recreation Area	Section 5.5	Parking and Loading
Section 4.4	Riparian Buffers	Section 5.6	Utilities and Services
Section 4.5	Floodplain Management	Section 5.7	Landscaping
Section 4.6	Perimeter and Streetyard Buffers	Section 5.8	Screening
Section 4.7	Stormwater Management	Section 5.9	Fences and Walls
Section 4.8	Green Development Incentives	Section 5.10	Exterior Lighting
Section 5.2	General Site Layout and Design	Section 5.11	Signage
Section 5.3	Subdivision Standards	Section 5.12	Neighborhood Protection

[i] This district carries forward the current OI: Office and Institutional District.
[ii] The current regulations refer to the R-10 district dimensional standards for minmimum lot area. For clarity, we suggest including an explicit standard. In this case, we have included the revised minimum lot area standard in accordance with Section 2.3.5.C, Intensity and Dimensional Standards for the R-10 District. Also, the current regulations do not include a lot area standard for non-residential uses. As shown in the table, the recommended 10,000 sf lot width would apply to all uses.
[iii] The current regulations refer to the R-10 district dimensional standards for minimum lot width. For clarity, we suggest including an explicit standard. In this case, we have included the revised lot width standard in accordance with Section 2.3.5.C, Intensity and Dimensional Standards for the R-10 District. Also, the current regulations do not include a lot width standard for non-residential uses. As shown in the table, the recommended 60 foot lot width would apply to all uses.
[iv] Setbacks align with proposed setbacks for the consolidated R-10 district, in accordance with the current regulations. In the current regulations, setbacks are distinguished between residential and nonresidential, however because the standards are the same, that distinction is not shown in the table.
[v] In the current regulations this standard is applied to residential districts only. We have applied it to Mixed-Use and Nonresidential Base Districts (except Downtown, which will utilitize form-based standards), to ensure that principal uses and structures prominently relate to street frontage.

2.4.4. Neighborhood Mixed-Use Center (NMUC) District[i]

A. Purpose[ii]

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

B. Use Standards

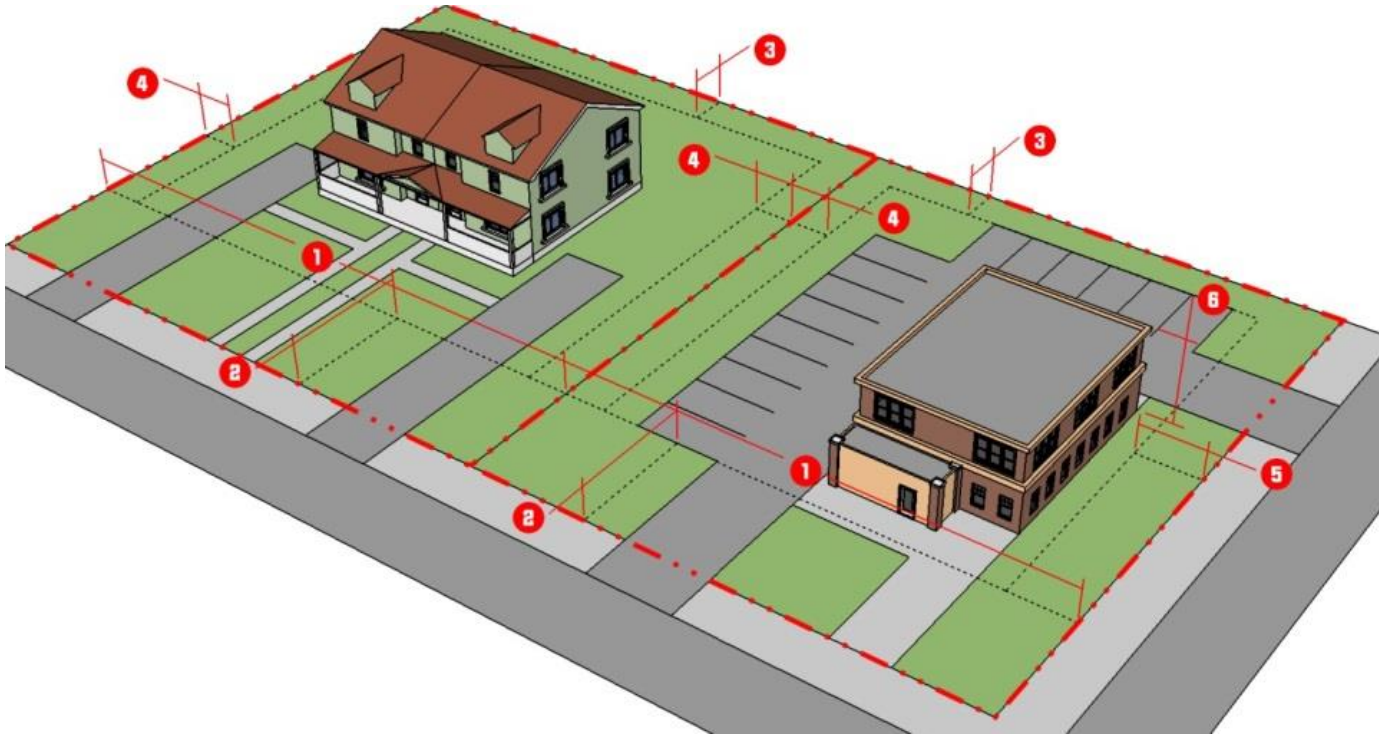
See use tables and use-specific standards in Article 3: Use Standards, and any modified use standards for any overlay districts (Section 2.6, Overlay Districts).

C. Intensity and Dimensional Standards[iii]

● Numbered items on the left correspond to labels in the graphic following the table.		**All Uses**
Lot Standards		
Min. Net Lot Area (sf)		n/a
❶ Min. Lot Width (ft)		25 [1]
Max. Net Density (du/ac)		15 [2]
Max. Lot Coverage (%)		70
Setbacks [3]		
❷ Min. Front Yard (ft)		10 [1]
❸ Min. Rear Yard (ft)		15 [1]
❹ Min. Side Yard (ft)		7.5 [1] [4]
❺ Min. Corner Side Yard (ft)		10
Building Standards		
❻ Max. Structure Height (ft)		50
Min. Building Separation (ft)	Residential	10
	Nonresidential	n/a

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

1. Minimum lot area, minimum lot width, and setbacks (except corner side yards) may be reduced to the average of adjacent structures (in the same district), in instances where structures within 100 feet on either side of the proposed structure (on the same street) do not conform to the minimum standard.
2. Net density shall be calculated in accordance with Section 10.4.1.C, Net Density (Dwelling Units per Acre).
3. Accessory structures (excluding those needed for utilities) must be located in side or rear yards.[iv]
4. Setback is 10 feet for nonresidential uses adjacent to lots containing residential uses.



D. References to Environmental, Open Space, and Other Development Standards

Section 4.2	Tree Protection	Section 5.4	Access and Circulation
Section 4.3	Common Open Space and Public Recreation Area	Section 5.5	Parking and Loading
Section 4.4	Riparian Buffers	Section 5.6	Utilities and Services
Section 4.5	Floodplain Management	Section 5.7	Landscaping
Section 4.6	Perimeter and Streetyard Buffers	Section 5.8	Screening
Section 4.7	Stormwater Management	Section 5.9	Fences and Walls
Section 4.8	Green Development Incentives	Section 5.10	Exterior Lighting
Section 5.2	General Site Layout and Design	Section 5.11	Signage
Section 5.3	Subdivision Standards	Section 5.12	Neighborhood Protection

[i] This district carries forward, renames, and modifies the current C1: Neighborhood Commercial district. Modifications are intended to accommodate a greater variety of land uses and a variety of housing options.
[ii] The purpose statement reflects the C-1 district's transition from being primarily a commercial district, to a neighborhood-serving mixed-use district.
[iii] Dimensional standards are modified to support a greater mix of land uses, and compact pedestrian-oriented development.
[iv] In the current regulations this standard is applied to residential districts only. We have applied it to Mixed-use and Nonresidential Base Districts (except Downtown, which will utilitize form-based standards), to ensure that principal uses and structures prominently relate to street frontage.

2.4.5. Community Mixed-Use Center (CMUC) District[i]

A. Purpose[ii]

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

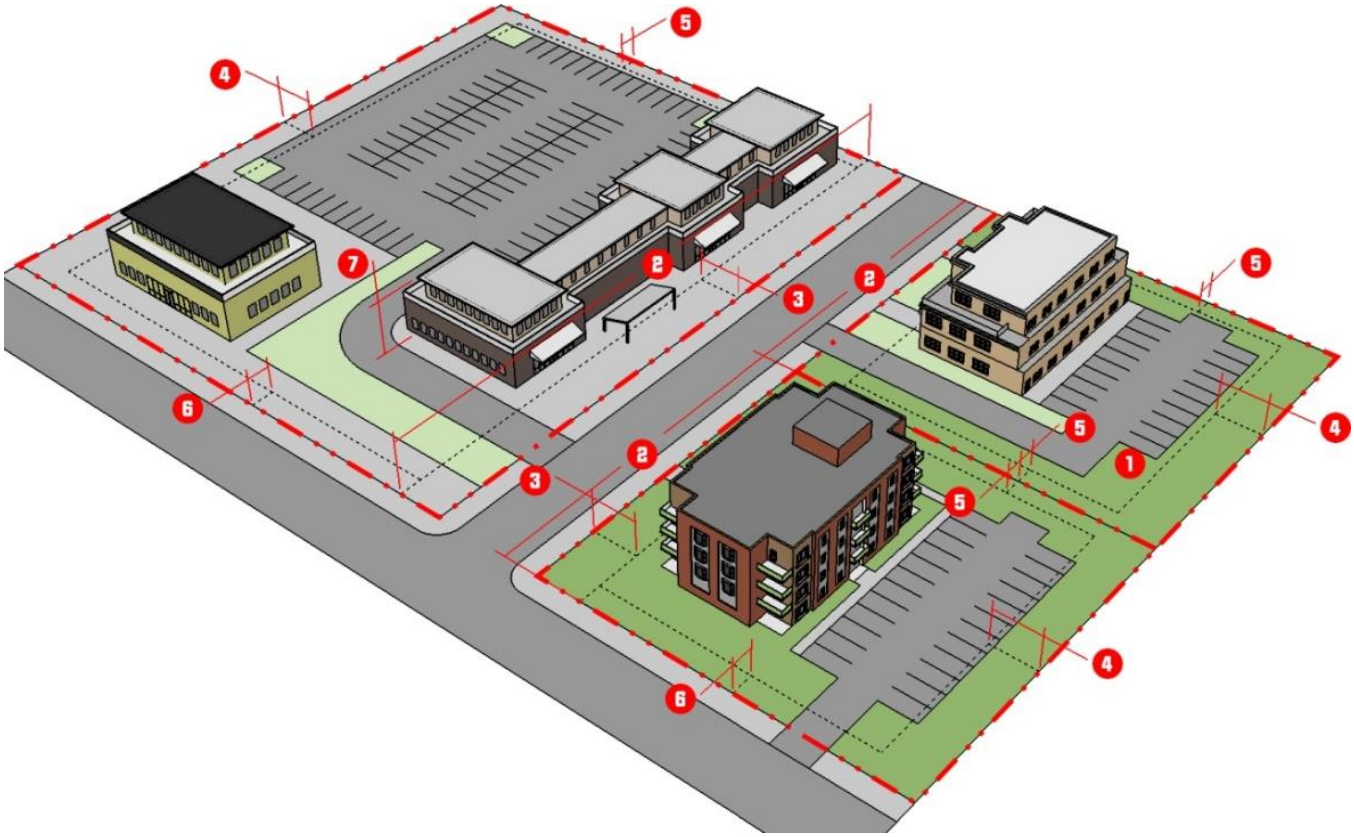
B. Use Standards

See use tables and use-specific standards in Article 3: Use Standards, and any modified use standards for any overlay districts (Section 2.6, Overlay Districts).

C. Intensity and Dimensional Standards[iii]

● Numbered items on the left correspond to labels in the graphic following the table.		**All Uses**
Lot Standards		
❶ Min. Net Lot Area (sf)		n/a
❷ Min. Lot Width (ft)		25 [1]
Max. Net Density (du/ac)		20 [2]
Max. Lot Coverage (%)		80
Setbacks [3]		
❸ Min. Front Yard (ft)		20 [1]
❹ Min. Rear Yard (ft)		15 [1]
❺ Min. Side Yard (ft)		7.5 [1] [4]
❻ Min. Corner Side Yard (ft)		10
Building Standards		
❼ Max. Structure Height (ft)		60
Min. Building Separation (ft)	Residential	10
	Nonresidential	n/a

Table Notes: sf = square feet; ft = feet; du = dwelling unit; ac = acre; % = percent; n/a = not applicable
1. Minimum lot area, minimum lot width, and setbacks (except corner side yards) may be reduced to the average of adjacent structures (in the same district), in instances where structures within 100 feet on either side of the proposed structure (on the same street) do not conform to the minimum standard.
2. Net density shall be calculated in accordance with Section 10.4.1.C, Net Density (Dwelling Units per Acre).
3. Accessory structures (excluding those needed for utilities) must be located in side or rear yards.[iv]
4. Setback is 10 feet for nonresidential uses adjacent to lots containing residential uses.



D. References to Environmental, Open Space, and Other Development Standards

Section 4.2	Tree Protection	Section 5.4	Access and Circulation
Section 4.3	Common Open Space and Public Recreation Area	Section 5.5	Parking and Loading
Section 4.4	Riparian Buffers	Section 5.6	Utilities and Services
Section 4.5	Floodplain Management	Section 5.7	Landscaping
Section 4.6	Perimeter and Streetyard Buffers	Section 5.8	Screening
Section 4.7	Stormwater Management	Section 5.9	Fences and Walls
Section 4.8	Green Development Incentives	Section 5.10	Exterior Lighting
Section 5.2	General Site Layout and Design	Section 5.11	Signage
Section 5.3	Subdivision Standards	Section 5.12	Neighborhood Protection

[i] This district carries forward, renames, and modifies the current C2: Highway Commercial district. Modifications are intended to accommodate a greater variety of housing options and high-intensity commercial uses serving people outside of the surrounding neighborhood.
[ii] The purpose statement reflects the C-2 district's transition from being primarily a commercial district to a high-intensity mixed-use district serving the community as a whole.
[iii] Dimensional standards are modified to support a greater mix of land uses, including high-density residential development and high-intensity commercial development serving people outside the immediate neighborhood.
[iv] In the current regulations this standard is applied to residential districts only. We have applied it to Mixed-Use and Nonresidential Base Districts (except Downtown, which will utilitize form-based standards), to ensure that principal uses and structures prominently relate to street frontage.

2.4.6. Downtown (D) District[i]

A. Purpose[ii]

The purpose of the Downtown (D) District is to support the small-town urban form and character found in traditional downtown Pittsboro, as well as promote redevelopment that will make the downtown a more diverse and vibrant mixed-use place. The DT district is intended to accommodate a well-balanced mix of uses (e.g., office, retail, service, moderate and higher-density residential) that promotes a strong pedestrian-oriented environment (with a reduced need for parking), and preserves and protects the downtown's historical scale and character. The district is subject to standards intended to support a mixed-use, small-town character.

B. Use Standards

See use tables and use-specific standards in Article 3: Use Standards, and any modified use standards for any overlay districts (Section 2.6, Overlay Districts).

C. Intensity and Dimensional Standards

● Numbered items on the left correspond to labels in the graphic following the table.	**All Uses**
Lot Standards	
Min. Net Lot Area (sf)	[to be developed as part of Module 2]
Min. Lot Width (ft)	
Max. Net Density (du/ac)	
Max. Lot Coverage (%)	
Setbacks	
Min. Front Yard (ft)	[to be developed as part of Module 2]
Min. Side Yard (ft)	
Min. Corner Side Yard (ft)	
Min. Rear Yard (ft)	
Building Standards	
Max. Structure Height (ft)	[to be developed as part of Module 2]
Min. Building Separation (ft)	
Table Notes: sf = square feet; ft = feet; du = dwelling unit; ac = acre; % = percent; n/a = not applicable	

D. References to Environmental, Open Space, and Other Development Standards

[to be developed as part of Module 2].

[graphic to be developed as part of Module 2].

[i] This district replaces the current C-4: Central Business District, and incorporates form-based standards to support and enhance the downtown.
[ii] The purpose statement reflects the intent of the new Downtown district.

2.4.7. Light Industrial (LI)[i]

A. Purpose

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

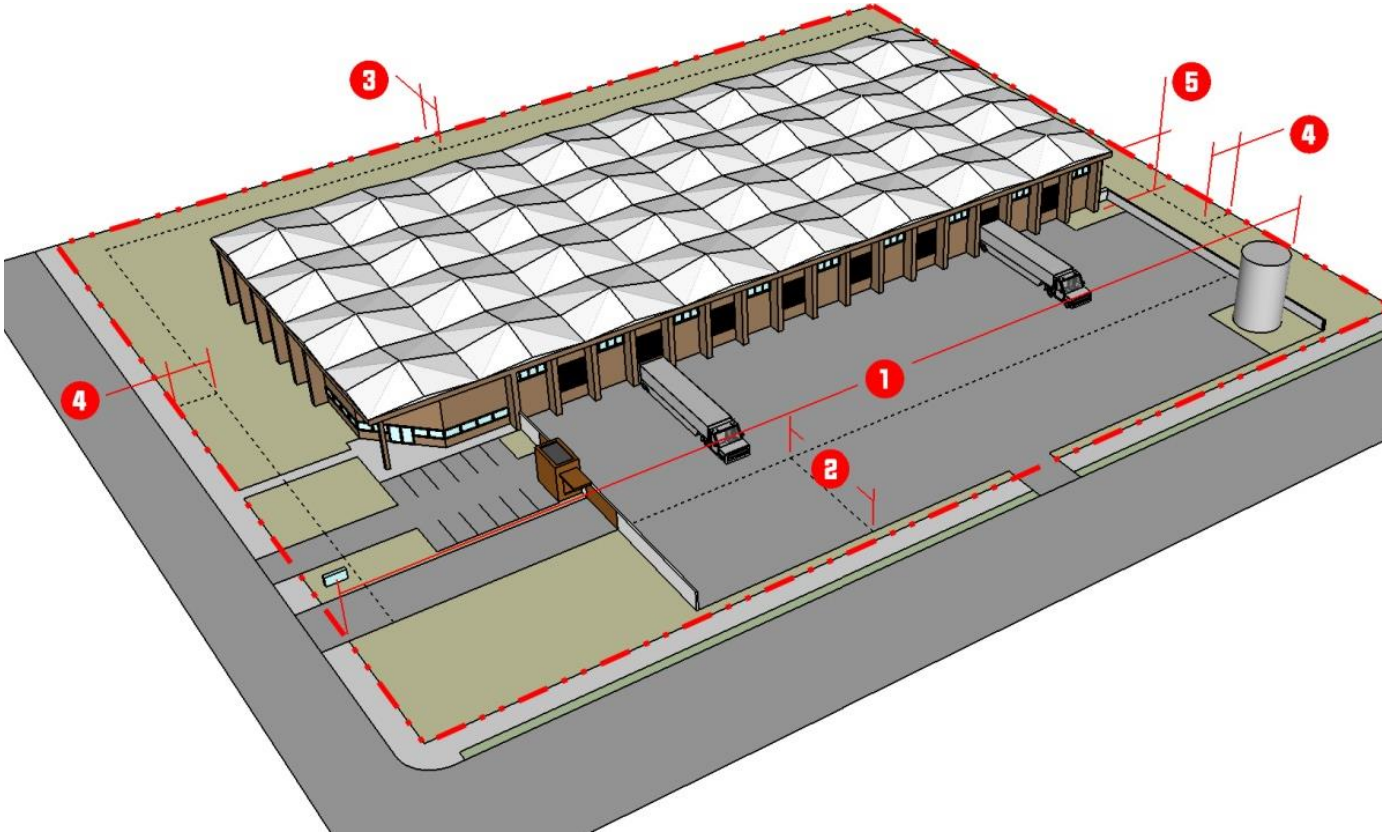
B. Use Standards

See use tables and use-specific standards in Article 3: Use Standards, and any modified use standards for any overlay districts (Section 2.6, Overlay Districts).

C. Intensity and Dimensional Standards

● Numbered items on the left correspond to labels in the graphic following the table.	**All Uses**
Lot Standards	
Min. Net Lot Area (sf)	n/a
❶ Min. Lot Width (ft)	n/a
Max. Net Density (du/ac)	n/a
Max. Lot Coverage (%)	70
Setbacks [1]	
❷ Min. Front Yard (ft)	35 [2]
❸ Min. Rear Yard (ft)	20 [2]
❹ Min. Side Yard (ft)	20 [2]
Min. Corner Side Yard (ft)	n/a
Building Standards	
❺ Max. Structure Height (ft)	50
Min. Building Separation (ft)	n/a

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



D. References to Environmental, Open Space, and Other Development Standards

Section 4.2	Tree Protection	Section 5.4	Access and Circulation
Section 4.3	Common Open Space and Public Recreation Area	Section 5.5	Parking and Loading
Section 4.4	Riparian Buffers	Section 5.6	Utilities and Services
Section 4.5	Floodplain Management	Section 5.7	Landscaping
Section 4.6	Perimeter and Streetyard Buffers	Section 5.8	Screening
Section 4.7	Stormwater Management	Section 5.9	Fences and Walls
Section 4.8	Green Development Incentives	Section 5.10	Exterior Lighting
Section 5.2	General Site Layout and Design	Section 5.11	Signage
Section 5.3	Subdivision Standards	Section 5.12	Neighborhood Protection

[i] This district carries forward and renames the current M-1 Manufacturing District (Restricted).
[ii] In the current regulations this standard is applied to residential districts only. We have applied it to Mixed-Use and Nonresidential Base Districts (except Downtown, which will utilitize form-based standards), to ensure that principal uses and structures prominently relate to street frontage.

2.4.8. Heavy Industrial (HI) District[i]

A. Purpose

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

B. Use Standards

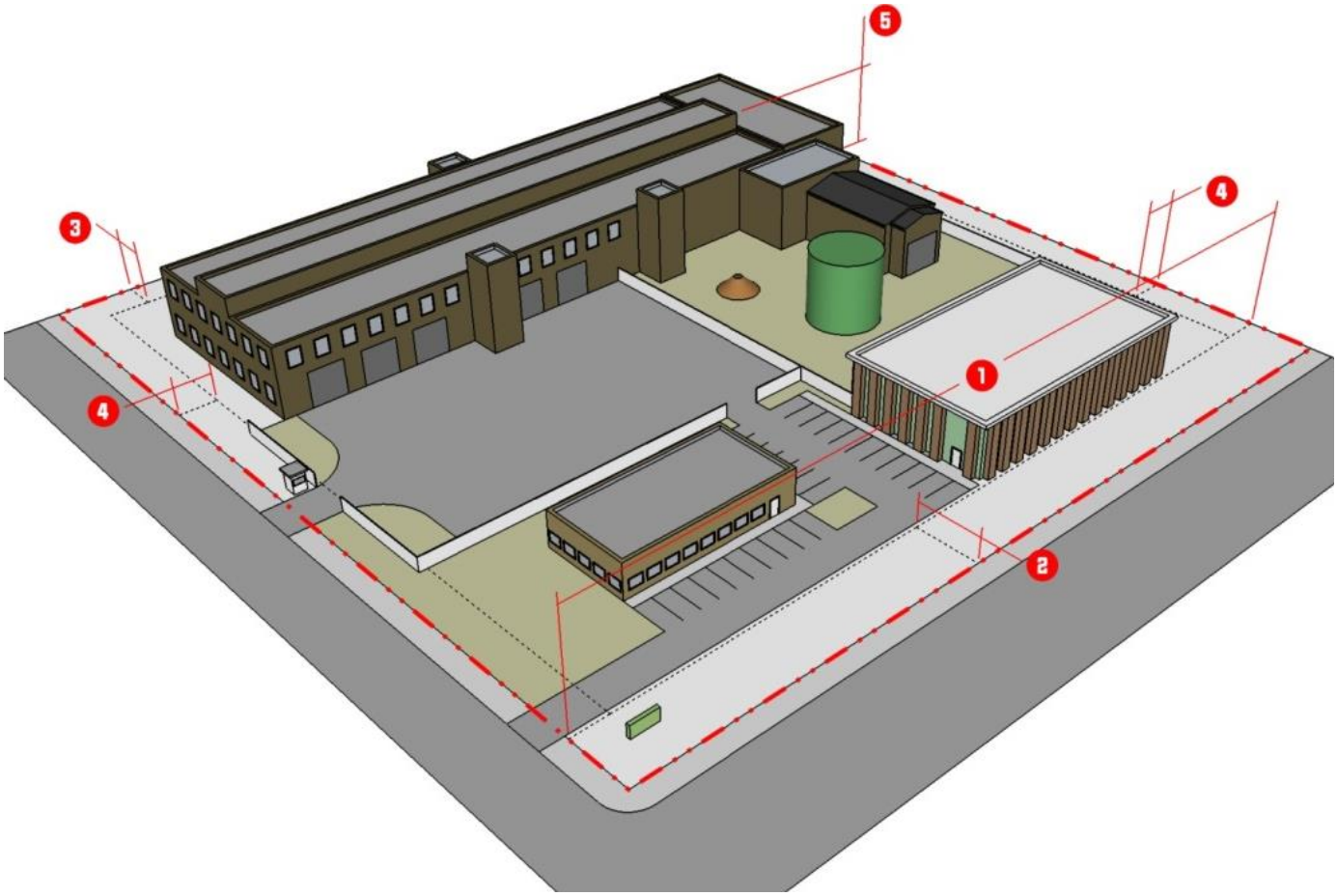
See use tables and use-specific standards in Article 3:Use Standards, and any modified use standards for any overlay districts (Section 2.6, Overlay Districts).

C. Intensity and Dimensional Standards

● Numbered items on the left correspond to labels in the graphic following the table.	**All Uses**
Lot Standards	
Min. Net Lot Area (sf)	n/a
❶ Min. Lot Width (ft)	n/a
Max. Net Density (du/ac)	n/a
Max. Lot Coverage (%)	70
Setbacks [1]	
❷ Min. Front Yard (ft)	35 [2]
❸ Min. Rear Yard (ft)	20 [2]
❹ Min. Side Yard (ft)	20 [2]
Min. Corner Side Yard (ft)	n/a
Building Standards	
❺ Max. Structure Height (ft)	50
Min. Building Separation (ft)	n/a

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

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



D. References to Environmental, Open Space, and Other Development Standards

Section 4.2	Tree Protection	Section 5.4	Access and Circulation
Section 4.3	Common Open Space and Public Recreation Area	Section 5.5	Parking and Loading
Section 4.4	Riparian Buffers	Section 5.6	Utilities and Services
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Section 4.7	Stormwater Management	Section 5.9	Fences and Walls
Section 4.8	Green Development Incentives	Section 5.10	Exterior Lighting
Section 5.2	General Site Layout and Design	Section 5.11	Signage
Section 5.3	Subdivision Standards	Section 5.12	Neighborhood Protection

[i] This district carries forward and renames the current M-2 Manufacturing District (Heavy Industrial).
[ii] In the current regulations this standard is applied to residential districts only. We have applied it to Mixed-Use and Nonresidential Base Districts (except Downtown, which will utilitize form-based standards), to ensure that principal uses and structures prominently relate to street frontage.

Section 2.5. Planned Development Districts[21]

2.5.1. General Purpose of Planned Development Districts

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

2.5.2. Planned development districts established

The following two planned development zoning districts are established:

A. Planned Development District (PDD); and

B. Mixed Use Planned Development District (MUPD).

2.5.3. Planned Development District (PDD)

A. General Purpose and Intent

The Planned Development District (PPD) is established and intended to promote innovative land planning, design and layout of large development projects that may not otherwise be permitted under general zoning district standards, subdivision regulations, or other development regulations. The Planned Development District promotes innovative land planning, design and layout by:

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

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

[21] This section carries forward existing Planned Development District provisions from the current zoning ordinance.

The PDD is a base-zoning district, not an overlay district. Except as modified by specific procedures set forth herein, a PDD zoning district shall be established through the process for rezoning property in accordance with the procedures for Zoning Map Amendments, as contained in Section 8.3.6.B, Zoning Map Amendment.

The Town Board of Commissioners may recommend revisions or additions to a proposed PDD Master Plan, or to a proposed amendment to a PDD Master Plan, that promote the intentions of the Planned Development District identified in Section 2.5.3.A, General Purpose and Intent, of this ordinance. The applicant, at any time prior to the Board's vote, may amend a proposed PDD Master Plan, or a proposed amendment to a PDD Master Plan.

B. Size of a Planned Development District (PDD)

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

C. Planned Development District Master Plan Required

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

The PDD Master Plan shall include the following:

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

a. The location of existing and proposed major roads in and adjacent to the PDD; and

b. A general plan for an on-site transportation system that addresses vehicular, bicycle, transit and pedestrian circulation.

12. The location of known historic structures or sites within the PDD;

13. A recreation and open space plan(s) that includes the locations and standards for greenways, open spaces, and recreation areas within the PDD;

14. A boundary buffer plan showing transition treatments between the proposed PDD and adjacent properties;

15. Proposed land development standards/regulations for the PDD; and,

16. A plan for development phasing within the PDD.

A Planned Development District may contain any use listed as Allowed in Table 3.2.4: Principal Use Table, and specified in an approved PDD Master Plan. The PDD Master Plan shall establish the general locations for permitted uses. The permitted uses may vary for different areas or phases of the PDD Master Plan.

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

D. Area, Yard, and Height Requirements

1. Development standards established by the approved PDD Master Plan shall be the applicable development standards within the PDD. Such standards may include, but are not limited to, building height, building separations, building setbacks, lot size, yard, buffer and landscape requirements or other development standards.

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

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

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

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

E. Land Use Mix

1. A mix of land uses is expected in the PDD. The PDD Master Plan shall identify how uses will be mixed within the PDD. Uses may vary for and within areas or phase of the PDD and it is acknowledged that the mix of uses may need to change over time.

2. Planned developments containing both residential and non- residential uses shall be designed, located, and oriented on the site(s) so that non-residential uses are accessible to residents of the development. In general, the proposed development shall provide for connectivity of land uses through a network of roadway improvements and pedestrian sidewalks and/or trails and/or bicycle facilities, the final layout of which will be determined as specific site plans or subdivision plans are approved.

F. Utility, Stormwater and Public Service Plans

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

G. Multi-modal Transportation Plan

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

H. Greenways, Recreation Space, and Open Space

1. General Requirement

The general location and proposed amount or lengths of greenways, open space and recreation space, shall be identified in the PDD Master Plan. The open space within a PDD shall contain areas for both active and passive uses. Open space may include active and passive recreation areas, including common open space areas (as provided in Section 4.3, Common Open Space and Public Recreation Areas), and may be used to satisfy the requirements for such recreation areas. The PDD Master Plan, or subsequent agreements, may provide for restrictions on the Town's ability to sell land dedicated for community recreation areas. The PDD Master Plan shall consider adopted Town plans for greenways, recreation space, and open space, but may propose revisions, alternatives, and/or clarifications to this plan.

2. Conservation and/or Preservation Areas

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

3. Management of Greenways, Recreation and Open Space

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

I. Landscaping, Transitions, and Buffers

1. Compliance with General Landscaping Requirements

Landscaping shall comply with the standards in Section 5.7, Landscaping, of this Ordinance, except that variations from or modifications to these standards may be permitted in accordance with the PDD Master Plan or when a site plan or subdivision plan is presented for approval. The proposed landscaping should ensure compatibility with land uses on surrounding properties, create attractive streetscapes and parking areas, and be consistent with the urban design objectives and/or character of the PDD.

2. Perimeter Boundary Transitions

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

3. Internal Transitions

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

J. Interpreting the PDD Master Plan

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

K. Amendments to the PDD and PDD Master Plan

Both the Planned Development District (PDD) and the Planned Development District Master Plan (PDD Master Plan) may be amended by the approval of a request to the Town Board of Commissioners. Amendments requiring a rezoning shall follow procedures set forth in Section 8.3.6.B, Zoning Map Amendment, except as modified by specific procedures set forth herein.

L. Amendments Requiring Rezoning

1. Additions or deletions of land that is subject to the PDD;
2. Additions to the uses permitted or changes to their locations;
3. Increases in the total number of residential units;

4. Increases in the maximum square footage of nonresidential uses;
5. Reductions in the width of or standards of the treatment in boundary buffers, other than those allowed by 2.5.3.J, Interpreting the PDD Master Plan;
6. Reductions in the amount of recreation or open space; and
7. Changes to the development standards in the PDD Master Plan.

M. Other Amendments

Other amendments to, or revisions of the approved PDD Master Plan including, but not limited to, revisions of the utility plan, stormwater plan, circulation plan, or phasing plan, shall not be subject to a rezoning. The Town Manager is authorized to approve these amendments. Such amendments should meet the original intent of Section 2.5.3.A, General Purpose and Intent, this Ordinance.

2.5.4. Mixed Use Planned Development District (MUPD)[i]

A. Purpose

The purpose of the Mixed Use Planned Development (MUPD) District is to accommodate and promote the establishment of high-quality, mixed-use development that will foster economic development, reduce automobile dependency, support walkability, and provide opportunities for alternative modes of travel. Standards are intended to provide the mix of uses and densities/intensities needed to support mixed-use development, and are specifically intended to accommodate and promote compact, pedestrian-friendly, mixed-use development.

B. Use Standards

A mix of uses is expected in MUPD District, as identified in Article 3:, Use Standards. The specific principal, accessory, and temporary uses allowed in an individual MUPD district shall be established in the MUPD Plan / MUPD Agreement. Uses shall be consistent with consistent with the Comprehensive Plan, other Town-adopted plans, and the purpose of the MUPD district. An MUPD Plan / MUPD Agreement shall be approved as part of the MUPD zone district designation (see Section 8.3.6.D, Mixed Use Planned Development), and shall provide for a range of uses including commercial, residential, civic, recreation, and employment uses.

C. Intensity and Dimensional Standards[ii]

Standard	Requirement
Min. District Gross Area (ac)	25
Max. Gross Density (du/ac)	To be established in MUPD Plan / MUPD Agreement (see Section 8.3.6.D, Mixed Use Planned Development.
Min. Net Lot Area (sf)	
Min. Lot Width ft)	
Max. Lot Coverage (% of district area)	
Max. Structure Height	
Max. Individual Building Size	
Min. Setbacks	
Min. Building Separation	
Min. Setbacks from Abutting Residential Development or Zoning (ft)	

D. Environmental, Open Space, and Site Development Standards

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

E. References to Environmental, Open Space, and Other Development Standards

Section 4.2	Tree Protection	Section 5.4	Access and Circulation
Section 4.3	Common Open Space and Public Recreation Area	Section 5.5	Parking and Loading
Section 4.4	Riparian Buffers	Section 5.6	Utilities and Services
Section 4.5	Floodplain Management	Section 5.7	Landscaping
Section 4.6	Perimeter and Streetyard Buffers	Section 5.8	Screening
Section 4.7	Stormwater Management	Section 5.9	Fences and Walls
Section 4.8	Green Development Incentives	Section 5.10	Exterior Lighting
Section 5.2	General Site Layout and Design	Section 5.11	Signage
Section 5.3	Subdivision Standards	Section 5.12	Neighborhood Protection

[i] This district carries forward the current Mixed Use Planned Development District (MUPD), retaining flexible use, dimensional, and intensity standards .
[ii] The list of density and intensity standards is carried forward from the current zoning ordinance, with additional standards listed, for consistency with other district standards and best practices.

Section 2.6. Overlay Districts

2.6.1. General

A. General Purpose of Overlay Districts

Overlay zoning districts are superimposed over portions of one or more underlying base, conditional, or planned development zoning districts with the intent of supplementing generally applicable development regulations with additional development regulations that address special area-specific conditions, features, or plans while maintaining the character and purposes of the underlying districts. Some overlay districts include standards that modify or supersede standards applied by the underlying district.

B. Classification of Overlay Districts

Land shall be classified or reclassified into an overlay zoning district only in accordance with the procedures and requirements set forth in Section 8.3.6.B, Zoning Map Amendment.

2.6.2. Gateway Overlay (GO) District[22]

A. Purpose

Gateway corridors provide a sense of arrival into the Town and support and enhance Pittsboro's overall character and identity. Pittsboro's Land Use Plan identifies specific Town gateway corridors, and directs the preparation of small area plans to establish the vision and development goals for the gateways, and development regulations to implement the vision and development goals. The purpose of this Gateway Overlay (GO) District is to establish a framework for the Town to create the vision and development goals for the Town gateway corridors, and then implement the development goals through this GO district.

B. Applicability

When a specific GO district is established in accordance with this section, development within the GO district shall comply the GO district regulations.

C. Procedure for Establishing Gateway Overlay Districts

1. Small Area Plan

Prior to establishment of a GO district for a specific Town Gateway corridor, a small area plan shall be prepared for the specific gateway and adopted by the Board of Commissioners. The small area plan shall, at a minimum, address the following:

a. The arrangement of uses along the gateway corridor which shall create a visually pleasing impression;

b. The unique qualities of the gateway corridor, such as significant buildings, views and vistas, and natural features which lend themselves to special consideration;

c. The value of the corridor as an entryway to the Town which can influence the perception of citizens and persons or businesses considering investment in the Town;

d. Transportation conditions on the gateway corridor, including vehicular access, dedication of right-of-way, driveway limitations, and traffic impact; and

e. The vision and general goals for development along the corridor, and specific recommendations for regulatory standards to achieve the Town's vision and development goals.

2. Establishment

The specific GO district shall be established in accordance with Section 8.3.6.A, Text Amendment, Text Amendment, and Section 8.3.6.B, Zoning Map Amendment, Zoning Map Amendment (as appropriate), and included as a district in this section.

D. General Standards[23]

GO district standards for a specific Town Gateway corridor shall conform with the direction in the small area plan and at a minimum, address the following elements:

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[22] This is a new overlay district, as recommended in the UDO Code Assessment. It establishes a framework that applies to the establishment of Town GO districts. It first requires establishment of the vision and development goals for the specific Town gateway cooridor in a small area plan, which will include recommendations for specific regulatory changes. Following this, the specific GO district will be adopted, which follows the recommendations in the small area plan.

[23] The benefit of these general standards is that they maintain flexibility. This helps ensure that development standards in future GO districts can be tailored to implement the specific small area plans.

1. The name and boundaries of the overlay district;
2. The development along the corridor to which the overlay district applies (typically all new development and certain expansions and remodels);
3. Any variations from the requirements of the underlying base zoning district(s);
4. The uses allowed in the district, if appropriate;
5. The development and form standards of the overlay district, including some or all of the following:
    a. Dimensions (height, setbacks, build-to-lines, etc.);
    b. Streetscape landscaping;
    c. Sidewalks and pedestrian circulation features;
    d. Off-street parking;
    e. Landscaping and tree preservation/reforestation;
    f. Open space set-asides;
    g. Signage;
    h. Exterior lighting;
    i. Building design and form; and
    j. Road access and traffic circulation.
6. The extent to which a base zoning district or district-specific standard may be modified

2.6.3. Major Transportation Corridor Overlay (MTCO) District[24]

A. Purpose

The purpose of the Major Transportation Corridor Overlay (MTCO) District is to enhance the economic and aesthetic appeal, and orderly development of lands adjacent to existing and proposed major transportation corridors in the Town.

B. Boundaries of MTCO District

The MTCO district extends 1,250 feet from the right-of-way boundary on either sides of roadways, following identifiable boundaries whenever possible. Established MTCO overlay districts include:

1. U.S. Highway 15-501 from its intersection with Log Barn Road southwardly to the intersection with SR 1969 (Charlie Brooks Road), the southern limit of the Town's extraterritorial boundary;
2. NC 87 from its intersection with SR 1516 northwestwardly to SR 1515 (Mitchell Chapel Church), the northern limit of the Town's extraterritorial boundary;
3. U.S. Highway 64-Business from its intersection with SR 1943 eastwardly to SR 1944 (Dee Farrell Road);
4. U.S. Highway 64-Business from its intersection with West Salisbury Street westward to its intersection with the U.S. Highway 64-Bypass;
5. U.S. Highway 64-Bypass from its intersection with U.S. 64-Business west of Pittsboro eastwardly to its intersection with U.S. Business east of Pittsboro;
6. U.S. Highway 64-Bypass from its intersection with U.S. 64-Business east of Pittsboro eastwardly to the Haw River;
7. U.S. Highway 64 from its intersection with the U.S. 64-Bypass west of Pittsboro westward to its intersection with the common boundary between Center and Hickory Mountain Townships, the western limit of the Town's extraterritorial boundary; and
8. U.S. Highway 15-501 from its intersection with U.S. 64 Bypass northwardly to the center of the Haw River Bridge.

C. Applicability

The standards and requirements in this section apply to development located in the MTCO district.

D. Modifications of Otherwise Applicable Standards

Development in the MTCO district shall comply with the following standards.

1. Buffer

All required landscape buffers shall comply with the following standards:

a. The buffer width shall be measured at the beginning of the right-of-way boundary;

b. Existing vegetation in nonresidential areas shall remain in a natural, undisturbed state, unless such disturbance is indicated on an approved site plan for the subject property; and

[24] This district carries forward the current MTC: Major Transportation Corridor District, and revises provisions for clarity and user-friendliness.

c. Alterations to the buffer should be limited to those needed for ingress/egress, utility services, or for linear pedestrian trails.

2. Pedestrian Trails

If trails are placed within an MTCO district buffer area they shall conform to the following standards:

a. The trail may intrude laterally no more than 50 feet into the buffer, but may weave to avoid obstacles;

b. The trail shall be no wider than 10 feet;

c. Selective vegetation thinning is allowed within one foot on either side of the trail; and

d. No tree over 12 inches in diameter shall be removed in order to install the trail.

3. Building Height and Setbacks

For nonresidential development:

a. The maximum building height is 50 feet;

b. Setbacks shall comply with the following standards:

(1) Minimum front yard: 50 feet;

(2) Minimum side yard: 25 feet;

(3) Minimum rear yard: 30 feet.

4. Sign Controls

The following standards apply to signs:

a. The types of permitted signs are limited to identification and incidental signs;

b. The style of permitted signs are limited to:

(1) Detached signs;

(2) Canopy signs;

(3) Projecting signs;

(4) Wall signs;

(5) Awning signs;

(6) Window signs; and

(7) Memorial signs.

c. One exterior sign and one detached sign are allowed per lot. There is no limit on the number of incidental signs. There shall be no more than one ground identification sign per lot, when fronting a single street. If the lot fronts on two or more streets, one additional ground sign is allowed per additional street frontage, with only one sign situated along each frontage;

d. The maximum sign face for any sign is 24 square feet for properties with less than 300 feet of road frontage, and 32 square feet for properties with more than 300 feet of road frontage; and

e. The height of ground signs shall not exceed eight feet.

5. Turn Lanes and Driveways

The following standards apply to turn lanes and driveways:

a. Turn lanes are required on major thoroughfares for all major residential subdivisions containing new streets, and generating an ADT count (see Section 10.5, Terms and Uses Defined) of 500 trips or more per day;

b. To the extent possible, right turn lanes shall be constructed within the frontage of the property being served;

c. The number of street and driveway connections serving a single property shall be the minimum necessary for reasonable service to the property without undue impairment of safety and convenience;

d. Driveway width shall not exceed 36 feet, measured parallel to the center line of the adjacent highway;

e. The arrangement of driveways should be compatible with adjacent driveways, and located a minimum of 40 feet from nearby street intersections. Driveways for shopping centers and other high-traffic establishments should be located at least 100 feet from nearby intersections;

f. At the intersection of two highways, driveways connecting a corner property with each highway may be permitted where it is essential to conduct business on the corner tract; and

g. Multiple driveways along a single property frontage shall be separated by at least 100 feet, and situated no closer than 600 feet from other high-traffic driveways.

6. Pedestrian Facilities

To the maximum extent practical, all new development shall include pedestrian facilities as shown in the current Pittsboro Pedestrian Transportation Plan.

2.6.4. Watershed Critical Area Overlay (WCAO) District[25]

A. Purpose

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

B. Applicability

This section applies to development proposals in the WCAO district that require an erosion and sedimentation control plan, as required by the North Carolina Sedimentation Control Commission.

C. Modifications of Otherwise Applicable Standards

Development in the WCAO District shall comply with the following standards:

1. Density and Lot Size

a. Maximum density for single-family residential dwellings is two dwelling units per acre of gross land area;

b. Minimum lot area for single-family residential dwellings is 20,000 square feet, unless that lot is located within a conservation subdivision consistent with Section 5.3.4, Conservation Subdivisions.

c. Minimum lot area may increase for lands not served by public water or sewer, consistent with Chatham County Health Department requirements.

2. Lot Coverage

Maximum lot coverage for nonresidential and multifamily development is 24 percent.

3. Permitted Uses

Uses allowed in the underlying base zoning district or another applicable overlay district are permitted within the WCAO district except for the following:

a. New sludge application sites;

b. New landfills; and

c. The storage or treatment of hazardous material unless a spill containment plan is implemented.

[25] The current regulations establish a watershed overlay district that has two component parts: a designated critical area (WSIV-CA) and a designated protected area (WSIV-PA). The proposed UDO carries forward these designations and requirements, and separates the areas into two distinct overlay districts for greater clarity: a Watershed Critical Area Overlay (WCAO) District and a Watershed Protected Area Overlay (WPAO) District.

4. Standards Common to WCAO and WPAO Overlay Districts

Development in both the WCAO and WPAO districts shall comply with standards below. If a provision only applies only to the WCAO district or WPAO district individually, it is expressly stated.

a. Best Management Practices

(1) Agricultural uses, if allowed in the underlying base zoning district, shall be subject to the provisions of the Food Security Act of 1985 and the Food, Agriculture, Conservation and Trade Act of 1990 (Public Law 101-624). Animal operations greater than 100 animal units shall employ, by July 1, 1994, Best Management Practices as recommended by the Soil and Water Conservation Commission.

(2) Forestry operations, if allowed in the underlying base zoning district, shall comply with the provisions of the Forest Practice Guidelines Related to Water Quality (15 ANCAC 1I.0101.0209).

(3) The construction of new roads and bridges and nonresidential development shall minimize built-upon area, divert stormwater away from surface water supply waters as much as possible, and employ best management practices to minimize water quality impacts. To the extent practical, the construction of new roads in the WCAO district should be avoided. The NCDOT shall use best management practices as outlined in their document entitled, "Best Management Practices for the Protection of Surface Waters."

b. Conservation Subdivisions

Conservation Subdivisions, consistent with Section 5.3.4, Conservation Subdivisions, are allowed in all WCAO and WPAO districts, provided they comply with the following:

(1) Minimum lot area may be reduced for single-family lots if the total number of lots does not exceed the number of lots allowed under the base district standards. Built-upon area requirements shall not exceed that allowed in Section 4.7, Stormwater Management;

(2) All built-upon area shall be designed and located to minimize stormwater runoff impact to the receiving waters and minimize concentrated stormwater flow;

(3) The remainder of the tract not built upon shall remain in a vegetated or natural state. Where the development has an incorporated homeowners or property owners association, the title of the reserved open space area shall be conveyed to the association for management. Where a property association is not incorporated, a maintenance agreement shall be filed in conjunction with the property deeds; and

(4) The proposed conservation subdivision shall be served by public water and sewer facilities.

c. Buffer Areas

(1) A minimum 100 foot vegetative buffer is required for all new development activities. that utilize the high density development option authorized by Section 2.6.4.C.4.f, High Density Development Option; otherwise, a minimum 30 foot vegetative buffer for development activities is required along all

perennial waters indicated on the most recent versions of U.S.G.S. 1:24,000 (7.5 minute) scale topographic maps, or as determined by local government studies. Desirable artificial stream bank or shoreline stabilization is permitted.

(2) Agricultural activities in a WCAO district shall maintain a minimum ten foot vegetative buffer, or equivalent control as determined by the Soil and Water Conservation Commission, along all perennial waters indicated on the most recent versions of U.S.G.S. 1:24,000 (7.5 minute) scale topographic maps.

(3) No new development is allowed in the buffer except for water-dependent structures and public projects such as road crossings and greenways where no practical alternative exists. These activities should minimize build upon surface area, direct runoff away from the surface waters, and maximize the utilization of stormwater best management practices.

d. Existing Development

(1) Existing development is not subject to the provisions of the WCAO or WPAO district requirements. Redevelopment of, and expansion to, existing development is allowed as provided in this section.

(2) Redevelopment of existing development is allowed if the rebuilding activity does not result in a net increase in built-upon area or if the redevelopment activity includes equal or greater stormwater control than the existing development. However, existing single-family dwellings may be redeveloped without these restrictions.

(3) Expansions to uses and structures classified as existing development shall comply with the requirements of this section; however, the built-upon area of the existing development is not required to be included in the density calculation. Existing single-family dwellings may be expanded without restrictions.

e. Exceptions

A pre-existing, deeded lot owned by an individual prior to _____ [*insert effective date*], regardless of whether or not a vested right has been established, may be developed as a single-family dwelling without being subject to the restrictions of this section. This exemption is not applicable to multiple contiguous lots under single ownership. The recombination of existing nonconforming lots in single ownership shall be required in accordance with Section 6.2, Nonconforming Lots.

f. High Density Development Option

Upon approval by the Board of Commissioners, a high density option may be authorized provided it complies with the following.

(1) Within the WPAO district, new development may exceed allowances provided in Section 2.6.4.C.1, Density and Lot Size, provided that:

(A) Engineered stormwater controls are used to control runoff from the first inch of rainfall; and

(B) The built-upon area does not exceed 70 percent.

(2) Development must conform with the other provisions in Section 2.6.4.C.4, Standards Common to WCAO and WPAO Overlay Districts, unless explicitly stated otherwise.

(3) An occupancy permit shall not be issued for any building within the permitted development until the Board of Commissioners has approved the stormwater control structure.

(4) All site plans for development proposing to utilize the high density option shall be reviewed and approved by the Board of Commissioners.

(5) The high density option shall not be applicable to properties located within a WCAO district.

g. Stormwater Control Structures

(1) All stormwater control structures shall be designed by either a North Carolina registered professional engineer or landscape architect, to the extent that the N.C.G.S, Chapter 89A, allow. Other stormwater systems shall be designed by a North Carolina registered professional with qualifications appropriate for the type of system required. These registered professionals are defined as professional engineers or landscape architects, to the extent that the N.C.G.S., Chapter 89A allow, and land surveyors, to the extent that the design represents incidental drainage within a subdivision, as provided in N.C.G.S. 89(C).

(2) All stormwater controls shall use wet detention ponds as a primary treatment system. Wet detention ponds shall be designed for specific pollutant removal according to modeling techniques approved by the North Carolina Division of Environmental Management. Specific requirements for these systems shall be in accordance with the following design standards:

(A) Wet detention ponds shall be designed to remove 85 percent of total suspended solids in the permanent pool and storage runoff from a one inch rainfall from the site above the permanent pool;

(B) The design runoff storage volume shall be above the permanent pool;

(C) The discharge rate from these systems following a one inch rainfall design storm shall be such that the runoff does not draw down to the permanent pool level in less than two days and that the pond is drawn down to the permanent pool level within at least five days;

(D) The mean permanent pool depth shall be a minimum of three feet;

(E) The inlet structure shall be designed to minimize turbulence using baffles or other appropriate design features; and

(F) Vegetative filters shall be constructed for the overflow and discharge of all stormwater wet detention ponds and shall be at least 30 feet in length. The slope and width of the vegetative filter shall be determined so as to provide a non-erosive velocity of flow through the filter for a 10-year, 24 hour storm with a 10-year, 1-hour intensity with a slope of five percent or less. Vegetation in the filter shall be natural vegetation, grasses or artificially planted wetland vegetation appropriate for the site characteristics.

(3) All land areas outside of the pond shall be provided with a ground cover sufficient to restrain erosion within 30 days after any land disturbance. Upon

completion of the stormwater control structure, a permanent ground cover shall be established and maintained as part of the maintenance agreement described in Section 4.7, Stormwater Management.

(4) A description of the area containing the stormwater control structure shall be prepared and filed as a separate deed with the Chatham County Register of Deeds along with any easements necessary for general access to the stormwater control structure. The deeded area shall include the detention pond, vegetative filters, all pipes and water control structures, berms, dikes, etc., and sufficient area to perform inspections, maintenance, repairs and reconstruction.

(5) Qualifying areas of the stormwater control structure may be considered pervious when computing total built-upon area. However, if the structure is used to compute the percentage build-upon area for one site, it shall not be used to compute the build-upon area for any other site or area.

h. Financial Security for Stormwater Control Structures

(1) All new stormwater control structures shall be conditioned on the posting of adequate financial assurance for the purpose of maintenance, repairs or reconstruction necessary for adequate performance of the stormwater control structures.

(2) Financial assurance shall be in the following form:

(A) Surety Performance Bond or other security. The permit applicant shall obtain either a performance bond from a surety bonding company authorized to do business in North Carolina, an irrevocable letter of credit or other instrument readily convertible into cash at face value payable to the Town of Pittsboro or placed in escrow with a financial institution designated as an official depository of the Town of Pittsboro. The bond or other instrument shall be in an amount equal to 1.25 times the total cost of the stormwater control structure, as estimated by the Planning Director and approved by the Board of Commissioners. The total cost of the stormwater control structure shall include the value of all materials such as piping and other structures; seeding and soil stabilization; design and engineering; and grading, excavation, fill etc. The costs shall not be prorated as part of a larger project, but rather under the assumption of an independent mobilization.

(B) Cash or Equivalent Security Deposited After the Release of the Performance Bond. The permit applicant shall deposit with the Town of Pittsboro either cash or other instrument approved by the Board of Commissioners that is readily convertible into cash at face value. The cash or security shall be in an amount equal to 15 percent of the total cost of the stormwater control structure or the estimated cost of maintaining the stormwater control structure over a ten year period, whichever is greater. The estimated cost of maintaining the stormwater control structure shall be consistent with the approved operation and maintenance plan or manual provided by the developer. The amount shall be computed by estimating the maintenance cost for 25 years and multiplying this amount by two-fifths or 0.4.

(3) The permit applicant shall enter into a binding operation and maintenance agreement between the Town of Pittsboro and all interests in the development. The agreement shall require the owning entity to maintain, repair and, if necessary reconstruct the stormwater control structure in accordance with the operation and management plan or manual provided by the developer. The operation and maintenance agreement shall be filed with the Chatham County Register of Deeds by the Planning Director.

(4) Upon default of the permit applicant to complete and/or maintain the stormwater control structure as spelled out in the performance bond or other security, the Board of Commissioners may obtain and use all or any portion of the funds necessary to complete the improvements based on an engineering estimate. The Board of Commissioners shall return any funds not spent in completing the improvements to the owning entity.

(5) Upon default of the owning entity to maintain, repair and, if necessary, reconstruct the stormwater control structure in accordance with the operation and maintenance agreement, the Board of Commissioners shall obtain and use all or any portion of cash security to make necessary improvements based on an engineering estimate. Such expenditure of funds shall only be made after exhausting all other reasonable remedies seeking the owning entity to comply with the terms and conditions of the operation and maintenance agreement. The Board of Commissioners shall not return any of the deposited cash funds.

i. Maintenance and Inspection of Stormwater Control Structures

(1) An operation and maintenance plan or manual shall be provided by the developer for each stormwater control structure, indicating what operation and maintenance actions are needed, what specific quantitative standards will be used for determining when those actions are to be taken and, consistent with the operation and maintenance agreement, who is responsible for those actions. The plan shall clearly indicate the steps that will be taken for restoring a stormwater control structure to design specifications if a failure occurs.

(2) Landscaping and grounds management shall be the responsibility of the owning entity. However, vegetation shall not be established or allowed to mature to the extent that the integrity of the control structure is diminished or threatened, or to the extent of interfering with an easement or access to the stormwater control structure.

(3) Except for general landscaping and grounds management, the owning entity shall notify the Planning Director prior to any repair or reconstruction of the stormwater control structure. All improvements shall be made consistent with the approved plans and specifications of the stormwater control structure and the operation and maintenance plan or manual. After notification by the owning entity, the Planning Director shall inspect the completed improvements and shall inform the owning entity of any required additions, changes or modifications and of the time period to complete said improvements. The Planning Director may consult with an engineer or landscape architect (to the extent that the General Statutes, Chapter 89A allow) designated by the Board of Commissioners.

(4) Amendments to the plans and specifications of the stormwater control structure and/or the operation and maintenance plan or manual shall be

approved by the Board of Commissioners. Proposed changes shall be prepared by a North Carolina registered professional engineer or landscape architect (to the extent that the N.C.G.S. Chapter 89A allows) and submitted to and reviewed by the Planning Director prior to consideration by the Board of Commissioners.

(A) If the Board of Commissioners approves the proposed changes, the owning entity of the stormwater control structure shall file sealed copies of the revisions with the Planning Director.

(B) If the Board of Commissioners disapproves the changes, the proposal may be revised and resubmitted to the Board of Commissioners as a new proposal. If the proposal has not been revised and is essentially the same as that already reviewed, it shall be returned to the applicant.

(C) If the Board of Commissioners finds that the operation and maintenance plan or manual is inadequate for any reason, the Board shall notify the owning entity of any required changes and shall prepare and file copies of the revised agreement with the Chatham County Register of Deeds, the office of the Planning Director and the owning entity.

(5) Processing and inspection fees shall be submitted in the form of a check or money order made payable to the Town of Pittsboro. Applications shall be returned if not accompanied by the required fee.

(6) A permit and inspection fee schedule, as approved by the Board of Commissioners shall be posted in the Planning Department.

(7) Inspection fees shall be valid for 60 days. An inspection fee shall be required when improvements are made to the stormwater control structure consistent with subsection (c), except in the case when a similar fee has been paid within the last 60 days.

(8) The stormwater control structure shall be inspected by the Planning Director, after the owning entity notifies the Planning Director that all work has been completed. At this inspection, the owning entity shall provide:

(A) The signed deed, related easements and survey plat for the stormwater control structure ready for filing with the Chatham County Register of Deeds and

(B) A certification sealed by an engineer or landscape architect (to the extent that the N.C.G.S., Chapter 89A, allow) stating that the stormwater control structure is complete and consistent with the approved plans and specifications.

(9) The Planning Director shall present the materials submitted by the developer and the inspection report and recommendations to the Board of Commissioners at its next regularly scheduled meeting.

(A) If the Board of Commissioners approves the inspection report and accepts the certification, deed and easements, the Board shall file the deed and easements with the Chatham County Register of Deeds, release up to seventy-five percent of the value of the performance bond or other security and issue an occupancy permit for the stormwater control structure.

(B) If deficiencies are found, the Board of Commissioners shall direct that improvements and inspections be made and/or documents corrected and resubmitted to the Board of Commissioners.

(10) No sooner than one year after the filing date of the deed, easements and maintenance agreement, the developer may petition the Board of Commissioners to release the remaining value of the performance bond or other security. Upon receipt of said petition, the Planning Director shall inspect the stormwater control structure to determine whether the controls are performing as designed and intended. The Planning Director shall present the petition, inspection report and recommendation, to the Board of Commissioners.

(A) If the Board of Commissioners approves the report and accepts the petition, the developer shall deposit funds with the Board of Commissioners, after which the Board of Commissioners shall release the performance bond or other security.

(B) If the Board of Commissioners does not accept the report and rejects the petition, the Board of Commissioners shall provide the developer with instructions to correct any deficiencies and all steps necessary for the release the performance bond or other security.

(11) All stormwater control structures shall be inspected at least on an annual basis to determine whether the controls are performing as designed and intended. Records of inspection shall be maintained on forms approved or supplied by the North Carolina Division of Environmental Management. Annual inspections shall begin within one year of filing date of the deed for the stormwater control structure.

(12) In the event the Planning Director discovers the need for corrective action or improvements, the Planning Director shall notify the owning entity of the needed improvements and the date by which the corrective action is to be completed. All improvements shall be made consistent with the plans and specifications of the stormwater control structure and the operation and maintenance plan or manual. After notification by the owning entity, the Planning Director shall inspect and approve the completed improvements. The Planning Director may consult with an engineer or landscape architect (to the extent that the N.C.G.S. Chapter 89A. allow) designated by the Board of Commissioners.

2.6.5. Watershed Protected Area Overlay (WPAO) District[26]

A. Purpose

The intent of the Watershed Protected Area Overlay (WPAO) District is the same as the Watershed Critical Area Overlay: to protect the Jordan Lake and Haw River water supply by limiting development activities that could potentially have an adverse impact on water quality. The WPAO district is distinguished from the WCAO district by including areas that are more sensitive to potential adverse impacts from development. Therefore the standards include additional provisions protecting critical water resources.

B. Applicability

This section applies to development proposals in the WPAO district that requires an erosion and sedimentation control plan, as required by the North Carolina Sedimentation Control Commission.

C. Modifications of Otherwise Applicable Standards

Development in the WCAO district shall comply with the following standards:

1. Density and Lot Size

a. The maximum density for a single-family dwelling is two dwelling units an acre for areas with a curb and gutter system, and three dwelling units an acre for development without a curb and gutter system;

b. Minimum lot area for a single-family dwelling is 20,000 square feet for areas with a curb and gutter system, and 14,500 square feet for areas without a curb and gutter system;

c. Minimum lot area for a single-family dwelling can be lower than the standards listed above if the lots are located within a Conservation Subdivision in accordance with Section 5.3.4, Conservation Subdivisions; and

d. Minimum lot area may increase for areas not served by public water or sewer, consistent with Chatham County Health Department requirements.

2. Lot Coverage

Maximum lot coverage for nonresidential and multifamily development is 24 percent if there is a curb and gutter system, or 36 percent without a curb and gutter system.

3. Permitted Uses

The following uses are prohibited:

a. Sludge application sites;

b. Landfills; and

c. Storage or treatment of hazardous materials without a spill containment plan.

[26] The current regulations establish a watershed overlay district that has two component parts: a designated critical area (WSIV-CA) and a designated protected area (WSIV-PA). The proposed UDO carries forward these designations and requirements, and separates the areas into two distinct overlay districts for greater clarity: a Watershed Critical Area Overlay (WCAO) District and a Watershed Protected Area Overlay (WPAO) District.

4. Standards Common to WCAO and WPAO Overlay Districts

Development in the WPAO district shall also comply with the standards in Section 2.6.4.C.4, Standards Common to WCAO and WPAO Overlay Districts.

2.6.6. Natural Resource Conservation Overlay (NRCO) District

[to be developed as part of Module 2]

Commentary

Article 3: Use Standards, sets out the use regulations that apply to the zoning districts established in Article 2: Zoning Districts. All use regulations are consolidated in this article, including the regulations for principal, accessory, and temporary uses. Use-specific standards are also included in the article, which modify regulations specific to individual uses, to ensure compatibility and safety, and to maintain desired character.

Highlights include:

- Presenting all use stanards in a single location, allowing the reader to compare uses across zoning districts. In the process of rewriting the use standards, use types with similar characteristics and impacts were consolidated; obsolete uses were deleted; and uses were modernized as necessary, based on Town policy direction and to reflect modern best practices;
- Organizing the use regulations around the three different types of uses: principal, accessory, and temporary uses;
- Communicating the consolidated use information in tables. This eliminates repetition and inconsistent terminology, and creates a framework that will make it simpler to amend the regulations over time, without creating additional inconsistencies;
- Organizing the principal uses into a three-tiered structure for classifying uses;
- Consolidating and modernizing use-specific standards for principal, accessory, and temporary uses; this exercise involved deleting obsolete uses, consolidating standards, where appropriate, and adding standards, where needed; and
- Defining all of the uses.

This comment box and the footnotes included in this draft are provided for reference purposes and will not be included in the adopted UDO.

Article 3: Use Standards

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Article 3: USE STANDARDS

Section 3.1. Organization

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

Section 3.2. Principal Uses

3.2.1. Purpose

The purpose of this section is to authorize the establishment and continuation of land uses that are allowed as the principal use(s) in a zoning district. It identifies the zoning districts in which these principal uses are allowed, and sets out any use-specific standards applicable to particular principal uses. This section is also intended to establish a hierarchy for organizing principal uses that reflects functional relationships among the various principal uses and that in conjunction with Section 10.3, Use Classifications and Interpretation, makes it easier to determine whether a particular proposed use is allowable as a principal use in a particular zoning district.

3.2.2. Organization and Applicability

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

3.2.3. Classification of Principal Uses

A. The following hierarchy of use classifications, use categories, and use types is used to organize allowable uses listed in Section 3.2.4, Principal Use Table, and the use-specific standards set out in Section 3.2.5, Principal Use-Specific Standards. Descriptions of this classification system and hierarchy are contained in Section 10.3, Use Classifications and Interpretation.

1. Use Classifications

Use Classifications are very broad and general (e.g., Agricultural Uses, Residential Uses, Institutional Uses, Commercial Uses, and Industrial Uses).

2. Use Categories

Use Categories represent major subgroups of the use classifications that have common functional, product, or physical characteristics, such as the type and amount of activity, type of occupants or users/customers, or operational characteristics. For

example, the Commercial Use Classification is divided into multiple use categories, including Eating or Drinking Uses and Visitor Accommodation Uses.

3. Use Types

a. Use Types identify specific principal land uses whose characteristics are considered to fall within the various Use Categories. For example, bars, lounges, brewpubs, and restaurants are use types within the Eating and Drinking Use Category. Each use type is defined in Section 10.5, Terms and Uses Defined.

b. While the Residential and Institutional use classifications tend to include relatively specific and well–defined use types, the Commercial and Industrial use classifications tend to include broader uses types, reflecting the wider range and ever-growing variety of commercial and industrial uses existing in the community.

c. Classifying principal uses in this manner provides a systematic basis for determining whether a particular land use not expressly listed should be considered similar to a listed principal use, and allowed. See Section 10.3, Use Classifications and Interpretation, for a description of the use classification system and procedures for using it to interpret unlisted uses.

3.2.4. Principal Use Table

A. Structure of Principal Use Table

1. Designation of Uses

Table 3,2,4, Principal Use Table, uses the following abbreviations to establish whether and how a principal use is allowed in a particular zoning district:

P	A "P" under a base zoning district column indicates that the use is allowable as a principal use in the district, subject to any referenced use-specific standards and all other applicable regulations of this Ordinance.
S	An "S" under a base zoning district column indicates that the use is allowable as a principal use in the district only on approval of a Special Use Permit in accordance with Section 8.3.3.A, Special Use Permit, and subject to any referenced use-specific standards and all other applicable regulations of this Ordinance. An "S" in the overlay district column has the same meaning as above, and applies even if the use is permitted by-right in the underlying base district.
A	An "A" under the Planned Developments column indicates that the use is allowed as a principal use in the district only if the PDD Master Plan or MUPD Plan/MUPD Agreement approved for the district expressly identifies the use type as allowed, and subject to any referenced use-specific standards and all other applicable regulations of this Ordinance.
[blank cell]	A blank cell under a base or Planned Development District column indicates that the use is prohibited as a principal use in the district. A blank cell in an overlay district means the use is allowed, if it is also allowed in the underlying base district.
X	An "X" under an overlay district column indicates that the use is prohibited as a principal use in the overlay district, irrespective of whether it is allowed by the underlying base district. This designation applies only to overlay zoning districts.

2. Reference to Use-Specific Standards

A particular use category or use type allowable as a principal use in a zoning district may be subject to additional standards that are specific to the particular use. The applicability of such use-specific standards is noted in the last column of the Principal Use Table ("Use-Specific Standards") through a reference to standards in Section 3.2.5, Principal Use-Specific Standards.

B. Multiple Principal Uses

A development may include a single principal use with one or more accessory uses that are customarily incidental and subordinate to the principal use (e.g., home occupation as accessory to a dwelling, or administrative offices as accessory to a school, retail sales, or manufacturing use). A development may also include multiple principal uses, none of which is necessarily customarily incidental or subordinate to another principal use (e.g., a place of worship combined with a school, a gas station combined with a convenience store, restaurant, or automotive repair use, or a flex building housing retail, industrial and services uses, and warehousing tenants). A development with multiple principal uses shall include only those principal uses designated in the use tables as allowed in the applicable zoning district, and each principal use shall be subject to any use-specific standards applicable to the use, unless expressly stated to the contrary.

C. Principal Use Table[27]

Table 3.2.4: Principal Use Table

For Base Districts: P = Permitted by-right S = Allowed as a Special Use Blank Cell = Prohibited
For Planned Development Districts: A = Allowed, subject to a PD Plan/Agreement Blank Cell = Prohibited
For Overlay Districts: Blank Cell = Allowed, if allowed in base district X = Prohibited, even if allowed in base district

Use Category	Use Type	Base/Conditional Districts														Planned Developments		Overlay Districts					Use-Specific Standards
		Rural			Residential					Mixed-Use and Nonresidential													
		AF[28]	RA-2	RA-1	R-15	R-12M	R-10	R-5	MR	OI	NMUC	CMUC	D	LI	HI	PDD	MUPD	GO	MTCO	WCAO	WPAO	NRCO	
Agriculture and Animal-related Uses																							
Agriculture	Community Garden[29]	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	A						3.2.5.B.1.a
	Farm[30]	P	P	P												A	A						
	Garden Center[31]										P	P		P	P	A	A						
	Forestry	P	P	P												A	A						3.2.5.B.1.b
	Game Preserves, Fish Hatcheries, and Ponds	P	P	P												A	A						
	Greenhouse/Nursery[32]	P	P	P										P	P	A	A						
Agricultural Support Services[33]	Equestrian Facility	P	P	P												A	A						
	Grain Storage Facility	P	P	P												A	A						
	Sawmill[34]	S	S	S												A	A						
Animal Related Uses[35]	Kennel, Indoor and Outdoor[36]	S	S	S								P		P	P	A	A						3.2.5.B.2.a

[27] Uses shown in the Principal Use Table are carried forward from existing regulations, unless otherwise noted. An empty grid line under a use category at the bottom of a page means the use category continues on the following page.
[28] Modifications to rural zones are intended to reflect an increased emphasis on accommodating agricultural and forestry uses, and agricultural support uses.
[29] This is a proposed new use type. Community gardens are private or public facilities for cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person, household, or family. These types of gardens are commonly found in rural, suburban, and urban settings, and are intended for recreational, educational, and subsistence purposes (as opposed to commercial purposes), therefore they are permitted in all districts.
[30] This use replaces the following current use types: *Agricultural production (crops), Agricultural production (livestock), Livestock;* and *Animal feeder/breeder operation*. It also consolidates the Farm, Small use type, as similar activities are provided for within the Community Garden use type, and as an accessory use with the Urban Agriculture use type.
[31] This renames the current *Garden center, retail nursery* use type. It is distinguished from other wholesale and retail uses as it includes sales, but also requires outdoor storage (excluding greenhouses). It is therefore suited for nonresidential and industrial zones.
[32] This new use type replaces *Nurseries, truck farms, commercial greenhouses, etc.* It includes facilities where ornamental trees and plants are stored or grown for wholesale or retail sale, and may include bulk storage of mulch, fertilizer, and other landscaping materials, as well as the sale of tools, equipment, and other materials normally associated with home landscaping.
[33] Use types in this category are added to broaden the range of agricultural support uses in order to support and enhance the viability of working agricultural and forestry lands in the Town's rural areas.
[34] This renames the *Planing or sawmills* use type.

Table 3.2.4: Principal Use Table

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For Overlay Districts: Blank Cell = Allowed, if allowed in base district X = Prohibited, even if allowed in base district

Use Category	Use Type	Base/Conditional Districts														Planned Developments		Overlay Districts					Use-Specific Standards
		Rural			Residential					Mixed-Use and Nonresidential													
		AF[28]	RA-2	RA-1	R-15	R-12M	R-10	R-5	MR	OI	NMUC	CMUC	D	LI	HI	PDD	MUPD	GO	MTCO	WCAO	WPAO	NRCO	
	Stable[37]	P	P	P												A	A						
	Veterinary Clinic/Hospital[38]	S	S	S						P		P		P	P	A	A						3.2.5.B.2.b
Residential Uses[39]																							
Household Living	Dwelling, Duplex[40]				P	P	P	P	P	P	P	P	P			A	A						
	Dwelling, Live/Work[41]				P		P	P	P	P	P	P	P			A	A						3.2.5.C.1.a
	Dwelling, Manufactured Home[42]	P	P	P	P	P				P	P	P											3.2.5.C.1.b
	Dwelling, Multifamily[43]								P	P	P	P				A	A						3.2.5.C.1.c
	Dwelling, Single-Family Detached[44]	P	P	P	P	P	P	P	P	P						A	A						3.2.5.C.1.d
	Dwelling, Single-Family Attached[45]				P		P	P	P	P	P	P	P			A	A						
	Family Care Home	S	S	S	S	S	S	S	P	P	P	P				A	A						3.2.5.C.1.e
	Group Care Home									S	S	S				A	A						

35 These use types are added to distinguish animal-related uses not occurring on a farm.
36 This renames the current *Kennels, commercial, pet grooming use type*.
37 This use type includes *Stables, riding and boarding; commercial*, which is currently classified as a *Recreational Use*. The use type is renamed and reclassified, and permitted in rural zones to promote working agriculture areas.
38 This renames the current *Veterinary establishments* use type.
39 The current use type, *Tourist Homes*, has been deleted. It is not defined in the current zoning ordinance, and based on our understanding of the term, this use is included in the lodging use category (commercial). Also, Bed and Breakfast uses have been reclassified as commercial uses within the lodging use category.
40 *Duplex Dwellings* are permitted in all residential and mixed use zones to promote a greater range of housing choices. The use type replaces the current *Residences, two-family*, use type. It is defined as a single detached dwelling on a lot that contains two dwelling units sharing common walls or ceilings. Units may be located side by side or stacked vertically.
41 Live/work dwellings are added to promote a greater range of housing and live/work options. They are permitted in all residential and mixed-use zones.
42 This includes the following current use types: *Manufactured Home, Class A; Manufactured Home, Class B*.
43 This replaces the following use types: *Residences, multii-family; 1 structure per lot*; *Condominiums, residential;* and *Residences above commercial use*. It is listed as a permitted use in residential and mixed use districts in order to help generate a range of housing options.
44 This includes the following current use type: *Modular home*.
45 This replaces the following current use type: *Residences, townhouses*. It includes townhouse development, but also includes similar forms of dwellings that meet the definition, which promotes flexibility in housing design. It is listed as a permitted use in residential and mixed-use districts in order to help generate a range of housing options.

Table 3.2.4: Principal Use Table

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Use Category	Use Type	Base/Conditional Districts														Planned Developments		Overlay Districts					Use-Specific Standards
		Rural			Residential					Mixed-Use and Nonresidential													
		AF[28]	RA-2	RA-1	R-15	R-12M	R-10	R-5	MR	OI	NMUC	CMUC	D	LI	HI	PDD	MUPD	GO	MTCO	WCAO	WPAO	NRCO	
	Pocket neighborhood[46]						S	S	S							A	A						3.2.5.C.2.a
Group Living	Congregate Living Facility				S		P	P	P	P	P	P				A	A						3.2.5.C.2.b
	Rehabilitation Center[47]						S	S	S	S						A	A						
	Continuing Care Retirement Community[48]				S		S	S	P	P	P	P				A	A						3.2.5.C.2.c
	Dormitory[49]				S		S	S	S	P	P	P				A	A						
	Rooming House[50]				S		S	S	S	P	P	P				A	A						
	Manufactured Home Park					S																	
Institutional Uses[51]																							
Community and Government Services	Clubs, Lodges and Banquet Halls[52]	S	S	S	S		P	P	P	P	P	P	P	P	P	A	A						
	College, University, or Vocational School[53]	S			S		S	S		S	P	P	P			A	A						
	Community Center[54]	S	S	S	S		S	S	S	P	P	P	P	P	P	A	A						
	Correctional Facility[55]	S												S	S								
	Cultural Facility[56]	S			S					S	P	P	P			A	A						
	Day Care Center[57]	S	S	S	S		P	P	P	P	P	P	P	P		A	A						3.2.5.D.1.a

[46] This carries forward provisions for pocket neighborhoods, which are currently allowed in the R-10 and R-12 districts. The R-10 and R-12 districts have been consolidated into a single R-10 district, and pocket neighborhoods will continue to be allowed in R-10.
[47] This renames the *Rehabilitation homes, such as halfway houses* current use.
[48] This renames the *Adult care home* current use.
[49] This use type is added, and distinguished from *Rooming Houses* as being specifically designed for a long-term stay by students of a college, university, sports academy, or nonprofit organization for the purpose of providing rooms for sleeping. One common kitchen and some common gathering rooms for social purposes may also be provided.
[50] This renames the following current use type: *Boarding and Rooming House*.
[51] This classification renames the following current use classification: *Educational & Institutional Uses*. Use types under this classification have been listed as *Institutional Uses,* unless specifically noted otherwise.
[52] This renames and consolidates the following use types: *Clubs and Lodges, private, non-profit;* and *Auditoriums, assembly halls*. See *Theater, Indoor (Commercial)*for related uses.
[53] This renames the current *College, universities, etc, and incidental uses on same property* use type.
[54] This renames the current *Community buildings, not for commercial gain* use type.
[55] This renames the current *Correctional, penal institutions, jails* use type.
[56] This renames the current *Philanthropic institutions* use type and broadens the definition to include museums, interpretive centers, and visitor information kiosks.

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Use Category	Use Type	Base/Conditional Districts														Planned Developments		Overlay Districts					Use-Specific Standards
		Rural			Residential					Mixed-Use and Nonresidential													
		AF[28]	RA-2	RA-1	R-15	R-12M	R-10	R-5	MR	OI	NMUC	CMUC	D	LI	HI	PDD	MUPD	GO	MTCO	WCAO	WPAO	NRCO	
	Emergency Services[58]	S	S	S	S		P	P	P	P	P	P	P	P	P	A	A						
	Government Services, Administrative[59]	S	S	S	S		P	P	P	P	P	P	P	P	P	A	A						
	Government Maintenance, Storage, or Distribution Facility[60]									S	S			P	P	A	A						
	Place of Worship[61]	P	P	P	P		P	P	P	P	P	P	P	P		A	A						3.2.5.D.1.b
	Public Park or Recreation Facility[62]	P	P	P	P		P	P	P	P	P	P	P	P		A	A						
	School, Elementary, Middle or High[63]	S	S	S	S		P	P	P	S	P	S	S	S		A	A						
Health Care	Hospital[64]	S	S	S			S	S		P	P	P				A	A						
	Nursing Home[65]	S	S	S			S	S	S	P	P	P				A	A						3.2.5.D.2.a
	Office, Medical/ Dental[66]						S	S	S	P	P	P	P			A	A						

[57] This renames the current *Day care facility* use type and reclassifies it into the Community and Government Services Use category. It also includes a provision noting that day care centers must comply with State law and obtain appropriate certifications.
[58] This renames the current *Fire station/emergency medical service* use type.
[59] This renames and consolidates the following current use types: *Post Office;* and *Public buildings (no outside storage), libraries, museums, art galleries.* Libraries and museums are included in the *Cultural Facilities* use type, and art galleries are included in the *Retail Store* use type.
[60] This use type is added to distinguish government facilities that typically require maintenance shops, distribution facilities and/or outdoor storage yards. It is allowed in similar locations as industrial uses that have an equivalent need for space, and potential for truck traffic and noise.
[61] This renames the current *Churches & other places of worship, rectories* use type. It also includes provisions for parking and access, and add standards to address the federal Religious Land Use and Institutionalized Persons Act (RLUIPA) of 2000.
[62] This renames and consolidates the following current use types: *Athletic fields, playgrounds;* and *Public parks, recreational facilities.*
[63] This renames the current Schools (academic) public or private; kindergarten, elementary, secondary uses.
[64] This renames and consolidates the following current uses: *Hospitals, nursing homes*, and *Drugstore within a medical office, hospital or nursing facility.* It also separates hospitals as a stand-alone use type. Hospitals are distinguished from nursing homes as their primary focus is medical and emergency care, and hey typically include support uses such as clinical laboratories, outpatient facilities, training facilities, central services facilities, staff offices and pharmacies and gift shops.
[65] This renames the current *Hospitals, nursing homes* use type, and lists nursing homes separately, given the more limited emphasis on urgent medical care.
[66] This renames the current *Medical, dental, paramedical, chiropractic offices* use type.

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Use Category	Use Type	Base/Conditional Districts														Planned Developments		Overlay Districts					Use-Specific Standards
		Rural			Residential					Mixed-Use and Nonresidential													
		AF[28]	RA-2	RA-1	R-15	R-12M	R-10	R-5	MR	OI	NMUC	CMUC	D	LI	HI	PDD	MUPD	GO	MTCO	WCAO	WPAO	NRCO	
	Office Park, Medical/ Dental[67]	S	S	S			S	S	S	P	P	P				A	A						
	Urgent Care Facility[68]	S	S	S			S	S	S	S	S					A	A						
Transportation, Communication and Utility Uses	Broadcasting Station[69]	S	S	S						S	S	S		S	S	A	A						
	Broadcast Studio[70]									P	P	P	P	P	P	A	A						
	Airport facilities[71]	S	S	S										S	S								3.2.5.D.3.a
	Park and Ride Terminal															A	A						
	Parking Deck or Lot (as a principal use)[72]						S	S	S	P	P	P	P	P	P	A	A						3.2.5.D.3.b
	Railroad Yard																						
	Solar Energy Collection System (as a principal use)	P	P	S							S	S	S	P	P	A	A						3.2.5.D.3.c
	Telecommunications Facility													P	P	A	A						
	Freight Terminal[73]											P		P	P								
	Transit Station[74]	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	A						
	Utility Facility, Major[75]											S		P	P	A	A						3.2.5.D.3.d
	Utility Facility, Minor[76]	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	A						3.2.5.D.3.e

[67] This use type is added, and is distinguished from other medical offices in that the the use includes larger complexes operated on an integrated basis, and may include an urgent care facility or hospital.
[68] This use type is added, and is distinguished from medical offices and hospitals, in that the facility provides urgent care medical services outside normal physician office hours, but with no provision for overnight care.
[69] This renames the current *Telephone exchanges, radio and TV towers, transmitting stations, communication towers over 50' height* use type.
[70] This renames the current *Broadcasting studio, radio, TV* use type.
[71] This renames the current *Landing strips* use type.
[72] This renames and consolidates the following current uses: *Automobile parking lots, serving nonresidential uses in another district*; and *Automobile parking lots, commercial*.
[73] This renames the current *Transportation terminals, Freight* use type.
[74] This renames the current *Transportation terminals, passenger* use type. It is included in all districts to support current operation and future development of a multi-modal transportation system.
[75] This renames the following current use types: *Public utilities; with service and storage yards* and *Public water and wastewater treatment plants*. Also provides for a range of other major utility infrastructure such as water towers, gas compressor stations, and electrical substations.

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Use Category	Use Type	Base/Conditional Districts														Planned Developments		Overlay Districts					Use-Specific Standards
		Rural			Residential					Mixed-Use and Nonresidential													
		AF[28]	RA-2	RA-1	R-15	R-12M	R-10	R-5	MR	OI	NMUC	CMUC	D	LI	HI	PDD	MUPD	GO	MTCO	WCAO	WPAO	NRCO	
Commercial Uses[77]																							
Eating and Drinking Establishments	Restaurant									P	P	P	P	P		A	A						
	Specialty Food Service[78]									P	P	P	P	P		A	A						
	Bar or Nightclub[79]										S	P	P	S		A	A						
Office Uses	Office Building[80]															A	A						
	Office Park[81]															A	A						
Recreation and Entertainment	Adult Establishment[82]											S				A	A						3.2.5.E.2.a
	Country Club[83]		P	P												A	A						
	Golf Course[84]		P	P												A	A						
	Fairgrounds													S									
	Theater, Indoor									P		P	P			A	A						
	Theater, Outdoor											P	P	S		A	A						
	Private Recreation/ Entertainment Facility, Indoor[85]										P	P	P	P	P	A	A						

[76] This renames the current *Public utilities; no service and storage yards* use. It also provides for a range of other minor utility apparatus such as water and sewage pipes, pump stations, stormwater pipes and retention/detention facilities, telephone lines and local exchanges, electric lines and transformers, and gas transmission pipes and valves.
[77] This classification renames and consolidates the following current use classification: *Recreational Uses; Business, Professional, and Personal Services; Retail Trade;* and *Wholesale Trade*. Use types under those classifications have been listed as *Commercial Uses,* unless specifically noted otherwise.
[78] This use type renames the current *Bakeries, on-site retail sales,* use type. It also provides for smaller-scale food and beverage service such as ice cream and coffee shops, juice bars, and related uses that do not provide full restaurant meal service.
[79] This renames the current *Nightclubs (except adult entertainment club), bars, taverns* use type.
[80] This renames and consolidates the following current uses: *Offices, general; and Offices, professional or non-profit*. The use provides for general office needs, and for conducting the affairs of various businesses. Accessory uses may include uses intended to serve the daily needs of office employees, such as a restaurant, coffee shop, or newspaper stand.
[81] This replaces the current *Condominiums, commercial* use. It provides for developments containing a number of separate office buildings designed, constructed, and operated on an integrated and coordinated basis.
[82] This carries forward and renames the current *Adult bookstore, adult entertainment club, adult theater* use type.
[83] This renames the current *Hunting clubs, recreational camps; commercial and non-profit* use.
[84] This renames the current *Golf courses, except par three or miniature courses* use. Par three courses are included in this use type as these types of courses still require substantial outdoor space. *Miniature golf courses* are included in the *Private Recreation / Entertainment Facility* (Indoor and Outdoor) use type.

Table 3.2.4: Principal Use Table

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Use Category	Use Type	Base/Conditional Districts														Planned Developments		Overlay Districts					Use-Specific Standards
		Rural			Residential					Mixed-Use and Nonresidential													
		AF[28]	RA-2	RA-1	R-15	R-12M	R-10	R-5	MR	OI	NMUC	CMUC	D	LI	HI	PDD	MUPD	GO	MTCO	WCAO	WPAO	NRCO	
	Private Recreation/ Entertainment Facility, Outdoor[86]	S	S	S	S		S	S	S			P		P	P	A	A						
	Gaming Operation[87]											S											
Funeral-related Uses	Funeral Home or Crematorium									P		P		P	P	A	A						
	Cemetery[88]	S	S	S	S		S	S	S	S	S	P				A	A						
Retail Sales and Services	Convenience Store									P	P	P	P			A	A						
	Farmers' Market								P	P	P	P	P			A	A						3.2.5.E.3.a
	Retail Store[89]										P	P	P	P		A	A						3.2.5.E.3.b
	Service Establishment[90]									P	P	P	P	P	P	A	A						
	Service Establishment, Personal[91]								S	P	P	P	P	P		A	A						3.2.5.E.3.c
	Shopping Center										S	S		P		A	A						

[85] This renames the following current uses: *Amusements, commercial including bowling alleys, roller skating rinks; Exhibition building, galleries or showrooms*.
[86] This use type is added, and is distinguished by outdoor activities (including the current *Golf driving range* use) that typically require more space, generate noise, and/or require substantial outdoor lighting. The use is permitted in several mixed-use districts, and allowed as a special use in Residential and Rural districts.
[87] This renames and consolidates the following current uses: *Bingo games; Game rooms;* and *Electronic gaming operations.*
[88] This renames the current *Cemetery or mausoleum* use, and reclassifies it as a commercial use.
[89] This renames and consolidates the following current uses: *Antiques and gift retail stores; Appliance sales and service; Arts and crafts supply and retail sales; Bicycle and motorcycle sales and repair; Book (except adult) and stationary stores; Building and hardware supplies without open storage; Clothing sales; Drugstore; Food stores; Furniture, home furnishings;* and *Photographic developing, processing and finishing.* The use is allowed in mixed-use and light industrial districts.
[90] This renames and consolidates the following current uses: *Agencies, including travel, broker, insurance, loan, employment; Banks, savings and loans, similar financial institution; Electrical shops; Locksmith and gunsmith; Catering establishments; Repair and servicing of office and household equipment; Small item repair shop; Decorator shops, Upholstery, paper hanging; Vocational business, secretarial schools, music or dance studios; Miscellaneous services, not listed;* and *Service establishments, professional and personal services not otherwise listed* . *It* also provides for a variety of other services such as architectural and engineering, accounting, and real estate offices, and training centers and studios.
[91] This renames and consolidates the following current uses: *Beauty salons, barbershops, spas; Printing or binding shops; Shoe repair; Massage parlor; Fitness Centers; Cleaners, laundries; and Cleaners and laundries, self-service* use; and *Tattoo Parlor/Tattoo Studio Establishment and/or Body Piercing types. It* also provides for a variety of other personal services such as drycleaners, hair stylists, tanning salons, and photocopy centers.

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Use Category	Use Type	Base/Conditional Districts														Planned Developments		Overlay Districts					Use-Specific Standards
		Rural			Residential					Mixed-Use and Nonresidential													
		AF[28]	RA-2	RA-1	R-15	R-12M	R-10	R-5	MR	OI	NMUC	CMUC	D	LI	HI	PDD	MUPD	GO	MTCO	WCAO	WPAO	NRCO	
Vehicle Service, Sales, and Related Uses	Automobile Repair, Major[92]										P	P				A	A						3.2.5.E.4.a
	Automobile Repair, Minor[93]											P	P	P		A	A						3.2.5.E.4.b
	Automobile Repair, Commercial[94]														P	A	A						
	Automobile Sales or Rental[95]											P		P	P	A	A						
	Automobile Sales or Rental, Commercial[96]													P	P	A	A						
	Automobile Service Station[97]										P	P		P	P	A	A						3.2.5.E.4.c
	Car Wash/Detailing[98]										P	P		P	P	A	A						3.2.5.E.4.d
	Tire Capping and Retreading[99]											P		P	P	A	A						3.2.5.E.4.e
	Vehicle Fleet Storage[100]													P	P	A	A						3.2.5.E.4.f
Lodging	Bed and Breakfast[101]	P	P	P			P	P	P	P	P	P	P			A	A						3.2.5.E.5.a
	Hotel/Motel											P	P	P		A	A						

[92] This renames the current *Automobile painting, and fender works; truck repairing* use.
[93] This renames the current *Automobile repair shops; all work within a completely enclosed building* use.
[94] This is a new use type, and is recommended in order to distinguish repair facilities of passenger vehicles versus repair facilities for commercial vehicles that may require outdoor areas for vehicle parking and equipment storage.
[95] This renames the current *Automobile sales, new and used* use type, and also includes automobile rentals.
[96] This is a new use type, and is recommended in order to distinguish passenger vehicle sales and rental services versus similar services for commercial vehicles that may require larger outdoor parking areas.
[97] This renames the current *Automobile service station, no outside storage of used, wrecked, inoperable, or dismantled automobiles; gasoline sales* use.
[98] This renames and consolidates the following current uses: *Carwash, automated*; and *Carwash, self-service*. It is a permitted use in several mixed use districts.
[99] This use type is added, and is distinguished as a retail-oriented service with unique storage needs and potential for noise, dust and vibration.
[100] This use type is added, and is distinguished from other commercial parking areas as a high-volume outdoor vehicle storage use, with unique security and access needs.
[101] This consolidates the following current use types: *Bed and Breakfast*; and *Bed and Breakfast with open dining*.

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Use Category	Use Type	Base/Conditional Districts														Planned Developments		Overlay Districts					Use-Specific Standards
		Rural			Residential					Mixed-Use and Nonresidential													
		AF[28]	RA-2	RA-1	R-15	R-12M	R-10	R-5	MR	OI	NMUC	CMUC	D	LI	HI	PDD	MUPD	GO	MTCO	WCAO	WPAO	NRCO	
Industrial Uses[102]																							
Industrial and Services Uses	Construction-Related Activities													P	P	A	A						3.2.5.F.1.a
	Industrial Park[103]													P	P	A	A						
	Industrial and Large Equipment Sales and Rental[104]													P	P	A	A						3.2.5.F.1.b
	Mini-Storage[105]													P	P	A	A						3.2.5.F.1.c
	Outdoor Equipment Performance Testing Facility															A	A						3.2.5.F.1.d
	Research Laboratory[106]									P		P	P	P	P	A	A						
	Warehousing and Distribution[107]													P	P	A	A						
	Wholesale Food Preparation[108]													P	P	A	A						
	Wholesale Establishment[109]											P		P	P	A	A						
	Fuel oil sales[110]											P		P	P								

[102] This classification renames and consolidates the following current use classifications: *Transportation, Warehousing and Utilities;* and *Manufacturing and Industrial.* Use types under those classifications have been listed as *Industrial Uses,* unless specifically noted otherwise.
[103] This use type is added, and includes developments containing three or more separate buildings used for industrial purposes which are designed, constructed, and operated on an integrated basis.
[104] This renames and consolidates the following current uses: *Manufactured home sales; RV, boat, agricultural equipment, heavy machinery sales, rental storage.*
[105] This renames the current *Warehouses, mini, no unit >400SF* use.
[106] This renames the current *Laboratories, medical, research* use. It also includes other facilities designed or equipped for basic or applied research of experimental study, testing, or analysis .
[107] This renames and consolidates the following current uses: *Appliance distributor; Flowers, nursery stock, florist supplies; Warehousing for finished lumber and other wholesale goods in enclosed storage building;* and *Warehousing, general.*
[108] This renames and consolidates the following current uses: *Animal slaughtering and rendering; Bakeries, bottling works; Ice; Poultry dressing plants; Poultry and egg processing. It* also provides for a range of other activities related to the preparation, sale, or distribution of food and animal products to retailers, businesses, or other wholesalers.
[109] This renames and consolidates the following current uses: *Building and hardware supplies with open storage;* and *Construction storage yards*. Also provides for the sale of goods and materials in large quantities for resale, and limited direct sales. These uses typically generate freight traffic and require large indoor or outdoor storage space.

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Use Category	Use Type	Base/Conditional Districts														Planned Develop-ments		Overlay Districts					Use-Specific Standards
		Rural			Residential					Mixed-Use and Nonresidential													
		AF[28]	RA-2	RA-1	R-15	R-12M	R-10	R-5	MR	OI	NMUC	CMUC	D	LI	HI	PDD	MUPD	GO	MTCO	WCAO	WPAO	NRCO	
Manufacturing	Brewery[111]										P	P	P	P	P	A	A						
	Manufacturing, Custom[112]	S	S	S										P	P	A	A						3.2.5.F.2.a
	Manufacturing, Light[113]													P	P	A	A						3.2.5.F.2.b
	Manufacturing, Medium													S	P	A	A						3.2.5.F.2.c
	Manufacturing, Heavy[114]													S	S	A	A						3.2.5.F.2.d
	Micro-Brewery[115]										P	P	P	P	P	A	A						
	Winery[116]	P	P													A	A						
Extraction, Landfill, and Recycling	Composting Facility[117]	S	S	S										P	P	A	A						
	Excavation[118]														P	A	A						

[110] This consolidates the following current uses: *Fuel oil sales; LP gas refueling station; Flammable liquids or gases, bulk storage, <100,000 gallons;* and *Flammable liquids or gases, bulk storage, >100,000 gallons.*
[111] This use type is added, and distinguishes breweries from other Wholesale Food Preparation uses. Breweries may include restaurants, tasting rooms, and retail sales as accessory uses.
[112] This renames and consolidates the following current uses: *Woodworking shops; and Crafts production and retail sales. It* also provides for a variety of other uses involving manual or mechanical production of finished articles in small quantities by a tradesperson.
[113] This renames and consolidates the following current uses: *Equipment repair, Heavy; and Laboratories, experimental, photo or motion picture, film or testing; Assembling of electrical appliances, electronic instruments; manufacture of small parts only; Electric and electronic machinery, equipment, supplies; Electroplating of metal; Foundry casting, light-weight, nonferrous metal, not causing noxious fumes, noise and odors; Machine shop excluding punch press over 20 tons rated capacity, drop hammers and automatic screw machine; Manufacture of pottery and figurines, ceramic products, etc, fired only by electrical or gas kilns; Manufacture and assembly of electric and neon signs, billboards, light sheet metal products, etc; Manufacture of musical instruments, toys, novelties, and rubber and metal stamps; Manufacturing, compounding, assembling or treatment from previously prepared materials such as bone cellophane, canvas, cloth, cork, feathers, etc; Manufacturing, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products, etc; Metal shops involving fabrication of sheet metal only; Primary metal products; Sheet metal, roofing shops* Also provides for a variety of other uses such as computer design and development; apparel production; sign making; and manufacture of electronic or optical devices.
[114] This renames and consolidates the following current uses: *Concrete plants, asphalt plants; Junkyards.* It provides for manufacturing or industrial processing of products primarily from extracted or raw materials or bulk storage or an industrial establishment having potential to produce noise, dust, glare, odors, or vibration beyond the property line.
[115] This use type is added. *Micro-breweries* are distinguished from *Breweries* in that capacity is limited to 15,000 barrels per year, with 75 percent or more of product sold off-site
[116] This use type is added, and is distinguished by on-site growing, processing, of grapes, wine and related products.
[117] This use type is added, and is distinguished from *landfills, sanitary* and *landfills, debris*. It provides for collection, staging, processing, re-sale, and distribution of organic matter. It is permitted in Industrial districts and aa a special use in Rural districts.

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Use Category	Use Type	Base/Conditional Districts														Planned Developments		Overlay Districts					Use-Specific Standards
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		AF[28]	RA-2	RA-1	R-15	R-12M	R-10	R-5	MR	OI	NMUC	CMUC	D	LI	HI	PDD	MUPD	GO	MTCO	WCAO	WPAO	NRCO	
	Landfill, Debris[119]	S	S	S										S	P	A	A						
	Landfill, Sanitary / Transfer Station / Recycling Center[120]													S	S	A	A						3.2.5.F.3.a
	Recycling Drop-off Station[121]	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	A						3.2.5.F.3.b

[118] This renames the following current use: *Quarries and other extractives industries.* It has been reclassified from Mining to Industrial. The *Mining* use category is discontinued.
[119] This use type is added, and is distinguished from *landfills, sanitary* and *composting facilities*. It provides for the collection of organic and uncontaminated solid waste resulting from land clearing and construction activities. It is permitted in industrial zones and a special use in rural zones.
[120] This renames the current *Garbage landfills, incinerators* use.
[121] This use type is added. It provides for permanent staging of containers that are used to store recycling material that will be transferred to another facility.

3.2.5. Principal Use-Specific Standards[122]

A. General

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

B. Agricultural and Animal Related Uses

1. Agriculture

a. Community Garden[123]

(1) Overhead lighting is prohibited.

(2) Accessory buildings shall be limited to sheds for the storage of tools, greenhouses, and seasonal farm stands. The combined area of all buildings and other structures shall not exceed 15 percent of the area of the parcel.

(3) Areas used for communal composting shall be limited to ten percent of the area of the parcel.

(4) Perimeter fences, including trellises, are allowed in community gardens, subject to the standards in Section 5.9, Fences and Walls.

(5) The community garden shall have an established set of operating rules addressing the governance structure of the garden, hours of operation, assignment of garden plots, and maintenance and security requirements and responsibilities.

b. Forestry

(1) Forestry activities may occur only on land enrolled as timberland in the State's present use-value tax program or in accordance with a forest management plan prepared by a registered forester.

(2) Forestry activities shall apply best management practices as necessary to comply with the North Carolina Forestry Practice Guidelines Related to Water Quality (15A NCAC 01I.0102 et seq.).

2. Animal-related Uses

a. Kennel, Indoor and Outdoor[124]

(1) Outdoor kennels are not allowed in the following zoning districts: OI; NMUC; CMUC; and D.

(2) In the LI and HI zoning districts, outdoor kennels shall be located a minimum of 50 feet from property lines.

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[122] All principal use-specific standards set forth in this section are recommended new standards, unless otherwise noted. Recommended standards help promote compatibility among uses and allows for greater degree of by-right versus special uses in appropriate zoning districts.

[123] These are new use-specific standards.

[124] This carries forward existing use-specific standards for the *Kennels* use type (section 5.2.2., Note 8, in the current zoning ordinance), with modifications to mitigate nuisances.

(3) Those parts of structures in which animals are boarded shall be fully enclosed, with solid core doors and no operable windows, and shall be sufficiently insulated so noise levels comply with the noise regulations in Article II (Noise) of Chapter 18 (Environment) of the Pittsboro Code of Ordinances, and no unreasonable odor can be detected off the premises.

(4) The facility shall include a minimum of 200 square feet of outdoor enclosed yard for temporary use by boarded animals for exercise or elimination of wastes. Such yard shall be enclosed by a solid decorative fence or masonry wall at least eight feet in height.

(5) Any open or exercise run shall be at least 150 feet from adjoining properties, except where the adjoining property is owned or occupied by the operator of the kennel. A Type B perimeter buffer (see Section 4.6, Perimeter and Streetyard Buffers) shall be provided between the pen or run and the adjoining property.

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

b. Veterinary Clinic/Hospital

(1) Those parts of structures in which animals are kept shall be fully enclosed, with solid core doors and no operable windows, and shall be sufficiently insulated so no unreasonable noise or odor can be detected off the premises.

(2) The facility shall include a minimum of 200 square feet of outdoor enclosed yard for temporary use by cared-for animals for exercise or elimination of wastes. Such yard shall be enclosed by a solid decorative fence or masonry wall at least eight feet in height.

C. Residential Uses

1. Household Living

a. Dwelling, Live/Work

(1) The residential portion of the use shall occupy at least 50 percent of the total gross floor area.

(2) The nonresidential portion of the building shall be located on the ground floor.

(3) Employees shall be limited to occupants of the residential portion of the building plus up to three persons not residing in the residential portion.

(4) Drive-through service is prohibited as an accessory use.

b. Dwelling, Manufactured Home

(1) The home's length shall be no more than four times its width.

(2) The enclosed living area shall contain at least 1,200 square feet.

(3) The roof shall have a minimum pitch of five feet or rise to 12 feet of horizontal run, and shall be finished with a type of shingle or other roofing material commonly used in the construction of single-family detached dwellings.

(4) Exterior siding shall consist predominantly of vinyl or aluminum horizontal lap siding (with reflectivity no greater than gloss white paint), wood, or

hardboard that is comparable in composition, appearance, and durability to the exterior siding commonly used in the construction of single-family detached dwellings.

(5) The home shall have a permanent masonry foundation around the exterior perimeter of the structure.

(6) All utility lines connecting directly to the home shall be installed underground.

(7) The front door of the manufactured home shall face a street.

(8) Any moving hitch, tongue, wheels, axles, and transporting lights shall be removed before occupancy of the dwelling.

c. Dwelling, Multifamily

(1) Provision shall be made for on-site collection of recyclables as follows:

(A) Collection facilities shall be co-located with dumpster enclosures and in central and visible locations.

(B) Provision shall be made for collection of the following items: paper, glass, aluminum, cardboard, and plastic.

(2) Parking spaces shall be distributed so that each building has access to the number of spaces required to serve that building.

d. Dwelling, Single Family Detached[125]

(1) In the AF, RA-2, and RA-1 districts, conventional subdivisions (see Section 5.3, Subdivision Standards,) require approval of a Special Use Permit.

(2) Conservation subdivisions (see Section 5.3.4, Conservation Subdivisions) are allowed as a by-right use in the AF and RA-2 districts.

e. Family Care Home[126]

A new family care home is not permitted within a one-half mile radius of an existing family care home.

2. Group Living

a. Pocket Neighborhood[127]

Development of a pocket neighborhood shall comply with Section 5.3.5, Pocket Neighborhoods.

b. Congregate Living Facility

A minimum of 15 percent of the land area (excluding streets and parking areas) shall be designated as outdoor open space for enjoyment and use of the residents. The open space shall be safe and easily accessible, and provide active or passive recreation opportunities.

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[125] Provisions related to conventional versus conservation subdivisions implement recommendations in the Code Assessment, 2015, to encourage cluster development in rural districts.

[126] This carries forward existing use-specific standards for the *Family Care Homes* use type (section 5.2.2, Note 10, in the current zoning ordiance.

[127] The pocket neighborhood use type is carried forward. Provisions (as set forth in section 5.7 of the current zoning ordinance) are located in Article 5: Development Standards (see Section 5.3.5, Pocket Neighborhoods) given that pocket neighborhoods have specific site development standards.

c. Continuing Care Retirement Community

(1) The continuing care retirement community shall be for the sole residency of persons 62 years or older.

(2) The number of nursing care beds shall not be more than 50 percent of the total number of permitted dwelling units.

(3) Conveniently located indoor common areas for recreation, socializing, and dining shall be provided for the residents.

(4) A minimum of 15 percent of the land area (excluding streets and parking areas) shall be designated as outdoor open space for the enjoyment and use of the residents. The open space shall be safe and easily accessible, and provide active or passive recreation opportunities.

(5) If listed as a special use, the following provisions shall apply:

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

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

D. Institutional Uses

1. Community and Government Service Uses

a. Day Care Center[128]

(1) Outdoor play areas for children shall be provided, and enclosed by a fence at least five feet in height.

(2) In residential districts, the facility shall not be operated between the hours of 7:00 p.m. and 6:00 a.m.

(3) Adequate provision shall be made for passenger loading zones.

(4) The center shall comply with all applicable State regulations and obtain appropriate State licensing prior to operation.

b. Place of Worship

(1) The place of worship shall be located on a lot that fronts an arterial or collector street.

(2) If the place of worship is proposed within a facility previously used for a commercial use, it shall comply with standards for minimum number of parking spaces required for a place of worship.

(3) A decision-making authority may grant modifications of the standards applicable to a place of worship on finding that the modification is necessary to eliminate a substantial burden on religious practice, as guaranteed by the federal Religious Land Use and Institutionalized Persons Act (RLUIPA) of 2000 (42 U.S.C. § 2000 *et seq*.). In doing so, the decision-making authority may impose conditions consistent with RLUIPA that will substantially secure the objectives of the modified standard and

[128] This carries forward provisions in section 5.3.3.19 of the current zoning ordinance, with modifications to accommodate child safety and well-being.

substantially mitigate any potential adverse impact on the environment or adjacent properties.

2. Health Care

a. Nursing Home

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

3. Transportation and Utility Uses

a. Airport facilities[129]

(1) If listed as a special use, the following provisions shall apply:

(A) No application for a proposal to construct an airport shall be submitted to the Federal Aviation Agency before a special use permit request is reviewed by the Planning Board and approved by the Board of Town Commissioners.

(B) Fifty (50) acres is required for a Basic Utility Stage 1 airport with 2,000-foot runway. More area is required for larger airports. Airport size and layout shall conform to FAA Advisory Circular 150/5300-4B or its current replacement.

(C) Airport facilities shall be located at least 300 feet from the nearest residence.

(D) A minimum six foot security fence shall be provided to control access to runways and taxiways.

(E) All structures and impervious surfaces must total less than ten percent of the lot area.

(F) Setbacks for all structures on the perimeter of the runway shall be a minimum required to ensure safe operation of aircraft and provide adequate-protection for adjacent property and the occupants thereof.

(G) Lighting shall be shielded so as to cast no light on adjacent property.

b. Parking Deck or Lot (as a principal use)

(1) When a parking deck is the closest structure to an adjoining property in a residential zoning district, a continuous opaque wall or fence at least six feet high shall be provided along the property line(s) between the parking deck and the adjoining property, and extending for at least 50 feet beyond the edge of the parking deck or to the property line. (See Figure 3.2.5.D.3.a: Parking Deck Screening.)

[129] This carries forward and renames existing provisions (section 5.3.3.4) for landing strips.

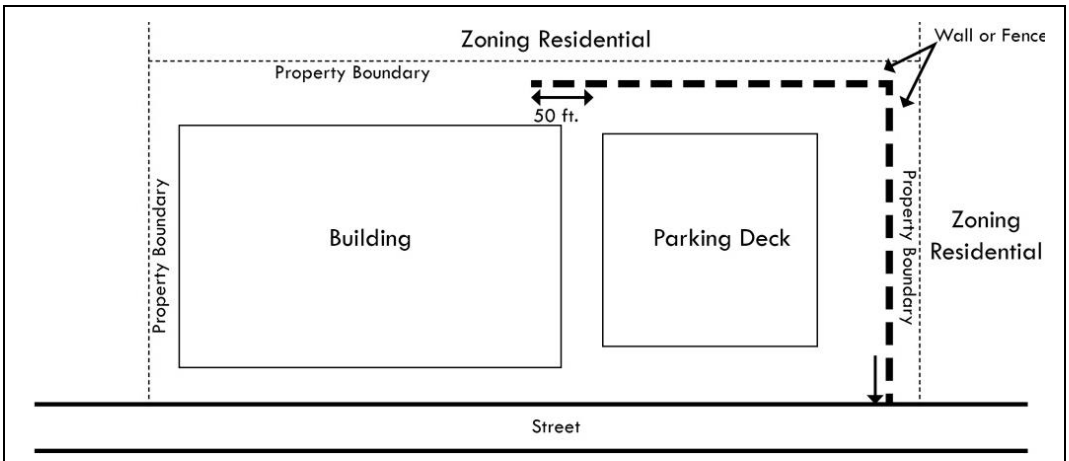

Figure 3.2.5.D.3.a: Parking Deck Screening.

(2) Residential uses, retail sales and service uses, and office uses may be located on the ground floor of a parking deck as an accessory use, provided that the use is allowed as a principal permitted use in the zoning district.

(3) No other business shall be conducted in the parking deck or lot, including, but not limited to, repair, servicing, washing, display, or storage of vehicles or other goods.

c. Solar Energy Collection System (as a principal use)

(1) The maximum lot coverage of the system and any associated equipment shall not exceed 65 percent.

(2) Adequate access for maintenance of the system shall be provided.

(3) The system shall not exceed a height of 20 feet.

(4) The property owner shall be responsible for negotiating with other property owners in the vicinity to establish any solar easement designed to protect solar access for the solar energy collection system, and for recording any such solar easement with the Register of Deeds for the county in which the easement is located.

d. Utility Facility, Major

(1) A perimeter buffer shall be provided (in accordance with Section 4.6.4, Buffer Type Standards) along the outside of easements for major overhead high-voltage (100kV+) electrical power transmission lines, where such easements abut or cross land zoned Residential.

e. Utility Facility, Minor

(1) A perimeter buffer shall be provided around the perimeter of sewage pump stations in accordance with Section 4.6.4, Buffer Type Standards.

E. Commercial Uses [130] [131]

1. Eating and Drinking Establishments

2. Recreation and Entertainment

a. Adult Establishment

(1) No adult establishment shall be located within 1,500 feet of another adult establishment.

(2) No establishment shall be located within 500 feet of a church, school, public park or residentially zoned property.

3. Retail Sales and Services

a. Farmers' Market

(1) Market sales shall be limited to the retail sale of fresh fruits and vegetables, herbs, mushrooms, nuts, honey, raw juices, molasses, dairy products, eggs, poultry, meats, fish, shellfish, fresh-cut or dried flowers, nursery stock, seedlings, plants, and other agriculture, aquaculture, and horticulture products produced by the vendor/producer, including the sale of products made by the vendor/producer from such agriculture, aquaculture, and horticulture products (e.g., baked goods, jams and jellies, juices, cheeses) and incidental sales of crafts or similar home-made products made by the vendor/producer.

(2) The market shall provide adequate ingress, egress, and off-street parking areas.

(3) Items for sale shall not be displayed or stored within customer pathways.

(4) The market shall have an established set of operating rules addressing the governance structure of the market, hours of operation, and maintenance and security requirements and responsibilities.

(5) The market shall have a manager authorized to direct the operations of all participating vendors during all hours of operation.

(6) The market shall comply with applicable signage standards in Section 5.11, Signage.

b. Retail Store

Maximum size for retail stores in the NMUC District is 20,000 square feet.

c. Service Establishment, Personal

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

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[130] Current use-specific standards for *Antiques and Gift Retail Sales* are deleted. The use type and associated provisions has been consolidated into the *Retail Sales and Services* use type.

[131] Current use-specific standards for *Beauty Salons, Barbershops* are deleted. The use type and associated provisions has been consolidated into the *Service Establishment, Personal* use type.

4. Vehicle Sales, Service, and Related Uses

a. Automobile Repair, Major

(1) A Type B perimeter buffer (see Section 4.6, Perimeter and Streetyard Buffers) shall be provided around areas used to store vehicles awaiting repair or pick-up.

(2) All repairs shall be performed inside a building.

(3) Vehicles shall not be parked or stored for more than 30 consecutive days.

(4) Parking or storage of vehicles for parts, as in a junkyard, is not permitted.

b. Automobile Repair, Minor

(1) Areas used to store vehicles awaiting repair or pick-up shall be located at least 30 feet from a street right-of-way.

(2) A Type B perimeter buffer (see Section 4.6, Perimeter and Streetyard Buffers) shall be provided around areas used to store vehicles awaiting repair or pick-up.

(3) All repairs shall be performed inside a building.

(4) Vehicles shall not be parked or stored for more than 30 consecutive days.

(5) Parking or storage of vehicles for parts, as in a junkyard, is not permitted.

c. Automobile Service Station[132]

(1) Areas used to store vehicles awaiting repair or pick-up shall be screened in accordance with the outdoor storage screening standards in Section 3.3.5.B.15.d, Industrial Uses.

(2) All repairs shall be performed inside a building.

(3) Vehicles shall not be parked or stored for more than 30 consecutive days.

(4) Canopies and pump islands shall be located at least 30 feet from any street right-of-way or property line.

(5) Parking or storage of vehicles for parts, as in a junkyard, is not permitted.

(6) If the service station is located on a corner lot, the lot shall have an area of at least 10,000 square feet and a frontage of at least 150 feet on any arterial and at least 100 feet on any other street. Driveways along a thoroughfare or collector street shall be located at least 150 feet from any intersecting street right-of-way lines.

(7) There shall be no more than two vehicular access points along the site's frontage on any street. Driveways shall be located at least 15 feet from any other property. Driveways providing right in/right out access shall be no more than 28 feet wide and driveways providing full access shall be no more than 36 feet wide.

(8) Canopies over gas pumps shall have a maximum clearance height of 15 feet above grade except where State or federal law requires higher clearance.

[132] This carries forward existing use-specific standards for the *Automobile Service Stations* use type.

(9) Service stations shall not be located within 200 feet of an existing school, playground, place of worship, or community center.

d. Car Wash/Detailing

(1) In mixed-use districts, all activities and operations associated with the primary activities and operations of the car wash/detailing use, other than vacuuming, detailing, and hand-drying, shall be completely enclosed within a building. Self-service car wash bays or similar facilities are not permitted.

e. Tire Capping and Retreading

(1) Areas used to store vehicles awaiting repair or pick-up shall be located at least 30 feet from a street right-of-way.

(2) All repairs shall be performed inside a building.

(3) Vehicles shall not be parked or stored for more than 30 consecutive days.

(4) Parking or storage of vehicles for parts, as in a junkyard, is not permitted.

f. Vehicle Fleet Storage

Vehicles cannot be stored in off-street parking spaces, fire lanes, passenger loading zones, commercial loading areas, or public rights-of-way. Vehicles must be stored on asphalt, concrete, brick, pavers, or an equivalent hard, dustless, and bonded surface material that is maintained in a smooth, well-graded, clean, orderly, and dust-free condition. The use of gravel is prohibited.

5. Lodging

a. Bed and Breakfast[133]

(1) A bed and breakfast shall take place within a building that was designed and used as a single family detached dwelling.

(2) The business shall be operated primarily by people who reside within the dwelling, with the assistance of not more than the equivalent of one full-time employee.

(3) The building used for the bed and breakfast may not be expanded by more than 10 percent of its original floor area.

(4) The number of sleeping rooms shall be limited to a maximum of six.

(5) There shall be at least one parking space per sleeping room, and all guest parking shall be situated to the side or rear of the dwelling.

(6) There shall only be one kitchen, and all meals served on the premises shall be for overnight guests.

(7) Not more than one sign may be erected on the lot where such a use is located. The sign may not exceed six square feet in surface area, and cannot be internally illuminated.

[133] This carries forward provisions in 12.1 and 5.3.3.9 in the current regulations, with modifications to ensure capatibility in Rural and Residential districts.

F. Industrial Uses

1. Industrial and Services Uses

a. Construction-Related Activities

(1) Outdoor storage may include construction materials, vehicles, and equipment such as trailers and bobcats, and may include heavy equipment such as cranes, front-end loaders, and bulldozers, all in operable condition.

(2) A perimeter buffer shall be provided between an outdoor storage area and the front lot line (see Section 4.6, Perimeter and Streetyard Buffers).

b. Industrial Equipment Sales and Rental

(1) Outdoor storage may include construction materials, vehicles, and equipment such as trailers and bobcats, as well as heavy equipment such as cranes, front-end loaders and bulldozers, provided such vehicles and equipment are in operable condition.

(2) A perimeter buffer shall be provided between an outdoor storage area and the front lot line (see Section 4.6, Perimeter and Streetyard Buffers).

c. Mini-Storage[134]

(1) A perimeter buffer shall be provided around the storage area, in accordance with Section 4.6, Perimeter and Streetyard Buffers.

(2) Storage areas shall not encroach into any principal building setback.

(3) Adequate provision shall be made for passenger loading areas.

d. Outdoor Equipment Performance Testing Facility

(1) Property containing an outdoor equipment performance testing facility shall not be located within 1,100 feet of property in a residential district or containing a residential use.

(2) Hours of operation shall be limited to between 8:00 a.m. and 6:00 p.m. on Monday through Friday and between 8:00 a.m. and 5:00 p.m. on Saturday and Sunday.

2. Manufacturing Uses

a. Manufacturing, Custom

(1) Outdoor storage is prohibited.

b. Manufacturing, Light

(1) The total area used for outdoor storage area shall not exceed 25 percent of the combined floor area of all buildings on the lot.

(2) The manufacturing, processing, fabrication and/or bulk storage of acetylene gas (except for use on premises), ammunition, explosives, fireworks, gunpowder, jute, or matches is prohibited.

[134] This carries forward existing provisions in section 5.3.3.52

c. Manufacturing, Medium

(1) The total area used for outdoor storage area shall not exceed 50 percent of the combined floor area of all buildings on the lot.

(2) The manufacturing, processing, fabrication and/or bulk storage of acetylene gas (except for use on premises), ammunition, explosives, fireworks, gunpowder, jute, or matches is prohibited.

(3) Noxious or offensive uses are prohibited, for example uses that cause vibration or loud noise, or emit dust, odor, smoke or gas.

d. Manufacturing, Heavy

(1) The manufacturing, processing, fabrication and/or bulk storage of acetylene gas (except for use on premises), ammunition, explosives, fireworks, gunpowder, jute, or matches is prohibited.

(2) Noxious or offensive uses are prohibited, for example uses that cause vibration or loud noise, or emit dust, odor, smoke or gas.

3. Extraction and Landfill Uses

a. Landfill, Sanitary / Transfer Station / Recycling Center Recycling Facility

(1) Any salvage yard, junkyard, or similar use is allowed only in conjunction with a recycling facility use.

(2) Any repair operations shall be conducted in an enclosed building, and shall not include the cleaning, repairing, or servicing of equipment, containers, or vehicles in which waste, refuse, or discarded materials are transported, handled, stored, or processed.

(3) Materials allowed on the site shall be limited to those necessary for the normal operation of the facility.

(4) All outdoor storage areas shall be screened by a solid fence that is at least eight feet high.

(5) If the lot is located within 600 feet of a residential zoning district, any outdoor storage area shall be located at least 100 feet from any public right-of-way and at least 70 feet from any adjoining property.

(6) No noises in violation of the standards in Chapter 18, Article II (Noise) of the Code of Ordinances shall be created.

b. Recycling Drop-off Station

(1) All outdoor storage areas shall be screened by a solid fence that is at least eight feet high.

Section 3.3. Accessory Uses and Structures

3.3.1. Purpose

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

3.3.2. Organization and Applicability

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

3.3.3. General Standards for All Accessory Uses and Structures

A. Relationship to Principal Use or Structure

1. Except as otherwise expressly allowed in this Ordinance, an accessory use or structure shall not be established or constructed before the establishment or construction of the principal use or structure.
2. If the principal use or structure is destroyed or removed, the accessory use or structure shall no longer be allowed.
3. The total floor area of non-habitable accessory structures to a residential use shall not exceed 50 percent of the heated floor area of the principal structure(s) on the lot. See Section 3.3.5.B.6, Dwelling Unit, Accessory, for habitable accessory structure standards.
4. Except where otherwise expressly allowed in this Ordinance, the total floor area of buildings accessory to a nonresidential use shall not exceed the lesser of 2,000 square feet or 10 percent of the floor area of the principal building(s) on the lot.

B. Location of Accessory Uses and Structures

1. No accessory use or structure shall be located within any platted or recorded easement or over any known utility, or in an area designated as a fire lane or emergency access route on an approved site plan.
2. No accessory structure shall be located within a perimeter or streetyard buffer except a screening fence or wall in accordance with Section 4.6, Perimeter and Streetyard Buffers.

3. No accessory structure shall inhibit the access to or function of a street or vehicle use area.
4. No accessory structure shall obstruct sight distances.
5. No accessory structure shall impede emergency access.
6. Unless otherwise provided in Section 10.4.2.D, Allowable Encroachments into Required Yards, no accessory structure shall be located in a required front yard or corner side yard.
7. Unless otherwise provided in Section 10.4.2.D, Allowable Encroachments into Required Yards, accessory uses or structures may be located in a required side yard or rear yard, provided an accessory structure, other than a fence or wall, that is more than ten feet in height is set back from the nearest side or rear lot line one foot for every foot (or fraction thereof) the structure's height exceeds ten feet.
8. Unless otherwise provided in subsection 7 above or in Section 10.4.2.D, Allowable Encroachments into Required Yards, accessory uses and structures shall comply with the minimum setback standards applicable in the zoning district where the structure is located.

3.3.4. Accessory Use/Structure Table

A. Structure of Accessory Use/Structure Table

1. Organization of Accessory Uses and Structures

Table 3.3.4, Accessory Use/Structure Table, lists accessory uses and structures alphabetically.

2. Designation of Uses and Structures

Table 3.3.4, Accessory Use/Structure Table, uses the following abbreviations to designate whether and how an accessory use or structure is allowed in a particular zoning district. A "P" under a base zoning district column indicates that the use or structure is allowable as an accessory use or structure in the district.

P	A "P" under a base zoning district column indicates that the use is allowable as an accessory use in the district, subject to any referenced use-specific standards and all other applicable regulations of this Ordinance.
S	An "S" under a base zoning district column indicates that the use is allowable as an accessory use in the district only on approval of a Special Use Permit in accordance with Section 8.3.3.A, Special Use Permit, and subject to any referenced use-specific standards and all other applicable regulations of this Ordinance. An "S" in the overlay district column has the same meaning as above, and applies even if the use is permitted by-right in the underlying base district.
A	An "A" under the Planned Developments column indicates that the use is allowed as an accessory use in the district only if the PDD Master Plan or MUPD Plan/MUPD Agreement approved for the district expressly identifies the use type as allowed, and subject to any referenced use-specific standards and all other applicable regulations of this Ordinance.
[blank cell]	A blank cell under a base or Planned Development District column indicates that the use is prohibited as an accessory use in the district. A blank cell in an overlay district means the use is allowed, if it is also allowed in the underlying base district.

X	An "X" under an overlay district column indicates that the use is prohibited as an accessory use in the overlay district, irrespective of whether it is allowed by the underlying base district. This designation applies only to overlay zoning districts.

3. Reference to Use-Specific Standards

A particular use or structure allowable as an accessory use or structure in a zoning district may be subject to additional standards that are specific to the particular accessory use or structure. The applicability of such use-specific standards is noted in the last column of the Accessory Use/Structure Table ("Use-Specific Standards") through a reference to standards in Section 3.3.5, Accessory Use-Specific Standards.

B. Accessory Use/Structure Table[135]

Table 3.3.4: Accessory Use/Structure Table

For Base Districts: P = Permitted by-right S = Allowed as a Special Use Blank Cell = Prohibited
For Planned Development Districts: A = Allowed, subject to a PD Plan/Agreement Blank Cell = Prohibited
For Overlay Districts: Blank Cell = Allowed, if allowed in base district X = Prohibited, even if allowed in base district

	Base/Conditional Districts														Planned Developments		Overlay Districts					Use-Specific Standards
	Rural			Residential					Mixed-Use and Nonresidential													
Use Type	AF	RA-2	RA-1	R-15	R-12M	R-10	R-5	MR	OI	NMUC	CMUC	D	LI	HI	PDD	MUPD	GO	MTCO	WCAO	WPAO	NRCO	
Agritourism Activity	P	P	P												A	A						
Amateur Ham Radio Antenna	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	A						3.3.5.B.1
Arbor	P	P	P	P	P	P	P	P	P	P	P	P			A	A						
Art	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	A						
Automated Teller Machine (ATM)						P	P	P	P	P	P	P	P	P	A	A						3.3.5.B.2
Bike Rack	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	A						
Canopy									P	P	P	P	P	P								3.3.5.B.3
Carport or garage	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	A						
Carwash									P	P	P	P	P	P	A	A						
Clothesline (as accessory to residential uses)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	A						3.3.5.B.4
Composting Facility, Small	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	A						
Drive-Through Service Facility[136]									P	P	P	P	P	P								3.3.5.B.5
Dwelling Unit, Accessory [137]	P	P	P		P	P	P	P														
Electric Vehicle (EV) Charging Station, Level 1 or 2	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	A						3.3.5.B.7
Electric Vehicle (EV) Charging Station, Level 3											P	P		P	A	A						3.3.5.B.8
Family Child Care Home																						3.3.5.B.9
Fence or Wall	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	A						

[135] Table 3.3.4: Accessory Use / Structure Table recognizes accessory uses that are either new, or were allowed previously but not specifically established in the current regulations. Recommended accessory uses are based on principal uses in the existing regulations, current character, and desired future character as described in Pittsboro's Land Use Plan. Identifying a broader array of accessory uses helps avoid the need to identify multiple combinations of primary and accessory uses, and allows for greater degree of appropriate by-right versus special exception uses.
[136] This renames the current *Restaurants, drive-in, drive-thru* use.
[137] This carries forward the current *Accessory Dwelling Unit* use. In the current regulations, ADU's require a Special Use Permit in the Rual and Residential zoning districts. We recommend they be permitted as by-right uses in those districts as shown in the table, in order to provide a greater range of housing options. We have also added use-specific standards to ensure ADU's are secondary to primary dwellings, and that lots with ADU's maintain the character and function of a single-family dwelling.

Table 3.3.4: Accessory Use/Structure Table

For Base Districts: P = Permitted by-right S = Allowed as a Special Use Blank Cell = Prohibited
For Planned Development Districts: A = Allowed, subject to a PD Plan/Agreement Blank Cell = Prohibited
For Overlay Districts: Blank Cell = Allowed, if allowed in base district X = Prohibited, even if allowed in base district

	Base/Conditional Districts														Planned Developments		Overlay Districts					Use-Specific Standards
	Rural			Residential					Mixed-Use and Nonresidential													
Use Type	**AF**	**RA-2**	**RA-1**	**R-15**	**R-12M**	**R-10**	**R-5**	**MR**	**OI**	**NMUC**	**CMUC**	**D**	**LI**	**HI**	**PDD**	**MUPD**	**GO**	**MTCO**	**WCAO**	**WPAO**	**NRCO**	
Food Service								P	P	P	P	P	P	P								
Gazebo	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	A						
Greenhouse	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	A						
Heliport									P	P	P	P	P	P	A	A						3.3.5.B.10
Home Occupation	P	P	P	P	P	P	P	P	P	P	P	P										3.3.5.B.11
Limited Fuel/Oil/ Bottled Gas Distribution									P	P	P	P	P	P								3.3.5.B.12
Outdoor Display of Merchandise (as accessory to a retail sales use)									P	P	P	P	P	P								3.3.5.B.13
Outdoor Seating (as accessory to an eating or drinking establishment)									P	P	P	P	P	P								3.3.5.B.14
Outdoor Storage (as an accessory use)[138]													P	P								3.3.5.B.15
Parking lot[139]	S	S	S	S	S	S	S	S	P	P	P	P	P	P								
Produce Stand	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	A						3.3.5.B.16
Rainwater Cistern	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	A						3.3.5.B.17
Recreation Facility, Residential Support	P	P	P	P	P	P	P	P	P	P	P	P			A	A						3.3.5.B.18
Rural Family Home Occupation	S	S	S																			
Satellite Dish	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	A						3.3.5.B.20
Signs	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	A						
Small Wind Energy System	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	A						3.3.5.B.21
Solar Energy Collection System (as an accessory use)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	A						3.3.5.B.22
Stables	P	P	P																			
Storage Shed[140]	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	A						
Swimming Pool, Spa, or Hot Tub (as accessory to a residential, school, or visitor accommodation use)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	A						3.3.5.B.23

[138] This renames the current *Storage, outdoor not otherwise listed* use.
[139] This renames the *Automobile parking lots serving uses permitted in districts in which the lot is located* current use.
[140] This renames the *Accessory buildings* current use.

Table 3.3.4: Accessory Use/Structure Table

For Base Districts: P = Permitted by-right S = Allowed as a Special Use Blank Cell = Prohibited
For Planned Development Districts: A = Allowed, subject to a PD Plan/Agreement Blank Cell = Prohibited
For Overlay Districts: Blank Cell = Allowed, if allowed in base district X = Prohibited, even if allowed in base district

	Base/Conditional Districts														Planned Developments		Overlay Districts					Use-Specific Standards
	Rural			Residential					Mixed-Use and Nonresidential													
Use Type	**AF**	**RA-2**	**RA-1**	**R-15**	**R-12M**	**R-10**	**R-5**	**MR**	**OI**	**NMUC**	**CMUC**	**D**	**LI**	**HI**	**PDD**	**MUPD**	**GO**	**MTCO**	**WCAO**	**WPAO**	**NRCO**	
Television, Radio, or Wireless Cable Antenna	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	A						3.3.5.B.24
Urban Agriculture[141]				P	P	P	P	P														3.3.5.B.25
Vehicle Fleet Storage									P	P	P	P	P	P	A	A						3.3.5.B.26

[141] This is a new accessory use. Urban Agriculture is an increasingly popular activity, and refers to the cultivation of plants and/or keeping of small domestic animals (for example rabbits, bees, and chickens) as an accessory use on a residential property, for noncommercial purposes.

3.3.5. Accessory Use-Specific Standards[142]

A. General

Standards for a specific accessory use or structure shall apply to the particular individual accessory use or structure regardless of the zoning district in which it is located or the review procedure by which it is approved, unless otherwise specified in this Ordinance. This section sets forth and consolidates the standards for all accessory uses and structures for which a reference to this section is provided in the "Use-Specific Standards" column of the accessory use/structure table in 3.3.4, Accessory Use/Structure Table, and in the same order as they are listed in the table. These standards may be modified by other applicable standards or requirements in this Ordinance.

B. Standards for Specific Accessory Uses and Structures

1. Amateur Ham Radio Antenna

a. The antenna shall not exceed a height of 90 feet above grade.

b. An antenna attached to a principal structure on the lot shall be located on a side or rear elevation of the structure.

c. A freestanding antenna shall be located to the rear of the principal structure on the lot, but not within 10 feet of any lot line.

d. The Planning Director shall waive or approve a deviation of the above standards if the ham radio operator demonstrates that such waiver or deviation is necessary to accommodate the operator's amateur communications needs.

2. Automated Teller Machine (ATM)

a. An ATM designed for walk-up use and located in the exterior wall of a building or a parking area shall be designed to avoid obstructions to pedestrian movement along sidewalks, through public use areas, or between parking areas and building entrances, or vehicular movement in front of buildings or through parking areas.

b. If an ATM is designed for use by customers in their vehicles, it shall comply with the accessory use standards (including districts where permitted) in Section 3.3.5.B.5, Drive-Through Service Facility.

3. Canopy

a. The canopy shall be located at least 30 feet from any street right-of-way or property line.

b. The canopy shall have a maximum height of 15 feet, as measured from the finished grade to the underside of the canopy.

c. The design of the canopy, including any columns, shall match the design and exterior building materials of the principal building. Plastic or other similar roofing materials are prohibited.

d. A canopy covering fuel pumps may include logos or trademarks below the roofline, but shall not include any other signage or advertising except as authorized by Section 5.11, Signage.

[142] All standards set forth in Section 3.3.5.B, Standards for Specific Accessory Uses and Structures, are recommended new standards, unless otherwise noted.

e. A canopy shall not be internally illuminated and any lighting on the canopy shall be fully recessed into the canopy and shall not extend downward beyond the ceiling of the canopy.

4. Clothesline (as accessory to a residential use)

a. Clotheslines are allowed as accessory uses to residential uses, provided they are not located in a front or corner side yard.

5. Drive-Through Service Facility

a. The drive-through service facility shall be designed in accordance with Section 5.4.6.I, Vehicle Stacking Space for Drive-Through and Related Uses.

b. The drive-through service facility shall be designed to avoid obstructions to pedestrian movement along sidewalks, through public use areas, or between parking spaces and building entrances.

c. The design of any roof or awning over the drive-through service facilities and lanes, including any supporting columns and brackets, shall match the design and exterior building materials of the principal building.

6. Dwelling Unit, Accessory (ADU)

a. An ADU is allowed only as accessory to, and on the same lot as, a single-family detached dwelling unit.

b. There shall be no more than one ADU on a lot.

c. An ADU may be within or attached to the principal dwelling (e.g., a downstairs or upstairs apartment), or exist within or as a detached structure (e.g., an apartment above a detached garage or a guesthouse).

d. A manufactured home, recreational vehicle, or travel trailer shall not be used as an accessory dwelling unit.

e. The floor area of the ADU shall not exceed 25 percent of the floor area of the primary dwelling (excluding carports, garages, and unfinished basements).

f. At least one off-street parking space shall be provided in addition to those required for the primary dwelling.

g. If the ADU is detached from the primary dwelling, building design and site features shall be integrated with the primary dwelling so that the lot maintains the function and character of a single family dwelling (as opposed to a duplex dwelling).

h. ADUs shall not count toward the maximum net density standard.

7. Electric Vehicle (EV) Charging Station, Level 1 or 2

a. Except as otherwise provided in subsection b below or where accessory to a single-family detached, duplex, single-family attached, or manufactured home dwelling, EV charging station spaces shall be reserved for the charging of electric vehicles only. Such reserved spaces shall be posted with signage identifying the spaces as reserved only for the charging of electric vehicles, amperage and voltage levels, any enforceable time limits or tow away provisions, and contact information for reporting non-operating equipment or other problems.

b. A required accessible parking space for persons with physical disabilities (see Section 5.5.3.I, Accessible Parking Spaces for Physically Disabled Persons) may also

serve as an EV charging station space, provided the charging station and its controls meet ADA standards for accessibility to persons with physical disabilities.

c. EV charging station equipment shall be located so as not to interfere with vehicle, bicycle, or pedestrian access and circulation, or with required landscaping.

8. Electric Vehicle (EV) Charging Station, Level 3

a. In Mixed-Use and Nonresidential base districts, and Planned Development Districts, EV Level 3 charging stations are allowed as accessory uses to any permitted principal use.

b. Except as otherwise provided in subsection c below, EV charging station spaces shall be reserved for the charging of electric vehicles only. Each EV charging station space shall be posted with signage identifying the space as reserved only for the charging of electric vehicles, amperage and voltage levels, any enforceable time limits or tow away provisions, and contact information for reporting non-operating equipment or other problems.

c. A required accessible parking space for persons with physical disabilities (see Section 5.5.3.I, Accessible Parking Spaces for Physically Disabled Persons) may also serve as an EV charging station space, provided the charging station and its controls meet ADA standards for accessibility to persons with physical disabilities.

d. EV charging station equipment shall be located so as not to interfere with vehicle, bicycle, or pedestrian access and circulation, or with required landscaping.

9. Family Child Care Home

a. The home shall comply with all applicable State regulations and obtain appropriate State licensing prior to operation.

b. The family child care home use shall be conducted in a portion of an occupied residential dwelling.

c. The principal person conducting the family child care home use shall be a full-time resident of the dwelling, and there shall be no more than one employee who does not reside in the dwelling.

d. The family child care home use shall use no more than 20 percent of the total floor area of the dwelling.

e. The use shall include at least 75 square feet of outdoor play area per child and at least 25 square feet of indoor space per child.

f. Outdoor play areas shall be located in a rear yard and enclosed by an opaque fence at least five feet in height. Alternatively, common open space within the neighborhood may be used as required outdoor play area with the appropriate property owners' association's written agreement to set aside a fenced outdoor play area so long as the family child care home is operational.

g. There shall be adequate off-street parking for child drop-off and pick-up.

h. On-site signs advertising the family child care home use are not permitted.

i. Outdoor storage of materials associated with the family child care home use is not permitted. Such materials do not include outdoor playground equipment.

10. Heliport

Auxiliary facilities such as parking, waiting room, fueling, and maintenance equipment are not permitted.

11. Home Occupation[143]

a. Home occupations shall be engaged in only by people who reside on the premises, but there may be up to one non-resident employee.

b. No more than 25 percent of the principle dwelling shall be used for the permitted activity.

c. An accessory building may be used in lieu of the principal dwelling, provided no more than 400 square feet of accessory building is used for the permitted activity.

d. The accessory building must be located within required yard setbacks of the principal dwelling, and must conform with the general appearance of the principal dwelling.

e. No display of goods or advertising shall be visible from the street, except, one non-illuminated sign is allowed which shall not exceed four square feet in area.

f. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or cause fluctuation in line voltage off the premises.

g. No traffic shall be generated in greater volumes than would normally be expected in a residential neighborhood.

h. Any need for parking shall be satisfied via off-street parking, and not located within the required front yard setback.

i. The applicant must provide evidence that activities related to the home occupation will not adversely impact the surrounding neighborhood and the requirements of the Town

12. Limited Fuel/Oil/Bottled Gas Distribution

a. Limited fuel/oil/bottled gas distribution is allowed as an accessory use to garden centers, convenience stores, retail stores, major and neighborhood shopping centers, automobile service stations, recreational vehicle rental and service uses, industrial equipment sales and rental uses, and storage of petroleum products uses.

b. Any structure housing the fuel, oil, or bottled gas that is located on a sidewalk shall be located to maintain at least five feet of clearance along the sidewalk for use by pedestrians.

13. Outdoor Display of Merchandise (as accessory to retail sales uses)

Outdoor display of merchandise is allowed as an accessory use to any retail sales and service use or wholesale establishment use that is conducted within a building located on the same lot, subject to the following standards:

[143] This carries forward current use-sepcific standards for *Home Occupations*.

a. Merchandise displayed shall be limited to that sold or rented by the principal use of the lot.

b. All outdoor display of goods shall be located immediately adjacent to the front or side of the principal building, and not in drive aisles, loading zones, fire lanes, or parking lots.

c. Outdoor display areas along the front or side of a principal building shall be limited to no more than one-half of the length of the building's front or side, as appropriate.

d. Outdoor display areas shall be located to maintain a clearance area in front of primary building entrances for at least ten feet directly outward from the entrance width.

e. An obstruction-free area at least five feet wide shall be maintained through the entire length of the display area or between it and adjacent parking areas so as to allow pedestrians and handicapped persons to safely and conveniently travel between parking areas or drive aisles to the building and along the front and side of the building, without having to detour around the display area.

14. Outdoor Seating (as accessory to eating and drinking establishments)

Outdoor seating is allowed as an accessory use to any eating or drinking establishment, subject to the following standards:

a. No sound production or reproduction machine or device (including, but not limited to musical instruments, loud-speakers, and sound amplifiers) shall be used, operated, or played in the outdoor seating area at a volume that is any louder than necessary for the convenient hearing of persons within the outdoor seating area, and that would disturb the peace, quiet, or comfort of adjoining properties.

b. Hours of operation of the outdoor seating area shall be the same as those for the eating or drinking establishment.

c. Food preparation shall occur only within the enclosed principal building containing the eating or drinking establishment.

d. The outdoor seating area shall not obstruct the movement of pedestrians along sidewalks or through areas intended for public use.

e. No tables, chairs, umbrellas, or other furnishings or equipment associated with the outdoor seating area shall be attached, chained, or otherwise affixed to any curb, sidewalk, tree, post, sign, or other fixture within the outdoor seating area.

f. The outdoor seating area may be permitted on a public sidewalk abutting or adjacent to the front of the property containing an eating or drinking establishment subject to the following standards:

(1) The outdoor seating area shall be limited to that part of the sidewalk directly in front of the property containing the eating or drinking establishment unless the owner of adjoining property agrees in writing to an extension of the outdoor seating area to that part of the sidewalk in front of the adjoining property.

(2) The operator of the establishment shall enter into a revocable license agreement with the Town that has been approved as to form by the Town Attorney and:

(A) Ensures that the operator is adequately insured against and indemnifies and holds the Town harmless for any claims for damages or injury arising from sidewalk dining operations, and will maintain the sidewalk seating area and facilities in good repair and in a neat and clean condition;

(B) Authorizes the Town to suspend authorization of the outdoor seating use, and to remove or relocate or order the removal or relocation of any sidewalk seating facilities, at the owner's expense, as necessary to accommodate repair work being done to the sidewalk or other areas within the right-of-way containing or near the outdoor seating area; and

(C) Authorizes the Town to remove or relocate or order the removal or relocation of any sidewalk seating facilities, at the operator's expense, if the operator fails to comply with a Town order to do so within a reasonable time period.

(3) A clear pathway at least five feet wide shall be maintained to allow through public pedestrian traffic along the sidewalk and from the sidewalk into the entrance to the establishment. A greater width may be required where necessary to ensure the safe and convenient flow of pedestrian traffic.

(4) A clear separation of at least five feet shall be maintained from any alley, crosswalk, fire hydrant, or similar public or emergency access feature in or near the sidewalk. A greater clear distance may be required where necessary to ensure use of the public or emergency access feature.

(5) No objects shall be placed along the perimeter of the outdoor sidewalk seating area that would have the effect of forming a physical or visual barrier discouraging the use of the sidewalk by the general public.

(6) Tables, chairs, umbrellas, and other furnishings associated with the outdoor seating area shall be of sufficient quality design, materials, and workmanship to ensure the safety and convenience of area occupants and compatibility with adjacent uses.

15. Outdoor Storage (as an accessory use)

a. All Uses

(1) Outdoor storage is not allowed within required setbacks.

(2) Where an outdoor storage area stores goods intended for sale or resale, such goods shall be limited to those sold on the premise in conjunction with the principal use of the lot.

(3) Flammable liquids or gases in excess of 1,000 gallons shall be stored underground.

(4) No materials shall be stored in areas intended for vehicular or pedestrian circulation.

b. Garden Centers and Retail Sales and Service Uses Selling Landscaping Materials

(1) Outdoor storage areas accessory to garden centers and retail and service uses selling landscaping materials shall be enclosed with either a wall made of masonry material consistent with that of the primary building(s) on the lot,

or a combination of such a masonry wall and metal fencing. The height of the wall or fence shall be sufficient to screen stored materials from view from public street rights-of-way, private streets, public sidewalks, and any adjoining residential development.

c. Other Retail Sales and Service Uses

Outdoor storage areas accessory to other retail sales and service uses shall be enclosed with a wall that is:

(1) Constructed of masonry material consistent with that of the principal building(s) on the lot; and

(2) Sufficiently high to screen stored materials from view from public street rights-of-way, private streets, public sidewalks, and any adjoining residential development.

d. Industrial Uses

(1) Outdoor storage areas accessory to industrial uses shall be screened from view from all property lines and adjacent rights-of-way with a Type A perimeter buffer, in accordance with Section 5.8, Screening.

(2) Materials shall not be stored higher than the height of the screening.

16. Produce Stand

a. No more than one stand per lot is allowed.

b. Sales shall be limited to the retail sale of agricultural products produced on the lot, including the sale of products made from such products by the producer (e.g., jams and jellies, juices).

c. The area occupied by the stand shall not exceed 150 square feet.

17. Rainwater Cistern

An aboveground rainwater cistern is allowed as an accessory use or structure to any principal use or structure, provided it shall:

a. Be located directly adjacent to the principal structure on a lot.

b. Not serve as signage or have signage affixed to it.

18. Recreation Facility, Residential Support

A residential support recreation facility is allowed as an accessory use to a residential subdivision or other development including single-family detached dwellings, single-family attached dwellings, and/or multifamily dwellings, subject to the following standards:

a. The facility shall not abut a thoroughfare.

b. Off-street parking is not required if the facility is a pocket park.

c. A residential support recreation facility accessory to a residential subdivision shall be proposed, reviewed, and developed in conjunction with the subdivision, or approved phase thereof.

19. Rural Family Occupation[144]

a. The operation must be accessory to a residential dwelling.

b. The total floor area of all buildings occupied by the RFO shall not exceed 5,000 square feet.

c. The maximum land area that may be used in conjunction with the Rural Family Occupation is 15,000 square feet.

d. All operations of the RFO shall observe a 50-foot setback from all property lines.

e. All operations shall be located behind the rear line of the building occupied as the principal residence.

f. A perimeter buffer shall be placed around any parking or outdoor storage areas.

20. Satellite Dish

A satellite dish is allowed as an accessory use or structure to any principal use or structure. A satellite dish greater than one meter in diameter in a residential zoning district, or a satellite dish greater than two meters in diameter in a nonresidential zoning district, shall comply with the following standards to the extent such compliance does not unreasonably delay, prevent, or increase the cost of installation, maintenance, or use of the dish, or preclude reception of an acceptable quality signal. These standards shall not be interpreted or enforced in any manner contrary to federal or State law.

a. In a residential zoning district, a satellite dish may be located within a required side yard or rear yard, but shall not:

(1) Be located within a front yard or corner side yard; and

(2) Be located within five feet of any lot line.

21. Small Wind Energy System

a. Location and Setback

(1) Tower-mounted wind energy systems shall not be located within a front yard.

(2) A small wind energy system shall be set back a distance equal to its total extended height (e.g., if on a roof, roof height plus the height of any tower extending from the roof) plus five feet from all property lines, public street rights-of-way, and overhead utility lines. Guy wires and other support devices shall be set back at least five feet from all property lines.

b. Height

The maximum height of a small wind energy system (including the tower and extended blades) shall be the maximum height allowed in the zoning district plus 65 feet.

c. Sound

Sound produced by the wind turbine under normal operating conditions, as measured at the property line abutting an existing residential use, shall not exceed 55 dBA at any time. The 55dBA sound level, however, may be exceeded during

[144] This carries forward provisions in section 5.3.3.47 in the current regulations.

short-term events that occur beyond the land owner's control, such as utility outages and/or severe wind storms.

d. Appearance

The wind turbine and tower shall be painted or finished in the color originally applied by the manufacturer, or a matte neutral color (e.g., gray, white) that blends into a range of sky colors, or a color consistent with that of the buildings on the site. Bright, luminescent, or neon colors, as determined by the Planning Director, are prohibited.

e. Blade Clearance

The blade tip or vane of any small wind energy system shall have a minimum ground clearance of 15 feet, as measured at the lowest point of the arc of the blades. No blades may extend over parking areas, public right of ways, driveways, or sidewalks.

f. Lighting

No illumination of the turbine or tower shall be allowed unless required by the Federal Aviation Administration (FAA).

g. Access to Tower

On a freestanding tower, any climbing foot pegs or rungs below 12 feet shall be removed to prevent unauthorized climbing. For lattice or guyed towers, sheets of metal or wood or similar barriers shall be fastened to the bottom tower section such that it cannot readily be climbed.

h. Signage Prohibited

No wind generator, tower, building, or other structure associated with a small wind energy system shall include any signage visible from any public street other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification.

i. Utility Notification

No small wind energy system intended to connect to the electric utility shall be installed until evidence has been submitted to the Town that the relevant electric utility company has been informed of the customer's intent to install an interconnected customer-owned generator.

j. Abandonment

On determining that a wind turbine has been inoperable for six consecutive months, the Planning Director shall send the property owner a notice and order requiring restoration of the system to operating order within three months after receiving the notice. If the owner fails to restore the system to operating condition within the three-month time frame, the owner shall be required, at the owner's expense, to remove the wind turbine from the tower for safety reasons. If the owner fails to remove the wind turbine from the tower, the Town may pursue legal action to have the wind turbine removed at the owner's expense, in accordance with Article 9: Enforcement.

22. Solar Energy Collection System (as an accessory use)

a. Location

The system may be located on the roof of a principal or accessory structure, on the side of such structures, on a pole, or on the ground in accordance with the standards in Section 3.3.3.B, Location of Accessory Uses and Structures.

b. Height

(1) The system shall comply with the maximum height standards for the zoning district in which it is located, provided that a roof-mounted system shall not extend more than 15 feet above the roofline of the structure on which it is mounted.

(2) Where an existing structure exceeds the applicable height limit, a solar energy collection system may be located on its roof irrespective of applicable height standards, provided the system extends no more than five feet above the roof surface.

c. Solar Easements

The property owner shall be responsible for negotiating with other land owners in the vicinity to establish any solar easement designed to protect solar access for the solar energy collection system, and for recording any such solar easement with the Register of Deeds.

23. Swimming Pool[145]

Swimming pools shall be enclosed by protective fencing.

24. Television, Radio, or Wireless Cable Antenna

A television, radio, or wireless cable antenna is allowed to be attached to a principal structure provided it is located on a side or rear elevation of the structure and extends no more than 15 feet above the highest point of the structure.

25. Urban Agriculture

(1) Animals allowed as part of urban agriculture activities include chickens, rabbits, and bees.

(2) The following additional standards apply to chickens and rabbits:

(A) The activity must be accessory to an existing residential dwelling, in a Residential district, on a lot that is at least 15,000 square feet in area;

(B) Housing for chickens or rabbits shall be located in the rear yard, and no closer than 15 feet to an adjacent property line;

(C) No more than 10 chickens or 15 rabbits are allowed;

(D) Slaughtering of chickens or rabbits is prohibited on-site;

(E) Adequate measures shall be taken to provide for the safety of chickens or rabbits, and to prevent them from straying onto adjacent property;

[145] This carries forward current use-sepcific standards for *Swimming Pools*.

(F) Chickens and rabbits shall be housed within a covered, predator-proof shelter (e.g., coop or cage) that is thoroughly ventilated, designed to be easily accessed and cleaned, and sufficient in size to allow free movement (excluding areas used to store materials, equipment or vehicles); and

(G) Housing for chickens and rabbits shall be no greater than 32 square feet in floor area, and 15 feet in height.

(3) The following standards apply to bee keeping:

(A) The activity shall be accessory to an existing residential dwelling, in a Residential district, on a lot that is at least 15,000 square feet in area;

(B) It shall be located in a rear or side yard;

(C) No beehive shall be kept closer than five feet to any lot line and ten feet to a dwelling or the permitted placement of a dwelling on another parcel;

(D) The front of any beehive shall face away from the property line of the adjacent property closest to the beehive;

(E) A solid fence or dense hedge, known as a "flyway barrier," shall be placed along the side of the beehive that contains the entrance to the hive. It shall be at least six feet in height, located within five feet of the hive, and extend at least two feet on either side of the hive;

(F) A flyway barrier is not required if all beehives are located at least 25 feet from all property lines; and

(G) Fresh water shall be readily accessible to all bee colonies on site, to prevent bees from congregating on adjacent properties.

26. Vehicle Fleet Storage

Vehicles cannot be stored in off-street parking spaces, fire lanes, passenger loading zones, commercial loading areas, or public rights-of-way. Vehicles must be stored on asphalt, concrete, brick, pavers, or an equivalent hard, dustless, and bonded surface material that is maintained in a smooth, well-graded, clean, orderly, and dust-free condition. The use of gravel is prohibited.

Section 3.4. Temporary Uses and Structures

3.4.1. Purpose

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

3.4.2. Organization and Applicability

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

3.4.3. General Standards for All Temporary Uses and Structures

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

A. Obtain any other applicable Town, County, State, or federal permits;

B. Not involve the retail sales or display of goods, products, or services within a public right-of-way, except as part of an authorized not-for-profit, special, or Town-recognized or authorized event;

C. Not be detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare;

D. Be compatible with the principal uses taking place on the site;

E. Not have substantial adverse effects or noise impacts on any adjoining permanent uses or nearby residential neighborhoods;

F. Not include permanent alterations to the site;

G. Not maintain temporary signs associated with the temporary use or structure after the activity ends;

H. Not violate the applicable conditions of approval that apply to a site or a use on the site;

I. Not interfere with the normal operations of any permanent use located on the property; and

J. Be located on a site containing sufficient land area to allow the temporary use, structure, or special event to occur and accommodate associated pedestrian, parking, traffic movement without disturbing environmentally sensitive lands.

3.4.4. Temporary Use/Structure Table

A. Structure of Temporary Use/Structure Table

1. Organization of Temporary Uses and Structures

Table 3.4.4, Temporary Use/Structure Table, lists accessory uses and structures alphabetically.

2. Designation of Uses and Structures

Table 3.4.4, Temporary Use/Structure Table, uses the following abbreviations to designate whether and how a temporary use or structure is allowed in a particular zoning district.

P	A "P" under a base zoning district column indicates that the use is allowable as a temporary use in the district, subject to 3.4.5, Temporary Use-Specific Standards, and all other applicable regulations of this Ordinance. No Temporary Use Permit is required.
T	A "T" under a base zoning district column indicates that the use or structure is allowable as a temporary use or structure in the zone only on approval of a Temporary Use Permit, in accordance with Section 8.3.3.E, Temporary Use Permit, subject to 3.4.5, Temporary Use-Specific Standards and 8.3.3.E, Temporary Use Permit, and all other applicable regulations in this Ordinance.
A	An "A" under the Planned Developments column indicates that the use is allowed as a temporary use in the district only if the PDD Master Plan or MUPD Plan/MUPD Agreement approved for the district expressly identifies the use type as allowed, and subject to 3.4.5, Temporary Use-Specific Standards, and all other applicable regulations of this Ordinance.
[blank cell]	A blank cell under a base or Planned Development District column indicates that the use is prohibited as a temporary use in the district. A blank cell in an overlay district means the use is allowed, if it is also allowed in the underlying base district.
X	An "X" under an overlay district column indicates that the use is prohibited as an temporary use in the overlay district, irrespective of whether it is allowed by the underlying base district. This designation applies only to overlay zoning districts.

B. Temporary Use/Structure Table[146]

Table 3.4.4: Temporary Use/Structure Table

For Base Districts: P = Permitted by-right T = Permitted with Temporary Use Permit Blank Cell = Prohibited
For Planned Development Districts: A = Allowed, subject to a PD Plan/Agreement Blank Cell = Prohibited
For Overlay Districts: Blank Cell = Allowed, if allowed in base district X = Prohibited, even if allowed in base district

	Base/Conditional Districts														Planned Developments		Overlay Districts					Use-Specific Standards
	Rural			Residential					Mixed-Use and Nonresidential													
Use Type	**AF**	**RA-2**	**RA-1**	**R-15**	**R-12M**	**R-10**	**R-5**	**MR**	**OI**	**NMUC**	**CMUC**	**D**	**LI**	**HI**	**PDD**	**MUPD**	**GO**	**MTCO**	**WCAO**	**WPAO**	**NRCO**	
Farmers' Market						T	T	T	T	T	T	T			A	A						3.4.5.B.1
Food Truck						P	P	P	P	P	P	P	P	P	A	A			X	X	X	3.4.5.B.2
Garage or Yard Sale	P	P	P	P	P	P	P	P	P	P	P	P			A	A						3.4.5.B.3
Mobile Auto Detailing	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	A			X	X	X	
Mobile Classrooms	T	T	T	T	T	T	T	T	T	T	T	T			A	A						3.4.5.B.4
Outdoor Sales, Seasonal[147]									T	T	T	T	T	T								3.4.5.B.5
Real Estate Sales Office, Temporary	T	T	T	T	T	T	T	T	T	T	T	T	T	T	A	A						3.4.5.B.6
Special Event[148]									T	T	T	T	T	T								3.4.5.B.7
Stockpiling of Materials	T	T	T	T	T	T	T	T	T	T	T	T	T	T	A	A			X	X	X	3.4.5.B.8
Street Vendor						P	P	P	P	P	P	P	P	P	A	A			X	X	X	3.4.5.B.9
Temporary Construction-Related Structure or Facility[149]	T	T	T	T	T	T	T	T	T	T	T	T	T	T	A	A						3.4.5.B.10
Temporary Family Health Care Structure	T	T	T	T	T	T	T	T	T	T	T	T	T	T	A	A						3.4.5.B.11
Temporary Office Structure						T	T	T	T	T	T	T	T	T	A	A						3.4.5.B.12
Temporary Portable Storage Unit	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	A						3.4.5.B.13

[146] All temporary uses listed in Table 3.3.4: Temporary Use / Structure Table are recommended new temporary uses, unless otherwise noted.
[147] This renames the current *Christmas tree sales* use, and provides for other seasonal outdoor sales.
[148] This subsumes the following temporary uses into the special event (which includes many other special events): *Art and craft shows/fairs; Outdoor religious events.*
[149] This renames the current *Temporary buildings incidental to a construction project* use type.

3.4.5. Temporary Use-Specific Standards[150]

A. General

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

B. Standards for Specific Temporary Uses and Structures

1. Farmers' Market (as a temporary use)

a. The market shall operate no more than a total of 25 weeks per year on a single site.

b. Market sales shall be limited to the retail sale of fresh fruits and vegetables, herbs, mushrooms, nuts, honey, raw juices, molasses, dairy products, eggs, poultry, meats, fish, shellfish, fresh-cut or dried flowers, nursery stock, seedlings, plants, and other agriculture, aquaculture, and horticulture products produced by the vendor/producer, including the sale of products made by the vendor/producer from such agriculture, aquaculture, and horticulture products (e.g., baked goods, jams and jellies, juices, cheeses) and incidental sales of crafts or similar home-made products made by the vendor/producer.

c. The market shall provide adequate ingress, egress, and off-street parking areas.

d. Items for sale shall not be displayed or stored within customer pathways.

e. The market shall have an established set of operating rules addressing the governance structure of the market, hours of operation, and maintenance and security requirements and responsibilities.

f. The market shall have a manager authorized to direct the operations of all participating vendors during all hours of operation.

g. The market shall comply with applicable signage standards in Section 5.11, Signage.

2. Food Truck

a. Food trucks shall obtain a food truck permit from the Town.

b. Except for ice cream trucks and food trucks associated with special event permits, food trucks shall be located only in a parking lot serving a principal building or use.

c. Food trucks shall be located at least 100 linear feet from the main entrance to any eating establishment, 100 linear feet from any outdoor dining area, and 50 linear feet from any permitted food street vendor.

d. Ice cream trucks may stop and operate from a permitted curbside parking area along a street only where the speed limit is no more than 35 miles per hour.

[150] All standards set forth in Section 3.4.5.B, Standards for Specific Temporary Uses and Structures, are recommended new standards, unless otherwise noted.

e. Food trucks shall not locate on any street or within any area of a parking lot in a manner that impedes, endangers, or interferes with pedestrian or vehicular traffic.

f. Food trucks shall be located at least 15 feet from any fire hydrant.

g. Food trucks shall not occupy any accessible parking space.

h. No free-standing signage shall be permitted as part of the food truck's vending operation. No audio amplification is allowed except for ice cream trucks, which shall comply with the noise regulations in in Article II (Noise) of Chapter 18 (Environment) of the Pittsboro Code of Ordinances.

i. Outdoor seating areas associated with a food truck's vending operation are not permitted.

j. Hours of operation of food trucks shall be limited to the hours between 6:00 a.m. and 12:00 a.m. (midnight) unless the designated location on the lot accommodating the food truck is located within 150 feet of a lot containing a single-family detached or duplex dwelling, in which case the hours of operation shall be limited to the hours between 7:00 a.m. and 10:00 p.m.

k. The food truck's operator or designee must be present at all times except in cases of an emergency.

l. Food trucks shall not be stored, parked, or left overnight on any public street.

m. The food truck's operator is responsible for the proper disposal of waste and trash associated with the operation. Town trash receptacles are not to be used for this purpose. Operators shall remove all waste and trash associated with their truck at the end of each day. The operator shall keep all areas within five feet of the truck clean of grease, trash, paper, cups, or cans associated with the vending operation. No liquid waste or grease is to be disposed in tree pits, storm drains, or onto the sidewalks, streets, or other public space. Under no circumstances shall grease be released or disposed of into the Town of Pittsboro's sanitary sewer system.

n. All equipment required for the operation shall be contained within, attached to, or located within three feet of the food truck and all food preparation, storage, and sales/distribution shall be in compliance with all applicable County, State, and federal sanitary regulations.

o. Approval shall be obtained by the land owner for any lot proposed to accommodate one or more food truck businesses. If at any time evidence is provided that the food truck business is not in compliance with these regulations (such as those limiting the number of food trucks allowed on the lot, outdoor seating, or hours of operation), the property owner and/or food truck may be held responsible for the violation.

p. Before start of an approved food truck business, the vendor shall provide evidence of having obtained all necessary approvals from the State of North Carolina and Chatham County Health Department, and licenses shall be clearly displayed on the food truck.

q. If at any time the food vending permit is revoked by the State or Chatham County Health Department, the Town of Pittsboro's approval of the food truck permit shall be immediately revoked or suspended as well.

3. Garage or Yard Sale

a. No garage or yard sale shall occur for longer than three days.

b. No more than two garage or yard sales may be conducted on an individual site in any calendar year.

4. Mobile Classrooms

Mobile classrooms are allowed on the site of an existing school or place of worship, subject to the following standards:

a. Mobile classrooms shall be used only as temporary expansion of classroom space pending implementation of definite plans for the permanent expansion of classroom space or alternative means of meeting growing classroom needs.

b. Mobile classrooms shall not be placed within existing required landscaping or perimeter or streetyard buffer areas, or areas designated on approved plans for future landscaping, perimeter and streetyard buffers, open space, or vehicular access.

c. All permits required by applicable building, electrical, plumbing, and mechanical codes shall be obtained before placement of the mobile classroom on the site.

d. There shall be a plan in place for the rapid evacuation of the mobile classrooms in case of severe weather or other natural or man-made disaster.

5. Outdoor Sales, Seasonal

Goods may be displayed and sold on a temporary basis, without establishing a permanent place of business, subject to the following standards:

a. The site contains an area not actively used that will support the proposed temporary sale of products without encroaching into or creating a negative impact on existing vegetated areas, open space, landscaping, traffic movements, or parking-space availability.

b. The display or sale of goods, products, and/or services shall not occur in the public right-of-way or within 100 feet of an existing residential use.

c. Any tent or other temporary structure shall be located so as not to interfere with the normal operations of any permanent use located on the land.

d. Off-street parking shall be adequate to accommodate the proposed sale of products.

e. The temporary display or sale of products shall not cause interference with the movement of emergency vehicles to such an extent that adequate police, fire, or other emergency services cannot be provided.

f. The hours of operation of the temporary sale of products shall be from no earlier than 7:00 a.m. to no later than 10:00 p.m., or the same as the hours of operation of the principal use, whichever is less.

g. The temporary sales of agricultural products on an individual site shall be limited to no more than 60 days per calendar year. The temporary sale of non-agricultural products on an individual site shall be limited to no more than 30 total days per calendar year.

h. The number of temporary sales of products per site per calendar year shall not exceed three.

i. All required inspections have been made and approved.

j. The fire department has been notified of the proposed use.

6. Real Estate Sales Office, Temporary

A model home or other building, or unit thereof, located on the site of new development is allowed to be temporarily used for sales or leasing associated with the development, subject to the following standards:

a. There shall be no more than one such office per builder in the development.

b. The sales office shall be located on a lot or building site approved as part of the development, or within a building approved as part of the development.

c. The building used as or containing a sales office shall comply with all building setbacks and other development requirements.

d. The building shall be aesthetically compatible with the character of the community and surrounding area in terms of exterior color, predominant exterior materials, and landscaping.

e. At least one parking space shall be provided for every 300 square feet of gross floor area devoted to the sales office use. Accessible parking for persons with physical disabilities is required (see 5.5.3.I, Accessible Parking Spaces for Physically Disabled Persons).

f. On termination of the temporary real estate sales/leasing use, the building or unit shall be converted to a permanent permitted use or removed.

7. Special Event

a. Exemptions

The following events or activities are exempt from the standards of this subsection (i.e., may occur without a Temporary Use Permit for a special event). Such activities are subject to all other applicable procedures and standards of this Ordinance.

(1) On Grounds of Private Residence

Special events or activities occurring within, or on the grounds of, a private residence or on the common areas of single-family dwellings, duplexes, or multifamily residential development.

(2) Event Sponsored by Town, County, or State

Any event sponsored in whole or in part by the Town, the county, or the State.

(3) Event or Activity at Site Intended for Such Event or Activity

Any organized activities conducted at sites or facilities typically intended and used for such activities. Examples of such exempt activities include, but are not limited to, sporting events such as golf, soccer, softball, and baseball tournaments conducted on courses or fields intended and used for such activities; fairs and carnivals at fairgrounds; funeral services conducted at funeral homes or cemeteries; and religious services, wedding services, and funeral services conducted at places of worship.

b. Standards

In addition to the standards in Section 3.4.3, General Standards for All Temporary Uses and Structures, an application for a Temporary Use Permit for a special event shall comply with the following standards:

(1) False or Material Misleading Information

The application does not contain intentionally false or materially misleading information.

(2) Unreasonable Risk

The special event will not create an unreasonable risk of significant:

(A) Damage to public or private property, beyond normal wear and tear;

(B) Injury to persons;

(C) Public or private disturbances, nuisances, or unsanitary conditions;

(D) Unsafe impediments or distractions to, or congestion of, vehicular or pedestrian travel;

(E) Additional and impractical or unduly burdensome police, fire, trash removal, maintenance, or other public services demands; and

(F) Other adverse effects upon the public health, safety, or welfare.

(3) Location Cannot Reasonably Accommodate

The special event shall not be of such a nature, size, or duration that the particular location requested cannot reasonably accommodate the event.

(4) Comply With State Building Code

The Inspections Department shall have determined that any existing or proposed permanent or temporary structures comply with the applicable regulations of the State Building Code

(5) Other Applicable Permits

The special event shall not be at a time and location that has already been permitted or reserved for other activities.

(6) Parking

There shall be adequate off-street parking and accessibility.

(7) Notification

Adjacent land owners shall be notified of the proposed event before its approval.

(8) Duration

No premise shall be the site of a special event exceeding a collective total of 20 days or four weekends within any calendar year, except where the site is publicly-owned land and used for events sponsored by the Town for the enjoyment or enrichment of its citizens.

c. Conditions

In approving the Temporary Use Permit for the special event, the Planning Director is authorized to impose such conditions upon the premises benefited by the permit as may be necessary to reduce or minimize any potential adverse impacts upon other land in the area, as long as the condition relates to a situation created or aggravated by the proposed special event. The Planning Director is authorized, where appropriate, to require:

(1) Provision of temporary parking facilities, including vehicular access and egress.

(2) Control of nuisance factors, such as but not limited to, the prevention of glare or direct illumination of adjacent lands, noise, vibrations, smoke, dust, dirt, odors, gases, and heat.

(3) Regulation of temporary buildings, structures and facilities, including placement, height and size, location of equipment and open spaces, including buffer areas and other yards.

(4) Provision of sanitary and medical facilities.

(5) Provision of solid waste collection and disposal.

(6) Provision of security and safety measures.

(7) Use of an alternative location or date for the proposed special event.

(8) Modification or elimination of certain proposed activities.

(9) Regulation of operating hours and days, including limitation of the duration of the special event to a shorter time period than that requested or specified in this subsection.

(10) Submission of a performance guarantee to ensure that any temporary facilities or structures used for such proposed special event will be removed from the site within a reasonable time following the event and that the property will be restored to its former condition.

8. Stockpiling of Materials

The temporary stockpiling of materials is permitted subject to the following standards:

a. The stockpiled material shall not exceed 25 feet in height above the original natural grade.

b. The footprint of the stockpiling area shall be located at least 25 feet from adjoining property lines.

c. The side slope of the stockpiled materials shall not exceed a 3:1 ratio.

d. Stockpiled materials shall be limited to dirt, fill, and/or gravel.

e. Stockpiled materials shall be seeded or covered with tarps or mulch. Tarps shall be keyed in at the top of the slope to keep water from running underneath the plastic.

f. All stockpiled materials shall be removed within 90 days after approval of the use.

9. Street Vendor

a. Carts used for street vending shall be on wheels, be no longer than six feet, and be no higher than five feet (excluding canopies, umbrellas, or transparent enclosures).

b. No signage for street vendors shall be allowed other than signs permanently attached to the cart.

c. If operating adjacent to or in front of a business other than one they own or operate, street vendor cart operators shall be responsible for obtaining permission to operate from the owner of such business and shall submit evidence of such permission to the Planning Director. This requirement does not apply if the street vender is part of an event for which a Temporary Use Permit (see Section 8.3.3.E, Temporary Use Permit) has been obtained from the Town.

d. Temporary connections to potable water systems are prohibited. All plumbing and electrical connections shall be in accordance with the State Building Code.

e. Mobile prepared-food vendors shall not operate as a drive-through facility.

f. Approval by the Chatham County Health Department is required for all food vendors.

g. Vendor carts shall not restrict or interfere with the ingress to or egress from an abutting building.

h. Vendor carts shall not be located in medians.

i. The Planning Director may revoke any development permit issued for this use on determining that the vendor's operations are causing parking, traffic congestion, or litter problems either on or off the property where the use is located, or that the use is otherwise creating a danger to public health or safety.

10. Temporary Construction-Related Structure or Facility

a. A construction-related structure or facility shall be used only as office space for construction management and security uses during authorized construction of development, and shall not be used as a residence.

b. A construction-related structure or facility shall be assigned a street address before issuance of a Building Permit for the development being constructed.

c. All permits required by applicable building, electrical, plumbing, and mechanical codes shall be obtained before placement of temporary construction-related structures and facilities on the site.

d. No construction-related structure or facility shall be placed within the right-of-way of a street.

e. All temporary construction-related structures and facilities shall be removed from the construction site within 30 days after issuance of the final Certificate of Compliance/Occupancy for the constructed development.

f. A temporary construction-related structure or facilities may be placed on a property adjacent to the construction site if site constraints make it infeasible to locate the structures or facilities on the construction site, provided the adjacent site is restored to its previous condition within 60 days after issuance of the final Certificate of Compliance/Occupancy for the constructed development.

11. Temporary Family Health Care Structure

a. A temporary family health care structure is allowed as a temporary accessory use to a single-family detached dwelling.

b. The structure shall have no more than 300 square feet of gross floor area.

c. The caregiver shall be the owner or occupant of the single-family detached dwelling and shall be related by blood, marriage, or adoption, or be the legally appointed guardian of, the mentally or physically impaired person occupying the temporary health care structure.

d. The application for the structure shall include written certification by a physician licensed in North Carolina that the mentally or physically impaired person occupying the temporary health care structure requires assistance with two or more activities of daily living (i.e., bathing, dressing, personal hygiene, ambulation or locomotion, transferring, toileting, and eating).

e. Only one temporary health care structure shall be allowed on the lot.

f. The structure shall be connected to the water, sewer, and electric utilities serving the principal single-family dwelling on the lot and shall comply with all applicable local and State regulations.

g. No signage advertising or otherwise promoting the existence of the structure shall be allowed on the exterior of the structure or elsewhere on the property.

h. The caregiver shall provide the Planning Director evidence of compliance with these standards on an annual basis for as long as the temporary health care structure remains on the lot, and shall allow the Planning Director to inspect the structure for compliance with these standards at reasonable times convenient to the caregiver.

i. The structure shall be removed from the lot within 60 days after the time the mentally or physically impaired person is no longer receiving, or is no longer in need of, the required assistance.

12. Temporary Office Structure

a. A temporary office structure is allowed on a site where an existing office space is being renovated or up-fitted in accordance with an issued Building Permit or on property within the Town that is owned by the holder or the Building Permit.

b. Except as otherwise provided in subsection c below, the temporary office structure shall comply with all applicable provision of this Ordinance.

c. Parking areas shall have an all-weather surface.

d. Structure height shall be limited to one story.

e. No temporary office structure shall be erected where it will adversely affect any means of exit.

f. The temporary office structure shall be located at least ten feet from another building or structure.

g. Public improvements shall include accessible parking and an accessible route from the parking area to the temporary office structure.

h. The temporary office structure shall have a continuous curtain wall, unpierced except for required ventilation or access, installed under the temporary office structure.

i. The temporary office structure must provide restroom facilities and handicap accessibility.

j. A temporary office structure use may be allowed for up to 12 months from the date of approval. At the end of this period, the temporary office structure shall be removed from the site and the site shall be restored to its former condition with the exception of any permanent public improvements added, or stabilized with seed or grass. The Planning Director may, for good cause shown, approve written requests for six-month extensions of this period, provided the request is submitted to the Planning Director at least 30 days before expiration of the period or last extension.

k. The applicant shall post a performance guarantee equal to 125 percent of the estimated cost of removing the temporary office structure and restoring or stabilizing the site as required, which shall be prepared and sealed by a licensed engineer or other licensed professional authorized to conduct the required removal and restoration work under State law. The applicant may petition the Town to release performance guarantee on removal of the temporary office structure and site restoration.

13. Temporary Portable Storage Unit

Temporary storage in a portable storage unit may be permitted to serve an existing use on the same lot, subject to the following standards:

a. No more than one unit shall be located on a lot.

b. A unit shall be no more than eight feet wide, 16 feet long, or eight feet high.

c. No unit shall be placed on a lot for more than 30 consecutive days, or for more than 60 days within any calendar year.

d. In nonresidential zoning districts a unit may be placed only in the rear yard or side yard. In no case may a unit be placed in any front parking lot of a commercial use, or in fire lanes, passenger loading zones, commercial loading areas, or public rights-of-way.

e. The owner and operator of the lot containing a portable storage unit shall ensure that the unit is in good condition, free from evidence of deterioration, weathering, discoloration, rust, ripping, tearing, or other holes or breaks. The unit shall be kept locked when not being loaded or unloaded.

f. The owner and operator of the lot containing a portable storage unit shall ensure that no hazardous substances are stored within the unit.

Article 6: Nonconformities

Commentary

Article 6: Nonconformities, carries forward nonconformity standards in the current regulations, and reorganizes and consolidates provisions for clarity.

Highlights include:

- Carrying forward general standards related to nonconformities, including a purpose statement, and clarifying the general policy toward nonconformities, which is to allow existing nonconformities to continue, but also to encourage compliance when practical;
- Carrying forward current nonconforming lot standards, and deleting provisions regarding nonconforming setbacks, which are unnecessary given flexibility provisions in Article 2: Zoning Districts, that allow use of setback averaging;
- Carrying forward current nonconforming use standards, modifying and consolidating provisions regarding discontinuance of nonconforming situations that pertain to use, as well as nonconforming uses in critical watersheds;
- Carrying forward and consolidating current nonconforming sign standards from the sign regulations, and deleting any obsolete amortization provisions;
- Carrying forward and consolidating current nonconforming lighting standards from the Lighting Ordinance, which require conformance when nonconforming light fixtures are replaced, moved, upgraded, or otherwise changed; and
- Establishing a new section requiring major expansions or remodeling of developments that have certain nonconforming site features (exterior lighting, off-site parking, and landscaping) to upgrade the nonconforming site features in proportion to the extent of expansion or remodeling.

This comment box and the footnotes included in this draft are provided for reference purposes and will not be included in the adopted UDO.

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Article 6: NONCONFORMITIES

Section 6.1. General

6.1.1. Purpose [155]

A. There exist lots, uses, structures, signs, and site features that were lawfully established, but that do not conform to the applicable standards and requirements of this Ordinance. The lots, uses, structures, signs, and site features are collectively referred to as "nonconformities."[156]

B. It is the general policy of the Town to allow nonconformities to continue to exist. It also is the policy of the Town to bring as many nonconformities into conformance with this Ordinance as practical, subject to the requirements of this article. The purpose and intent of this article is to recognize the interests of land owners in continuing to use the land, but to preclude the expansion of a nonconformity or the reconstruction or reestablishment of a substantially destroyed or discontinued nonconformity unless doing so can serve as an incentive to achievement of even greater public benefit.

6.1.2. Burden for Establishing Nonconforming Status[157]

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

6.1.3. Change of Tenancy or Ownership[158]

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

[155] This carries forward Sec. 8.1 of the current zoning ordinance, modified to reflect the need to balance recognition of a land owner's interest in continuation of a nonconformity and the public's interest in bringing development into compliance with this Ordinance.
[156] Examples of nonconformities include lots lawfully established before the Town adopted its first zoning regulations, but that do not meet the current lot area or lot width standards for the zoning district in which the lot is located; or, uses that were lawfully established on a lot in a zoning district, but do not meet the use standards of the zoning district in which the lot is now located.
[157] This new subsection clarifies that the burden of establishing the nonconforming status of a lot, use, structure, sign, or site feature rests with the land owner.
[158] This new subsection states that a nonconformity's status as nonconforming is not affected by a change in ownership or tenancy.

Section 6.2. Nonconforming Lots

6.2.1. Use and Development of Nonconforming Lots[159]

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

A. A single family dwelling may be built on nonconforming lots in the Agricultural and Residential districts if it is located to minimize nonconformities to the maximum extent practical; and

B. Not withstanding limitations imposed by other provisions of this Ordinance, a nonconforming lot in the Mixed-Use and Nonresidential districts that fails to comply with applicable dimensional standards (e.g., lot area, lot width, setbacks) may be developed with a permitted use if the development of the permitted use on the nonconforming lot complies with the applicable dimensional standards to the maximum extent practical.

6.2.2. Merger of Adjoining Lots to Eliminate or Reduce Nonconformity[160]

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

Example:

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

6.2.3. Governmental Acquisition of a Portion of Lot[161]

If a conforming lot is made nonconforming due to governmental acquisition of a portion of the lot for a public purpose that results in the lot no longer complying with applicable lot area or lot

[159] Sec. 8.2.1 of the current zoning ordinance generally authorizes any allowed use of an undeveloped nonconforming lot so long as it complies with all applicable standards other than lot standards, but then limits such use in residential districts to a single-family dwelling. This limit precludes a nonconforming lot in the middle of a multifamily residential distrct from being used for apartment or townhouse development. The subsection modifies the current provision to eliminate that limit. Also, Sec. 8.2.4 in the current zoning ordinance, has been deleted. It addresses nonconforming setbacks, and is not necessary given flexibility provisions in Article 2: Zoning Districts, that allow use of setback averaging.

[160] Sec. 8.2.2 of the current zoning ordinance provides that when two adjoining nonconforming vacant lots with continuous frontagre come under the same ownership, they must be combined to create one or more conforming lots. This excludes the opportunity to make nonconforming lots conforming (or at least less nonconforming) when one of the lots is conforming, or occupied by a structure, or backs up to the other. This subsection modifies the current provision to realize such an opportunity.

[161] Sec. 8.2.3 and 8.5.1 of the current zoning ordinance provide that a conforming lot that no longer meets applicable lot standards as a result of acquisition by a local or State government agency is a nonconforming lot. This subsection modifies those provisions to treat such a lot as conforming, and thereby avoids penalizing the owners of the lot for a governmental action (and to mitigate against lost value due to the government acquisition).

width standards, the lot shall be deemed a conforming lot on receipt of a Site Plan approval demonstrating that the development existing or proposed on the lot:

A. Complies with the permitted uses in Table 3.2.4: Principal Use Table;

B. Complies with the dimensional, off-street parking, and landscaping standards of this Ordinance to the maximum extent practical;

C. Complies with all other standards and requirements of this Ordinance; and

D. Is designed and configured in a way that is compatible with surrounding development.

6.2.4. Health Department Regulations[162]

Nothing in this subsection exempts a lot from meeting the applicable regulations of the Chatham County Health Department.

Section 6.3. Nonconforming Uses

6.3.1. Continuation of Nonconforming Uses[163]

A nonconforming use may be continued subject to the requirements in this section.

6.3.2. Change in Use[164]

A. Except as otherwise provided in paragraph B, a nonconforming use may only be changed to a use that is permitted in the zoning district in which it is located. A change in the intensity, or frequency of activity, or in equipment or processes, associated with a nonconforming use does not constitute a change in use provided such changes amount only to changes in the degree of activity rather than changes in the use itself.

B. A nonconforming use may be changed to another nonconforming use with a Special Use Permit approved in accordance with Section 8.3.3.A, Special Use Permit, if the Board of Commissioners additionally finds that the new use is of equal or less intensity, based on consideration of the following factors:

1. Traffic generated;
2. Number of off-street parking spaces required;
3. Number of persons on the premises at a time of peak demand; and
4. Off-site impact (such as noise, glare, dust, vibration, or smoke) to surrounding lands and public health and safety.

6.3.3. Discontinuance of Nonconforming Uses[165]

A. Except as otherwise provided in paragraph B below, if a nonconforming use is discontinued for 180 consecutive days, subsequent use of land or structures previously devoted to such use shall not be used for any nonconforming uses and shall thereafter be devoted to conforming uses only.

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[162] This carries forward a provision in Sec. 8.2.1.C and 8.2.2.B of the current zoning ordinance.
[163] This carries forward Sec. 8.3.1 of the current zoning ordinance.
[164] This carries forward Sec. 8.3.2.A of the current zoning ordinance.
[165] This combines the carried-forward Sec. 8.3.2.D-E, 8.7.1-2, and 8.7.4-5 of the current zoning ordinance, and modifies it to simplify wording and delete unnecessary provisions.

B. A nonconforming use that has been discontinued for 180 consecutive days, but less than two years, may be reestablished with a Special Use Permit approved in accordance with Section 8.3.3.A, Special Use Permit, where the Board of Commissioners additionally finds that the discontinuance resulted from factors that, for all practical purposes, were beyond the control of the person maintaining the nonconforming use.

6.3.4. Extension, Expansion, or Relocation of Nonconforming Uses[166]

A. Except as otherwise provided in paragraphs B and C below, a nonconforming use shall not be extended, expanded, or moved to occupy a different or greater area of land or structures than it occupied at the time it became nonconforming—provided that:

1. A nonconforming use of a structure may be extended throughout any parts of the structure that were manifestly designed or arranged to accommodate such use at the time the use became nonconforming; and

2. A nonconforming use of open land that involves the removal of natural materials from the land may be expanded only within areas shown on the approved plans associated with authorization of the use, and only if ten percent or more of the natural materials within the site had already been removed when the use became nonconforming.

B. A structure used as a nonconforming single-family or manufactured home dwelling may be extended, enlarged, or replaced with another single-family or manufactured home dwelling of any size—provided the extended, enlarged, or replacement dwelling does not create any new nonconformities with respect to setback standards.

C. A structure used for any nonconforming use other than a single-family or manufactured home dwelling may be extended, enlarged, or replaced with another structure used for the nonconforming use with approval of a Special Use Permit in accordance with Section 8.3.3.A, Special Use Permit, where the Board of Commissioners additionally finds that the extended, enlarged, or replacement structure does not:

1. Increase the total amount of lot area devoted to the nonconforming use;

2. Create any greater nonconformity with respect to dimensional standards (e.g., setbacks, height, etc.), or development standards (e.g., parking, landscaping, etc.); or

3. Create any significant adverse impact on surrounding lands or the public health or safety.

6.3.5. Reconstruction or Repair of Structures Housing Nonconforming Uses[167]

A. If a structure housing a nonconforming use is damaged to an extent whereby the cost of restoring it to its before-damaged condition would be 50 percent or less of its assessed value, the structure may be reconstructed or repaired if:

1. The reconstruction or repair does not increase, expand, or extend the degree of nonconformity; and

[166] This carries forward Sec. 8.3.4.A-C of the current zoning ordinance, modified to simplify wording.
[167] This carries forward Sec. 8.3.4.C(2), and incorporates thresholds for reconstruction or repair of nonconforming structures found in Sec. 8.4.2B-C of the current zoning ordinance, modified to clarify wording, add a time limit to initiating allowed reconstruction or repair of structures housing nonconforming uses, and add a requirement for due diligence in reconstruction or repair.

2. A Building Permit for the reconstruction or repair is issued within 12 months after the date of the damage and the reconstruction or repair is diligently pursued to completion. (Any delay in securing a Building Permit due to factors beyond the control of the structure's owner shall not be considered in determining this time period.).

B. If a structure housing a nonconforming use is damaged to an extent where the cost of restoring it to its before-damage condition would exceed 50 percent of its assessed value, the structure shall not be reconstructed or repaired except in conformity with the provisions of this Ordinance.

6.3.6. Displacement of Nonconforming Uses by Government Acquisition[168]

If a government acquisition of a portion of a lot for public purposes results in displacement of a nonconforming use, such use may be relocated or expanded on the remainder of the lot, provided the relocation or expansion does not:

1. Increase the total amount of lot area devoted to the nonconforming use; or
2. Create any greater nonconformity with respect to dimensional standards.

Section 6.4. Nonconforming Structures

6.4.1. Continuation of Nonconforming Structures[169]

A nonconforming structure may be continued subject to the requirements in this section.

6.4.2. Extension, Enlargement, Alteration, or Relocation of Nonconforming Structures[170]

A. A nonconforming structure shall not be extended, enlarged, or structurally altered in a way that increases the nonconformity.

B. A nonconforming structure shall not be moved unless it complies with all applicable standards for the district in which it is located.

6.4.3. Reconstruction or Repair of Nonconforming Structures[171]

A. If a nonconforming structure is damaged to an extent whereby the cost of restoring it to its before-damaged condition would be 50 percent or less of its assessed value, the structure may be reconstructed or repaired if:

1. The reconstruction or repair does not increase, expand, or extend the degree of nonconformity; and
2. A Building Permit for the reconstruction or repair is issued within 12 months after the date of the damage and the reconstruction or repair is diligently pursued to

[168] This carries forward Sec. 8.3.4.H of the current zoning ordinance, modified to simplify wording.
[169] This carries forward Sec. 8.4.2 of the current zoning ordinance.
[170] This carries forward Sec. 8.4.2.A and 8.4.2.D of the current zoning ordinance, modified to simplify wording. It also consolidates nonconforming provisions in the sign regulations, and deletes obsolete amortization provisions.
[171] This carries forward Sec. 8.4.2B-C of the current zoning ordinance, modified to clarify wording, add a time limit to initiating allowed reconstruction or repair, and add a requirement for due diligence in reconstruction or repair.

completion. (Any delay in securing a Building Permit due to factors beyond the control of the structure's owner shall not be considered in determining this time period.).

B. If a nonconforming structure is damaged to an extent where the cost of restoring it to its before-damage condition would exceed 50 percent of its assessed value, the structure shall not be reconstructed or repaired except in conformity with the provisions of this Ordinance.

Section 6.5. Nonconforming Signs

6.5.1. Continuation of Nonconforming Signs[172]

Nonconforming signs may be continued subject to the requirements in this section.

6.5.2. Extension, Enlargement, Alteration, or Relocation of Nonconforming Signs[173]

A nonconforming sign shall not be extended, enlarged, structurally altered, or relocated unless the sign is made to conform to the current standards of this Ordinance.

6.5.3. Removal of Nonconforming Signs[174]

A. Except as otherwise provided in paragraph B below, a nonconforming sign shall be removed or made conforming within eight years after the date it became nonconforming as a result of the adoption of this Ordinance or a subsequent amendment to this Ordinance, and any sign required to be removed under a prior Zoning Ordinance but not yet removed shall be removed or made conforming within four years after the effective date of this Ordinance.

B. A nonconforming outdoor advertising sign shall be exempt from the requirement in paragraph A above as long as the Town is required by State or federal law to pay cash compensation for removal of the sign. When the sign becomes no longer subject to such a compensation requirement, it shall be removed or made conforming within five and one-half years thereafter.

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172 This new subsection mirrors those for other nonconformities.

173 This carries forward part of Sec. 6.11.3 of the current zoning ordinance, modified to add relocation.

174 Sec. 6.11.1 of the current zoning ordinance requires certain nonconforming signs (roof signs, signs prohibited in a zoning district, signs exceeding number limits, or signs exceeding area, height, or spacing requirements by more than 25 percent) to be removed within eight years after adoption of "this ordinance," and requires any sign made nonconforming thereafter to be removed within eight years thereafter. Although it is not clear when that the provision was adopted (and thus when the initial eight-year period started), the provision was in a February 2007 edition of the Zoning Ordinance, which means the initial eight--year period has expired and the nonconforming signs should have already been removed.

This carries forward the unexpired part of the current provision, as applied to adoption of this Ordinance. Assuming that not all nonconforming signs required to be removed under the prior regulations have been actually removed, the subsection adds a provision extending the deadline for removal by four years. The subsection also carries forward the current provision exempting billboards where State or federal law requires the Town to pay compensation for their removal.

Section 6.6. Nonconforming Exterior Lighting Fixtures[175]

6.6.1. Continuation of Nonconforming Exterior Lighting Fixtures[176]

A. Nonconforming exterior lighting fixtures may be continued subject to the requirements in this section.

B. Routine maintenance of exterior lighting fixtures—including changing the lamp, ballast, starter, photo control, lens, or other required components—is allowed, but changing the fixture housing shall be a change subject to Section 6.6.2 below, below.

6.6.2. Replacement, Relocation, or Other Change of Nonconforming Exterior Lighting Fixtures[177]

A nonconforming exterior lighting fixture shall not be replaced, moved, upgraded, or otherwise changed unless the fixture is made to conform to the current standards of this Ordinance.

Section 6.7. Nonconforming Site Features[178]

6.7.1. Purpose

The purpose of this section is to provide a means for the Town to require certain nonconforming site features be brought into compliance with the standards of this Ordinance as part of remodeling or expansion of a structure.

6.7.2. Applicability

For purposes of this section, the term "nonconforming site feature" means nonconforming off-street parking, nonconforming landscaping, and nonconforming perimeter buffer.

6.7.3. Extension, Enlargement, Alteration, or Relocation of Nonconforming Site Features

A. No action shall be taken that increases the degree or extent of a nonconforming site feature, except as otherwise provided in Section 6.7.4 below, Upgrading of Nonconforming Site Features.

B. A nonconforming site feature shall not be extended, enlarged, structurally altered, or relocated unless the feature is made to conform to the current standards of this Ordinance.

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175 This section carries forward and consolidates current nonconforming lighting standards from the Lighting Ordinance.
176 This new subsection mirrors those for other nonconformities and carries forward Sec. 28.15.B of the current Lighting Ordinance pertaining to routine maintenance.
177 This carries forward part of Sec. 28.15.A of the current Lighting Ordinance, modified to delete unnecessary wording.
178 This new section requires major expansions or remodeling of developments with nonconformities pertaining to off-street parking, landscaping, and perimeter buffer standards to include upgrading of the nonconforming site features towards compliance in proportion to the the extent of expansion or remodeling.

6.7.4. Upgrading of Nonconforming Site Features

A. With Expansion of Structures

If an application is filed for a Building Permit for the expansion of one or more structures on a site containing nonconforming site features, upgrading of the nonconforming site features towards compliance may be required, in accordance with the following:

1. If the cumulative increase in the structure's floor area over the past five-year period is 25 percent or less of the structure's current floor area, the nonconforming site feature may continue without any upgrading towards compliance with current applicable standards of this Ordinance.

2. If the cumulative increase in the structures' floor area over the past five-year period exceeds 25 percent, but is 75 percent or less, of the structure's current floor area, the nonconforming site features shall be upgraded towards compliance with current applicable standards of this Ordinance by a corresponding percentage of full compliance, up to achievement of 100 percent compliance.

   Example:

   If the cumulative increase in such structures' floor area over the past five-year period exceeds 50 percent of the structure's current floor area, the nonconforming site features shall be upgraded to fully conform to the current applicable standards of this Ordinance.

B. With Remodeling

If an application is filed for a Building Permit for the remodeling of one or more structures on a site containing nonconforming site features, upgrading of the nonconforming site features towards compliance may be required, in accordance with the following:

1. If the cumulative costs of the remodeling over the past five-year period is 25 percent or less of the structure's current floor area, the nonconforming site features may continue without any upgrading towards compliance with current applicable standards of this Ordinance.

2. If the cumulative costs of the remodeling over the past five-year period exceeds 25 percent, but is 75 percent or less, of the structure's current assessed value, the nonconforming site features shall be upgraded towards compliance with current applicable standards of this Ordinance by a corresponding percentage of full compliance, up to achievement of 100 percent compliance.

   Example:

   If the cumulative costs of the remodeling over the past five-year period exceeds 50 percent of the structure's current assessed value, the nonconforming site features shall be upgraded to fully conform to the current applicable standards of this Ordinance.

C. Substantial Expansion of Outdoor Operations, Storage, and Display Areas

If outdoor operations, storage, and display areas are being expanded on a site containing nonconforming perimeter buffer or screening of such outdoor areas, and the increase in the gross square footage of all such outdoor areas exceeds 50 percent of the current area used for outdoor operations, storage, and displays, the nonconforming buffers and screening shall be upgraded in conjunction with the expansion to conform to the current applicable standards of this Ordinance.

D. Compliance to Maximum Extent Practical

Where full compliance with the requirements of this section is precluded by a lack of sufficient developable area due to the size of the lot, the layout of existing development, or the presence of significant wetlands, floodplains, watercourses, or other significant environmental features or constraints on development, the applicant shall comply with the requirements of this section to the maximum extent practical.

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Article 7: Administrative and Review Authorities

Commentary

Article 7: Administrative and Review Authorities, identifies and summarizes the roles of the different boards and staff responsible for administering the Ordinance and for reviewing and/or deciding development applications or permits. The Article identifies what responsibilities staff and each of the review boards has in the development review process.

Specifically, this article includes provisions that:

- Identify the review, decision-making, and other roles of the Planning Director, Town Engineer, and other key staff involved in the administration of the UDO;
- Authorize staff to develop and maintain an administrative manual that supplements the UDO;
- Carry forward current provisions establishing the Planning Board and describing its powers and duties, appointment, composition, officers, and basic rules governing its actions, focusing on the Board's development review responsibilities;
- Carry forward current provisions establishing the Board of Adjustment and describe its powers and duties, appointment, composition, officers, and basic rules governing its actions, focusing on the Board's development review responsibilities; and
- Identify responsibilities of the Board of Commissioners with respect to the UDO.

This comment box and the footnotes included in this draft are provided for reference purposes and will not be included in the adopted UDO.

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Article 7: ADMINISTRATIVE AND REVIEW AUTHORITIES[179]

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

Section 7.1. Table of Development Review Responsibilities

Table 7.1, Table of Development Review Responsibilities, lists the various types of development approvals and permits authorized by this Ordinance, starting with basic permits and approvals, followed by supplemental permits and approvals, subdivisions, relief and interpretation, and then ordinance amendments. For each type of development application, the table indicates the role Town staff and the review boards play in reviewing and deciding the application.

Table 7.1: Table of Development Review Responsibilities[180]

C = Review and Comment R = Review and Recommend D = Review and Decide A = Appeal

Application Type		Staff: Planning Director	Staff: Town Engineer	Board of Adjustment	Planning Board	Board of Commissioners
Basic Development Review						
Site Plan	Minor	D	C			
	Major	R	C		R	D
Stormwater Management Permit			D			
Zoning Compliance Certificate		D	C			
Supplemental Development Review						
Special Use Permit		R	C		R	D
Riparian Buffer Development		C	D			
Floodplain Development Permit		D	C			
Sign Permit		D				
Temporary Use Permit		D				
Site Specific Development Plan Designation		R	C		R	D
Development Agreement		R	C			D
Subdivision						
Minor Subdivision		D	C			
Major Subdivision	Preliminary Plat	R	C		R	D
	Final Plat	D	C			
Relief and Interpretation						
Administrative Adjustment		D	C			

[179] This article consolidates and builds on provisions from the current zoning ordinance that define the composition and authority of the various Town staff and review boards that are responsible for admininstering this Ordinance or reviewing or deciding development applications.

[180] This table summarizes review responsibilities and is referenced throughout this article. A similar but more extensive table that focuses on procedures is found at the beginning of Article 8: Development Review Procedures.

Table 7.1: Table of Development Review Responsibilities[180]

C = Review and Comment R = Review and Recommend D = Review and Decide A = Appeal

Application Type		Staff				
		Planning Director	Town Engineer	Board of Adjustment	Planning Board	Board of Commissioners
Variance						
Zoning and Flood Damage Prevention				D		
Riparian Buffer	Major		R	D		
	Minor		R	D		
Stormwater	Major		R	D		
	Minor		R	D		
Appeal		D	D	A		
Interpretation		D				
Amendment						
Text Amendment		R			R	D
Zoning Map Amendment		R			R	D
Conditional Zoning		R			R	D
Planned Development		R	C		R	D

Section 7.2. Town Staff

7.2.1. Planning Director[181]

A. General

The Planning Director is the Town official responsible for administering all provisions of this Ordinance except those for which the Town Engineer is responsible under Section 7.2.2, Town Engineer.

[181] This new section identifies the Planning Director as the primary Town staff responsible for administering the UDO. The Planning Director may delegate responsibilities to other professional-level staff. Thus the term "Planning Director" is used in the UDO as shorthand for any staff member of the Town's Planning Department to whom the Planning Director delegates responsibility that the UDO authorizes the Planning Director to carry out. This eliminates the need to indicate individual staff positions or repeat "or designee" throughout the UDO. This section also includes a provision authorizing the Planning Director to compile and maintain an administrative manual, consistent with Section 2.1.G of the Code Assessment.

B. Powers and Duties

1. Review of Development Applications

The Planning Director shall have those review, recommendation, and decision-making authority and responsibilities shown in Table 7.1, Table of Development Review Responsibilities.

2. Other Powers and Duties

The Planning Director shall have the following additional powers and duties under this Ordinance:

a. To conduct pre-application conferences (Section 8.2.2);

b. To establish requirements for the contents and format of development applications reviewed under this Ordinance;

c. To establish a schedule for the submittal and review of such applications;

d. To compile and maintain an administrative manual that supplements procedures for development review required by this Ordinance and which may include, but is not limited to, detailed submittal and procedural requirements for development applications, a list of application fees (as established by the Town Board of Commissioners), summaries of development review procedures and standards to facilitate the use and understanding of them, and detailed specifications and illustrations identifying how this Ordinance's standards for landscaping, public infrastructure, and other aspects of development may be met;

e. To maintain the Official Zoning Map and related materials;

f. To serve as professional staff to the Town Board of Commissioners, Planning Board, and Board of Adjustment;

g. To assist in enforcing this Ordinance in accordance with Article 9: Enforcement;

h. To provide expertise and technical assistance to the Board of Commissioners, Planning Board, and Board of Adjustment upon request; and

i. To maintain on file a record of all development applications reviewed under this Ordinance and make copies available to the public, on reasonable request.

7.2.2. Town Engineer[182]

A. Powers and Duties

1. Review of Development Applications

The Town Engineer shall have those review, recommendation, and decision-making authority and responsibilities shown in Table 7.1, Table of Development Review Responsibilities.

2. Other Powers and Duties

The Town Engineer shall have the following additional powers and duties under this Ordinance:

[182] The Zoning Ordinance contains a few scattered provisions that address the duties and authorities of the Town Engineer. This new section consolidates and builds on these provisions, clearly establishing the powers and duties of the Town Engineer, consistent with Section 3.7.1 of the Code Assessment.

a. To participate in pre-application conferences (Section 8.2.2, Pre-Application Conference);

b. To assist the Planning Director in establishing requirements for the contents and format of development applications reviewed under this Ordinance, with prime responsibility for establishing requirements for stormwater and riparian buffer applications;

c. To assist the Planning Director in developing and maintaining an administrative manual;

d. To enforce those provisions of this Ordinance listed in Section 9.3.1, Responsibility for Enforcement, as being the responsibility the Town Engineer to enforce;

e. To assist the Planning Director in interpreting the provisions of this Ordinance in accordance with the standards in Article 10: Interpretation and Definitions; and

f. To provide expertise and technical assistance to the Town Board of Commissioners, Planning Board, or Board of Adjustment, upon request.

7.2.3. Town Attorney

A. General

The Town Attorney is appointed by the Town Board of Commissioners and serves as its legal advisor, as well as legal advisor to Town staff in administering laws of the Town.

B. Powers and Duties

In addition to the authority and duties conferred by general law and the Town Board of Commissioners, the Town Attorney shall have the following powers and duties under this Ordinance:

1. To review and approve as to legal form all written findings of fact, conclusions of law, development approvals, ordinances, and other documents considered by the Town Board of Commissioners, Board of Adjustment, Planning Board, Planning Director, Town Engineer, and Town departments in connection with any requirements of this Ordinance;

2. To review as to form and execution all agreements, easements, declarations of covenants, performance or maintenance guarantees, or other such documentation in connection with any requirement of this Ordinance;

3. To assist the Planning Director and Town Engineer in interpreting the provisions of this Ordinance in accordance with Article 10: Interpretation and Definitions and as specific interpretations are requested consistent with Section 8.3.5.F, Interpretation;

4. To assist in enforcing this Ordinance and in prosecuting actions against violators in accordance with Article 9: Enforcement; and

5. To counsel the Town Board of Commissioners, Planning Board, Board of Adjustment, Planning Director, Town Engineer, and Town departments in the review of development applications and the general implementation of this Ordinance.

Section 7.3. Board of Adjustment[183]

7.3.1. Establishment

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

7.3.2. Powers and Duties

A. Review of Development Applications

The Board of Adjustment shall have the review, recommendation, and decision-making authority and responsibilities shown in Table 7.1, Table of Development Review Responsibilities.

B. Other Powers and Duties

The Board of Adjustment shall have any other powers and duties under this Ordinance delegated to it by the Town Board of Commissioners, in accordance with State law.

7.3.3. Membership, Appointment, and Terms of Office

A. Membership and Appointment

1. The Board of Adjustment shall consist of five regular voting members and two alternate members.
2. Two regular members and one alternate member shall be residents of the Town's incorporated area and shall be appointed by the Board of Commissioners.
3. Three regular members and one alternate member shall be residents of the Town's extraterritorial jurisdiction (ETJ) and shall be appointed by the Chatham County Board of Commissioners. If the Chatham County Board of Commissioners fails to make these appointments within 90 days after receiving a resolution from the Board of Commissioners requesting that the appointments be made, the Board of Commissioners may make the appointments.
4. If a Town-resident member of the Board of Adjustment moves outside the Town, or an ETJ-resident member moves outside the Town's planning jurisdiction, such move shall constitute a resignation from the Board.

B. Alternate Members

The Chair of the Board of Adjustment shall assign an alternate member to serve as a substitute for a regular member who is temporarily absent or disqualified. When substituting for a regular member, an alternate member shall have the same powers and duties as the regular member.

C. Terms

1. Members of the Board of Adjustment shall be appointed for three-year terms of office that are staggered such that the terms of not more than three regular members and

[183] This section carries forward the provisions in Article XI of the current zoning ordinance that deal with the powers, duties, and composition of the Board of Adjustment; other provisions dealing with development review procedures are located in **Error! Reference source not found. Error! Reference source not found.**. New provisions are included to codify e process for selecting officers and the designation of the Planning Director as Secretary to the board. A provision is included that authorizes the boad to adopt rules of procedures to govern meetings and other operations.

two alternate members expire in a given year. Board members may be appointed to successive terms without limitation.

2. Vacancies occurring for reasons other than expiration of the term shall be filled for the period of the unexpired term only, and by the body (Town Board of Commissioners or Chatham County Board of Commissioners) responsible for appointing the vacating member.

3. Board members shall continue to serve until their successors are appointed.

D. Attendance

Board of Adjustment members are responsible for attending all regular board meetings, and may be replaced in accordance with the current attendance policy of the Town Board of Commissioners for advisory bodies.

E. Officers

1. The Board of Adjustment shall recommend one of its members to serve as its Chair and another as its Vice-Chair. The Town Board of Commissioners shall consider those recommendations and appoint the board's Chair and Vice-Chair, each to serve a one-year term. Members may be appointed to successive terms without limitation.

2. The Chair shall preside over all board meetings. The Vice-Chair shall preside over board meetings in the absence of the Chair. If both the Chair and Vice-Chair are absent, the board shall vote to determine who shall serve as acting Chair for the meeting.

7.3.4. Staff

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

7.3.5. Quorum and Voting

A. Quorum

Four members of the Board of Adjustment shall constitute a quorum. No official business of the board shall be conducted without a quorum present.

B. Voting

The concurring vote of four members of the Board of Adjustment shall be necessary to approve an application for a variance. The affirmative vote of three members shall be required for all other decisions.

7.3.6. Conflict of Interest[184]

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

[184] Because the review of and decision on an application for a variance or appeal is a quasi-judicial function, situations listed in N.C.G.S. 160A-388(e)(2) as violating an applicant's right to due process are listed here as prohibited.

1. Has a fixed opinion prior to a hearing on the application that is not susceptible to change;
2. Fails to disclose *ex parte* communications;
3. Has a financial interest in the outcome of the review;
4. Has a close familial, business, or other associational relationship with an affected person; or
5. Otherwise has a relationship or acts in a manner that would violate affected persons' constitutional rights to an impartial decision-maker.

B. If an objection is raised to a board member's participation in a matter based on a conflict of interest, and the member does not recuse himself or herself, the remaining members of the board present shall by majority vote determine whether the member is or is not disqualified from participating in the review because of conflict of interest.

7.3.7. Rules of Procedure

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

Section 7.4. Planning Board[185]

7.4.1. Establishment

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

7.4.2. Powers and Duties

A. Review of Development Applications

The Planning Board shall have the review and recommendation authority and responsibilities shown in Table 7.1: Table of Development Review Responsibilities.

B. Studies

The Planning Board shall make comprehensive studies of the area within its jurisdiction, to prepare and recommend plans, policies and ordinances that will promote orderly development and the public health, safety and general welfare of the community.

C. Other Powers and Duties

The Planning Board shall have any other powers and duties under this Ordinance delegated to it by the Town Board of Commissioners, in accordance with State law.

[185] This section caries forward provisions in Article XIII of the current zoning ordinance that establish the powers, duties, and composition of the Planning Board; other provisions dealing with development review procedures are located in **Error! Reference source not found. Error! Reference source not found.**.

7.4.3. Membership, Appointment, and Terms of Office

A. Membership and Appointment

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

B. Alternate Members

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

C. Terms

1. Members of the Planning Board shall be appointed for three-year terms that are staggered such that the terms of not more than two regular members and one alternate member expire in a given year. Board members may be appointed to successive terms without limitation.
2. Vacancies occurring for reasons other than expiration of the term shall be filled for the period of the unexpired term only, and by the body (Town Board of Commissioners or Chatham County Board of Commissioners) responsible for appointing the vacating member.
3. Board members shall continue to serve until their successors are appointed.

D. Attendance

Planning Board members are responsible for attending all regular board meetings, and may be replaced in accordance with the current attendance policy of the Town Board of Commissioners for advisory bodies.

E. Officers

1. The Planning Board shall elect one of its members to serve as its Chair and another as its Vice-Chair, each to serve a one-year term. Members may be elected to successive terms without limitation.
2. The Chair shall preside over all board meetings. The Vice-Chair shall preside over board meetings in the absence of the Chair. If both the Chair and Vice-Chair are absent, the board shall vote to determine who shall serve as acting Chair for the meeting.

7.4.4. Staff

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

7.4.5. Quorum and Voting

A. Quorum

Four members of the Planning Board shall constitute a quorum. No official business of the board shall be conducted without a quorum present.

B. Voting

The concurring vote of a majority of Planning Board members present and constituting a quorum shall be required for all decisions of the board.

7.4.6. Conflict of Interest[186]

A Planning Board member shall not participate in the review of, or vote on, a development application if the outcome of the matter is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.

7.4.7. Rules of Procedure

The Planning Board shall adopt rules of procedure governing its procedures and operations. including a process for maintaining accurate minutes of board meetings. At least once per year, the board shall also adopt a schedule of regular meetings, with at least one meeting scheduled per month.[187] Copies shall be made available for public inspection in the Planning Department during normal business hours.

Section 7.5. Town Board of Commissioners[188]

7.5.1. Powers and Duties

To exercise the authority granted it by State law and the Town's charter, the Town Board of Commissioners shall have the following powers and duties under this Ordinance.

[186] The Planning Board does not perform any quasi-judicial functions in reviewing and making recommendations on development applications. The conflict of interest provsions for the Board of Adjustment and the Town Board of Commissioners (for Special Use Permit application review and decisions) include language from the N.C.G.S. that pertains to quasi-jucial functions. Because the Planning Board's review and recommendation on development applications lacks the due process concerns present in quasi-jucial functions, such further specific provisions are not necessary here.

[187] The current requirement is that meetings are held on the first Mondy of each month. To provide greater flexibility to the board, a general requirement for regular monthly meetings is substituted here.

[188] This new section outlines the powers and duties of the Town Board of Commissioners relating to development review and decision making and includes specific standards that would disqualify a board member from reviewing or voting on a development application.

A. Review of Development Applications

The Town Board of Commissioners shall have the review, recommendation, and decision-making authority and responsibilities shown in Table 7.1: Table of Development Review Responsibilities.

B. Adopt Schedule of Development-Related Fees

The Town Board of Commissioners is authorized to adopt, by ordinance, a schedule of fees governing the review of development applications and plans, inspections, and other matters involving the administration and enforcement of this Ordinance.

C. Adopt Schedule of Civil Penalties

The Town Board of Commissioners is authorized to adopt by ordinance a schedule of civil penalties for violations of this Ordinance.

D. Other Actions

The Town Board of Commissioners is authorized to take any other action not assigned or delegated to the Planning Director, Planning Board, Board of Adjustment, or other advisory or decision-making authority as the Town Board of Commissioners deems desirable and necessary to implement provisions of this Ordinance, in accordance with State law.

7.5.2. Conflict of Interest

A. Special Use Permit Applications[189]

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

B. Other Development Applications

A Town Board of Commissioners member shall not participate in the review of, or vote on, any other development application if the outcome of the matter is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.

[189] Because the review of and decision on a Special Use Permit application is a quasi-judicial function, situations listed in N.C.G.S. 160A-388(e)(2) as violating an applicant's right to due process are listed here as prohibited.

Commentary

Article 8: Development Review Procedures, consolidates and streamlines all procedural requirements and standards for review and decision on development applications. As discussed in the UDO Code Assessment, this article is intended to improve the efficiency and transparency of the Town's development review processes by consolidating and standardizing generally applicable procedures and requirements, streamlining existing review procedures, and adding more flexible procedures. Article 8 is organized into three sections.

Section 8.1, Table of Development Review Procedures, consists of a summary table of development review procedures that provides a summary of the steps required for each type of development application and the staff and review boards responsible for each step.

Section 8.2, Standard Review Procedures, establishes a consolidated set of standard review procedures that applies to all development approvals and permits. The standard review procedures provide the framework under which the Town's basic development review procedures for applications are made uniform to the greatest degree possible. The section addresses:

- Pre-application steps (conferences with staff and community information meetings), applicable to some reviews;
- Application submittal and acceptance procedures and requirements;
- Staff review responsibilities, including staff decision-making responsibilities (where applicable);
- Scheduling and notice requirements for public hearings and public hearing procedures;
- Responsibilities of the Planning Board in reviewing and making recommendations;
- Responsibilities of the Town Board of Commissioners and the Board of Adjustment in reviewing and making final decisions; and
- Post-decision actions and limitations such as appeals, the expiration of development approvals and permits, modification of approvals, etc.

Section 8.3, Application-Specific Review Procedures, establishes the specific procedural steps required for and decision standards applicable to each type of development application. The procedures in this section reference the standard procedures and include variations or additions to the standard procedures that are unique to each type of development application. In order to make the document more user-friendly, flow charts are included to illustrate the required procedures.

This comment box and the footnotes included in this draft are provided for reference purposes and will not be included in the adopted UDO.

Article 8: Development Review Procedures

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Article 8: DEVELOPMENT REVIEW PROCEDURES[190]

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

Section 8.1. Table of Development Review Procedures

Table 8.1, Table of Development Review Procedures, lists the various types of development approvals and permits authorized by this Ordinance. It starts with the basic development approvals and permits, followed by the supplemental development approvals and permits, subdivisions, relief and interpretation, and ordinance amendments. For each type of development application, the table indicates whether a pre-application staff conference or community information meeting is required, what role various Town review authorities or staff play in its review, when a public hearing is required, and what type of public hearing (standard or quasi-judicial) is required, if applicable. Reading table rows from left to right provides a summary view of the major steps involved with each type of development application.

Table 8.1: Table of Development Review Procedures[191]

C = Review and Comment R = Review and Recommend D = Review and Decide A = Appeal
[ ] = Standard Public Hearing < > = Quasi-Judicial Public Hearing M = Mandatory

Application Type		Pre-Application Conference	Community Information Meeting	Review Authorities					
				Staff			Advisory	Decision-Making	
				Building Official	Town Engineer	Planning Director	Planning Board	Board of Adjustment	Board of Commissioners
Basic Development Review									
Site Plan	Minor	M			C	D			
	Major	M	M		C	R	R		D
Stormwater Management Permit					D				

[190] As discussed in the UDO Code Assessment, Article 8 consolidates procedures into a single location, with common (standard) procedures further consolidated. Properly organized, the procedures take a development application from the beginning of the development review process to the end. The Table of Development Review Procedures (Table 8.1) allows users of the code to quickly find the procedures that apply to a specific activity. The standard review procedures section consolidates procedures and requirements common to the review of many different types of applications. Following the standard procedures, the application-specific procedures identify which standard review procedures and requirements are applicable for a particular application type, describe any variations from those procedures and requirements, and list applicable decision-making criteria.

[191] This is a new summary table of all permits and development approval procedures in the UDO; it also identifies who is responsible for advisory and decision-making authority for each development approval or permit. The table provides a place in the ordinance where a user can go to gain a quick overview of the development review procedures. Where changes are made to the current procedures or where new procedures are added, they are identified in the discussion of the individual procedures in Section 8.3, Application-Specific Review Procedures.

Table 8.1: Table of Development Review Procedures[191]

C = Review and Comment R = Review and Recommend D = Review and Decide A = Appeal
[ ] = Standard Public Hearing < > = Quasi-Judicial Public Hearing M = Mandatory

Application Type		Pre-Application Conference	Community Information Meeting	Review Authorities					
				Staff			Advisory	Decision-Making	
				Building Official	Town Engineer	Planning Director	Planning Board	Board of Adjustment	Board of Commissioners
Zoning Compliance Certificate					C	D			
Building Permit [1]				D	C	C			
Supplemental Development Review									
Special Use Permit		M	M		C	R	R		<D>
Riparian Buffer Development		M			D	C			
Floodplain Development Permit					C	D			
Sign Permit				C		D			
Temporary Use Permit				C		D			
Site Specific Development Plan Designation					C	R	R		[D]
Development Agreement		M			C	R			[D]
Subdivision									
Minor Subdivision		M			C	D			
Major Subdivision	Preliminary Plat	M	M		C	R	R		D
	Final Plat	M			C	D			
Relief and Interpretation									
Administrative Adjustment		M			C	D			
Variance									
Zoning and Flood Damage Prevention		M						<D>	
Riparian Buffer	Major	M	M		R			<D>[2]	
	Minor	M			R			<D>	
Stormwater	Major	M	M		R			<D>[2]	
	Minor	M			R			<D>	
Appeal					D	D		<A>	
Interpretation		M				D			
Amendment									
Text Amendment						R	R		[D]
Zoning Map Amendment		M	M			R	R		[D]
Conditional Zoning		M	M			R	R		[D]
Planned Development		M	M		C	R	R		[D]

NOTES:
[1] Review procedures for Building Permits are established in the Building Code, but are identified because they are related to the development review procedures in this Ordinance.
[2] The Board of Adjustment's decision is preliminary and is submitted to the N.C. Environmental Management Commission for a final decision.

Section 8.2. Standard Review Procedures[192]

8.2.1. General

This section describes the standard procedural steps and other rules that are generally applicable to all development applications reviewed under this Ordinance. Section 8.3, Application-Specific Review Procedures, describes the specific procedures for each type of development application.

8.2.2. Pre-Application Conference[193]

A. Purpose

The purpose of a pre-application conference is to provide an opportunity for an applicant and Town staff to: review applicable submittal requirements, procedures, and schedules; discuss the scope, features, and potential impacts of a proposed development as it relates to the standards in this Ordinance; and identify primary contacts for the applicant and Town staff.

B. When Required

A pre-application conference is mandatory for the development applications in Table 8.1, Table of Development Review Procedures where it is shown as mandatory. A pre-application conference is optional for all other applications. Pre-application conferences are not required for applications submitted by the Town Board of Commissioners, Planning Board, or Planning Director.

C. Procedure

If a pre-application conference is held (whether mandatory or optional), it shall be scheduled and conducted in accordance with the following.

1. Request

The applicant shall submit a request for a pre-application conference to the Planning Director.

[192] As discussed in Section D, Establish Standard Procedures, under Key Issue 2: Improve Procedural Efficiency, in the UDO Code Assessment, the procedures for the review of development applications are scattered throughout the current development regulations. Consolidating standard review steps helps code users better understand the Town's basic development review procedures and procedural requirements. It also avoids unnecessary duplication of common procedural provisions, ensures consistent application of common procedures, and eliminates the need to amend multiple sections of the code if a standard procedural provision is revised. This section establishes a set of standard procedures. They address review requirements relevant to all development applications; if there are exceptions to these standard procedural requirements, they are addressed in the subsection for the individual type of development application in the next section, Section 8.3, Application-Specific Review Procedures.

[193] This section establishes basic procedures for pre-application conferences, consistent with Section 2.D.1, Require a Pre-Application Staff Conference for Major Applications, of the UDO Code Assessment. The current regulations do not require or provide procedures for pre-application conferences, except for the pre-sketch conference provisions (Section 4.2(B)) in the Subdivision Regulations and an encouraged pre-application meeting for conditional zoning.

2. Scheduling

Upon receiving a pre-application conference request, the Planning Director shall schedule the conference with appropriate Town staff members and notify the applicant of the time and place of the conference.

3. Required Information Submitted Prior to Conference

a. Text Amendments and Zoning Map Amendments

At least two business days before a scheduled pre-application conference for a Text or Zoning Map Amendment application, the applicant shall submit to the Planning Director a written description of the nature and purpose of the amendment with an explanation of why the proposed amendment is consistent with the comprehensive plan.

b. All Other Application Types

At least two business days before a scheduled pre-application conference for any other development application, the applicant shall submit to the Planning Director a conceptual plan or drawings of the proposed development showing its location, general layout, and main elements.

4. Conference Determinations

At the pre-application conference, Town staff shall identify concerns, problems, or other factors the applicant should consider about the development application and potential impacts of the proposed development as they relate to compliance with this Ordinance—including the need for other approvals and the opportunity or need for approval of deviations from Ordinance standards through other approvals.

D. Effect

The pre-application conference is intended as a means of facilitating the review process. Discussions held in accordance with this section are not binding on the Town or the applicant. Processing times for review of development applications do not begin until a formal application is submitted and accepted for review in accordance with Section 8.2.4, Application Submittal and Acceptance.

8.2.3. Community Information Meeting[194]

A. Purpose

The purpose of a community information meeting is to inform owners and occupants of nearby lands about a development proposal, receive comments, address concerns about the development proposal, and resolve conflicts and outstanding issues, where possible.

[194] This section requires an applicant for certain types of development applications to conduct a community information meeting. It encourages applicants for other types of development applications to conduct a community information meeting, as appropriate. To ensure a consistent process for community information meetings, the section also includes basic procedural requirements that must be followed. As is discussed in the UDO Code Assessment, Section 2.D.2, Require Neighborhood Meeting for Major Applications, such meetings provide a process for development applicants, neighbors, and neighborhood and civic organizations to share information and identify issues related to a potential development in advance of the formal review and decision making process. While the Code Assessment recommends that community information meetings (or neighborhood meetings) be required prior to the submittal of an application, the approach taken in this section is to allow the meetings up to 14 days prior to initial board review. This approach fulfills the basic information sharing goals of the meeting while providing greater flexibility to the applicant.

B. Favored Practice

Community information meetings are encouraged as opportunities for informal communication between applicants and the owners and occupants of nearby lands, and other residents who may be affected by a development proposal.

C. Applicability

A community information meeting is mandatory for the development applications in Table 8.1, Table of Development Review Procedures where it is shown as mandatory. A community information meeting is optional for all other development applications.

D. Procedure

If a community information meeting is held by the applicant (whether mandatory or optional), it shall comply with the following procedures:

1. Timing

The community information meeting shall be held a minimum of 14 calendar days before the advisory or review board meeting at which the application is first considered.

2. Meeting Location and Time

a. The meeting shall be held at a place that is accessible to neighbors that reside in close proximity to the land subject to the application. As an alternative, the community information meeting may be held at Town Hall or another location that is convenient and reasonably accessible.

b. All community information meetings shall be scheduled after 5:00 P.M. on a weekday.

3. Notification

a. Mailed Notice

The applicant shall mail notice of the community information meeting a minimum of ten calendar days in advance of the meeting to:

(1) All persons to whom mailed notice of a public hearing on the application is required by Section 8.2.6.C.4, or if mailed notice is not required, all landowners of adjacent property; and

(2) The Planning Director.

b. Posted Notice

The applicant shall also post notice of the community information meeting beside each existing street or street stub connection to the land that is the subject of the application at least ten calendar days before the date fixed for the meeting.

c. Notice Content

The notice shall state the time and place of the community information meeting, explain the purpose of the meeting, and summarize the general nature of the development proposal.

4. Conduct of Meeting

At the community information meeting, the applicant shall explain the development proposal and application, inform attendees about the application review process, answer any questions, respond to questions and concerns neighbors have about the development proposal, and propose ways to resolve conflicts.

5. Written Summary of Community information Meeting

After the conclusion of the community information meeting, the applicant shall prepare a written summary of the meeting that includes a list of meeting attendees, a summary of attendee comments, discussed issues related to the development proposal, and any other information the applicant deems appropriate. The meeting summary shall be submitted to the Planning Director within five calendar days of the community information meeting. The meeting summary shall be included with the application materials and be made available for examination by the public in accordance with Section 8.2.5.C.2.d.

6. Response to Summary

Any person attending the community information meeting may submit to the Planning Director a written response to the applicant's meeting summary. The response may state their understanding of attendee comments and discussed issues related to the development proposal, and any other information they deem appropriate. All submitted written responses shall be included with the application materials and be made available for examination by the public in accordance with Section 8.2.5.C.2.d.

8.2.4. Application Submittal and Acceptance[195]

A. Authority to File Applications

Unless expressly stated otherwise in this Ordinance, development applications reviewed under this Ordinance shall be submitted by:

1. The owner, contract purchaser, or any other person having a recognized property interest in the land on which development is proposed; or
2. A person authorized to submit the application on behalf of the owner, contract purchaser, or other person having a recognized property interest in the land, as evidenced by a letter or document signed by the owner, contract purchaser, or other person.

B. Application Content

The Planning Director is authorized to establish the requirements for the content and form for each type of development application, and may amend and update these requirements as necessary to ensure effective and efficient review. These requirements shall be placed in an Administrative Manual. The applicant is responsible to ensure that an application contains sufficient information to demonstrate compliance with all applicable standards.

[195] This section establishes a set of standard requirements related to application submittal, including a determination of application completeness, as discussed in the UDO Code Assessment, Section 2.D.3, Define Application Submittal and Acceptance Procedures. Some of this information can be found in the current regulations for individual types of applications; some information is not found in the current regultions. As discussed earlier, these rules, like all other rules in this section, apply to all development applications (unless stated otherwise).

C. Application Fees

The Town Board of Commissioners is authorized to establish application fees, by ordinance, which shall be referenced in an Administrative Manual. The Town Board of Commissioners may amend and update the application fees as necessary.

D. Application Submittal

Development applications shall be submitted to the Planning Director in the form established in the Administrative Manual, along with the appropriate application fee.

E. Determination of Application Completeness

1. Completeness Review

Upon receiving a development application, the Planning Director shall, within five business days, determine whether the application is complete or incomplete. A complete application is one that:

a. Contains all information and materials required by this Ordinance, as well as the application checklist requirements in the Administrative Manual for submittal of the particular type of application.

b. Is in the form required for submittal of the particular type of application;

c. Includes information in sufficient detail to evaluate the application to determine whether it complies with the applicable review standards of this Ordinance; and

d. Is accompanied by the fee established for the particular type of development application.

2. Application Incomplete

a. Upon determining that an application is incomplete, the Planning Director shall provide the applicant written notice of the submittal deficiencies. The applicant may correct the deficiencies and resubmit the application for a completeness determination.

b. If the applicant fails to resubmit an application within 30 calendar days after being first notified of submittal deficiencies, the application submittal shall be considered abandoned.

3. Application Complete

Upon determining that the application is complete, the Planning Director shall accept the application for review in accordance with the procedures and standards of this Ordinance and provide the applicant written notice of application acceptance.

F. Application Withdrawal

After an application has been accepted as complete for review, the applicant may withdraw the application at any time by submitting a letter of withdrawal to the Planning Director.

8.2.5. Staff Review and Action[196]

Either the Planning Director or the Town Engineer, whichever is identified in Section 8.1, Table of Development Review Procedures, as responsible for either (1) reviewing and recommending or (2) reviewing and deciding a development application, shall ensure that the appropriate action on an application occurs.

A. Referral of Application to Staff and Review Agencies[197]

The Planning Director or the Town Engineer, as applicable, shall refer the application to those Town staff members and review agencies deemed appropriate for review and comment.

B. Staff Review and Opportunity for Application Revision

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

C. Applications Subject to Staff Recommendation

1. Staff Report

If a development application is subject to staff review and recommendation to an advisory or decision-making body (see Table 8.1, Table of Development Review Procedures), the Planning Director or the Town Engineer, as applicable, shall prepare a written staff report. The staff report shall conclude whether the application complies

[196] The current regulations do not provide direction for staff review in the development review procedures. This section establishes procedures for staff review of applications. Staff review procedures are discussed in Section 2.D.4, Add Staff Review Procedures, of the UDO Code Assessment.

[197] This subsection references appropriate staff members and review agencies rather than a formal Technical Review Committee, as was initially proposed in Section 2.2.A(2) of the Code Assessment.

with all applicable standards of this Ordinance and recommend one of the decisions authorized for the particular type of application, based on the review standards applicable to the application type, as set forth in Section 8.3, Application-Specific Review Procedures. The staff report may identify and recommend conditions of approval addressing how compliance deficiencies might be corrected and adverse effects of the development proposal might be mitigated.

2. Distribution and Availability of Application and Staff Report

Within a reasonable time period before the meeting at which a development application is scheduled for review by the Board of Adjustment, Planning Board, or Town Board of Commissioners, as appropriate, the Planning Director shall:

a. Schedule and verify any required public notification of the meeting in accordance with 8.2.6, Public Hearing Scheduling and Public Notification;

b. Transmit the application, related materials, and the staff report to the Board of Adjustment, Planning Board, or Town Board of Commissioners, as appropriate;

c. Transmit a copy of the staff report to the applicant; and

d. Make the application, related materials, and the staff report available for examination by the public at the Planning Department during normal business hours, at a reasonable cost.

D. Applications Subject to Staff Decision

1. Decision

If a development application is subject to staff review and decision (see Table 8.1, Table of Development Review Procedures), the Planning Director or the Town Engineer, as applicable, shall make a decision on the application based on the review standards applicable to the application type, as set forth in Section 8.3, Application-Specific Review Procedures. The decision shall be in writing and shall clearly state reasons for a denial. Unless otherwise stated in Section 8.3, Application-Specific Review Procedures, for the individual application type, the decision shall be one of the following:

a. Approve the application as submitted;

b. Approve the application subject to conditions; or

c. Deny the application.

2. Conditions of Approval

Any conditions of approval shall be expressly set forth in the approval, shall be limited to conditions deemed necessary to ensure compliance with the requirements and particular standards of this Ordinance, and shall relate in both type and scope to the anticipated impacts of the proposed development.

8.2.6. Public Hearing Scheduling and Public Notification[198]

A. General

The Planning Director shall ensure that public hearing scheduling and public notification of required public hearings comply with the North Carolina General Statutes and the provisions of this section.

B. Public Hearing Scheduling

1. If a development application is subject to a public hearing (see Table 8.1, Table of Development Review Procedures), the Planning Director shall ensure that the public hearing on the application is scheduled for either a regularly scheduled meeting of the board reviewing the application or a meeting specially called for that purpose by the board reviewing the application.

2. A required public hearing on the application shall be scheduled for a meeting that allows sufficient time for preparation of a staff report and provision of public notification required by this Ordinance and by the North Carolina General Statutes.

C. Public Notification

1. Required Type and Timing of Public Notification

The Planning Director shall provide public notification of a public hearing on a development application in accordance with Table 8.2.6.C.1: Required Type and Timing of Public Notification, for the type of application and the type of notice. Computation of the required time periods shall be according to Section 10.1.4, Computation of Time.

[198] This section consolidates public notice provisions from various development application procedures throughout the current regulations, consistent with Section 2.D.5, Consolidate Hearing Scheduling and Notice Requirements, of the Pittsboro UDO Code Assessment. Public notification requirements that are in excess of the requirements of State law are elminated in some cases (published notice for hearings on appeals and variances) and carried forward in some cases (mailed notice to owners of property within 100 feet of the application site for special use permits). Where the NC General Statutes require a development application to be subject to a public hearing, they only require a single public hearing, regardless of the number of different review bodies meeting to consider the application.

Table 8.2.6.C.1: Required Type and Timing of Public Notification

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

NOTES:
[1] Published notice may be substituted in cases where a rezoning application directly affects more than 50 properties, owned by at least 50 different property owners pursuant to Section 8.2.6.C.4.c.
[2] Posted notice for an appeal is required only if the appeal pertains to a particular site.

2. Required Content

Public notice required by this section shall, at a minimum:

a. Identify the application;

b. Describe the nature of the proposed development or action and the development approval or permit sought;

c. Identify the location of the land subject to the application;

d. Identify the date, time, and location of the public hearing being noticed; and

e. State that members of the public may appear at the public hearing and speak and submit evidence and written comments on the matter.

3. Posted Notice Requirements

a. The Planning Director shall be responsible for posting notice in accordance with this subsection.

b. Notices shall be posted on signs in a form established by the Planning Director.

c. The posted notice shall be located adjacent to each public street right-of-way bordering the land that is the subject of the application in a conspicuous location so as to be clearly visible to the traveled portion of the respective street. If no part of the subject land is visible from the public right-of-way, the notice shall be posted in the public right-of-way of the nearest street with an attached notation generally indicating the direction and distance to the land that is the subject of the application.

d. The applicant shall ensure that the posted notice is maintained on the land until completion of the public hearing on the application.

4. Mailed Notice Requirements

a. The Planning Director shall be responsible for mailing notice in accordance with this subsection. Mailed notice shall be sent via first-class mail to the applicant, the owners of the land that is the subject of the application, if different from the applicant, and the owners of all properties abutting the land that is the subject of the application.

b. The applicant shall provide mailing labels and stamps to the Planning Director for required mailed notices. Unless evidence to the contrary exists, the names and mailing addresses for land owners required to be mailed notice shall be as shown on the most current Chatham County tax records.

c. If a rezoning application directly affects more than 50 properties owned by at least 50 different property owners, the Planning Director may elect to notify affected property owners in accordance with Section 8.2.6.C.5, Published Notice Requirements, if each published notice is not less than one-half of a newspaper page in size. Affected property owners who reside outside the area of the publishing newspaper's general circulation must be mailed notice in accordance with Subsections a and b.

5. Published Notice Requirements

a. The Planning Director shall be responsible for published notice in accordance with this subsection. Notice shall be published in a newspaper having general circulation in the Town.

6. Certification of Notice

The Planning Director shall sign a statement that proper notice has been provided in accordance with the requirements of this section. Such certificate shall be deemed conclusive that public notification has been provided consistent with this section.

8.2.7. Planning Board Review and Recommendation

If a development application is subject to review and recommendation by the Planning Board in accordance with Table 8.1, Table of Development Review Procedures, the board shall review and act on the application in accordance with the following procedures.

A. Review and Recommendation

1. The Planning Board shall consider the application, relevant support materials, the staff report, and any comments made during the meeting. At the conclusion, the board shall recommend one of the decisions authorized for the particular type of application,

based on the review standards applicable to the application type, in accordance with Section 8.3, Application-Specific Review Procedures.

2. The board shall clearly state the factors considered in making its recommendation and the basis or rationale for the recommendation.

3. The board shall take action as promptly as reasonably possible in consideration of the interests of the applicant, affected parties, and citizens of the Town.

B. Revision of Application

1. Prior to Planning Board action on an application, the applicant may request and the board may grant an opportunity to revise the application if the revisions are minor and are limited to changes that directly respond to specific requests or suggestions made by the staff or the Planning Board.

2. Substantial revisions to the application may be submitted by the applicant, but the revised application shall be remanded back to the Planning Director and reviewed as if it were a new application.

8.2.8. Town Board of Commissioners or Board of Adjustment Review and Decision

If a development application is subject to a decision by the Town Board of Commissioners or Board of Adjustment (see Table 8.1, Table of Development Review Procedures), the decision-making body shall review and act on the application in accordance with the following procedures.

A. Review and Decision

The decision-making body shall consider the application, relevant support materials, staff report, any advisory body recommendation (if applicable), and testimony, evidence, and other materials submitted or any comments made at the public hearing (if required) or meeting at which the application is considered. At the conclusion of the hearing or meeting, the decision-making body shall make one of the decisions authorized for the particular type of application, based on the review standards applicable to the application type in accordance with Section 8.3, Application-Specific Review Procedures.

1. The decision-making body shall clearly state the factors considered in its decision and the basis or rationale for the decision.

2. If the application is subject to a quasi-judicial hearing, the decision shall be reduced to writing, be signed by a duly authorized member of the decision-making body, include findings of fact based on competent, material, and substantial evidence presented at the hearing, reflect the determination of contested facts, and state how the findings support compliance with applicable review standards. The decision is effective upon its filing with the Planning Director (for Board of Adjustment decisions) or the Town Clerk (for Town Board of Commissioners decisions).

3. The decision-making body shall take action as promptly as reasonably possible in consideration of the interests of the applicant, affected parties, and citizens of the Town.

B. Conditions of Approval

Any conditions of approval shall be expressly set forth in the approval, shall be limited to conditions deemed necessary to ensure compliance with the requirements and particular

standards of this Ordinance, and shall relate in both type and scope to the anticipated impacts of the proposed development.

C. Revision of Application

1. Prior to action by the decision-making body on the application, the applicant may request and the decision-making body may grant to the applicant an opportunity to revise the application if the revisions are minor and are limited to changes that directly respond to specific requests or suggestions made by the staff or the decision-making body.
2. Substantial revisions to the application may be submitted by the applicant, but the revised application shall be remanded back to the Planning Director and reviewed as if it were a new application.

8.2.9. Public Hearing Procedures[199]

A public hearing shall comply with the following.

A. General

1. The burden is on the applicant to demonstrate that a development application complies with applicable review standards. For a quasi-judicial public hearing, this burden can be satisfied only by competent, material, and substantial evidence.
2. Any person may appear at the hearing and submit documents, materials, and other written or oral testimony, either individually or as a representative of an organization. Persons speaking at the hearing shall identify themselves, state their home or business address, and if appearing on behalf of a person or organization, state the name and mailing address of the person or organization they represent.
3. The body conducting the hearing may place reasonable time restrictions on the presentation of testimony and the submission of documents and other materials.
4. The following additional provisions apply to a quasi-judicial public hearing:
   a. The body conducting the public hearing is not bound by the rules of evidence, or limited to consideration of evidence that is inadmissible in a court of law. The body may consider all testimony and evidence it deems competent and material to the application under consideration, and may exclude testimony or evidence it determines to be irrelevant, immaterial, incompetent, unreliable, or unduly repetitious.
   b. A member of the body conducting the public hearing shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed *ex parte* communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.

[199] The current development review procedures do not establish a set of basic rules governing public hearings. This section establishes required public hearing procedures, both for standard public hearings and quasi-judicial public hearings (see discussion in Section 2.D.7, Expand Hearing Procedures, of the Code Assessment).

5. The body conducting the public hearing may, on its own motion or at the request of any person, continue the public hearing to a fixed date, time, and place.
6. The body conducting the public hearing shall record the proceedings by any appropriate means. The record of the hearing shall consist of:
   a. The development application under consideration;
   b. The staff report;
   c. The recorded testimony;
   d. All documents and exhibits entered into the record at the hearing;
   e. Review body recommendations, where relevant, and the record from the review body proceedings on the development application;
   f. The UDO; and
   g. If a quasi-judicial public hearing, all written communications about the application received by members of the body conducting the hearing and Town staff.

B. Order of Proceedings for Standard Public Hearings

The order of proceedings at a standard public hearing shall be as follows:

1. Presentation of Staff Report

The Planning Director shall provide a brief introductory narrative and/or graphic description of the application and present the staff report and any review body findings and recommendations.

2. Applicant Presentation

The applicant shall present any information the applicant deems appropriate.

3. Public Comment

Public comments shall be heard. Any person other than the applicant or the applicant's representatives may be permitted to speak in accordance with the advisory or decision-making body's rules of procedure in support of or in opposition to the application. At the discretion of the person chairing the body conducting the hearing, such person may be granted additional time to speak when it is justified.

4. Applicant Response to Comments

The applicant may respond to any comments, documents, or materials presented by the Planning Director or the public.

5. Planning Director Response to Comments

The Planning Director may respond to any comments, documents, or materials presented by the applicant or the public.

6. Close of Hearing

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

C. Order of Proceedings for Quasi-Judicial Public Hearings

The order of proceedings at a quasi-judicial public hearing shall be the same as that for standard public hearings except for the following modifications:

1. Swearing In

At the opening of the hearing, the chair of the body holding the hearing shall swear in or affirm all persons who will testify at the hearing.

2. *Ex parte* Disclosure

After the swearing in, members of the body holding the hearing shall disclose all *ex parte* communications.

3. Affected Parties' Presentations

After the applicant presentation, parties affected[200] by the proposed development may present any testimony and evidence they deem appropriate.

4. Cross Examination and Rebuttal

Following presentation of the staff report, presentations by the applicant or witnesses presented by the applicant, then presentations by affected parties or witnesses presented by affected parties, cross examination by members of the body conducting the hearing shall be allowed. Cross-examination or rebuttal by the Town, the applicant, and affected parties is also allowed, subject to the authority of the chair of the body holding the hearing.

5. Close of Hearing

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

8.2.10. Post-Decision Actions and Limitations

A. Notice of Decision

1. Within ten calendar days after a decision on a development application, the Planning Director shall provide a written copy of the decision by personal delivery, electronic mail, or first-class mail to the applicant and make a copy of the decision available to the public in the Planning Department, during normal business hours.
2. If the review involves a quasi-judicial hearing, within ten calendar days after a decision on the application, the Planning Director shall also provide a written copy of the decision by personal delivery, electronic mail, or first-class mail to the owner(s) of land that is the subject of the application and to any person who has submitted a written request for a copy of the decision before the effective date of the decision. The Planning Director shall also certify that a copy of the decision has been provided as required by this subsection.

[200] The term "affected party" will be defined in Section 10.5, Terms and Uses Defined to mean "owners of land adjoining the land subject to an application and any other person who could suffer an adverse effect to a property interest from a proposed development."

B. Appeal

1. A party aggrieved or adversely affected by a final decision on an application by the Town Board of Commissioners or Board of Adjustment may seek review of the decision in the courts in accordance with applicable State law. The appeal shall be filed with the clerk of the Superior Court of Chatham County within 30 days after the decision is effective or the date a written notice of decision or copy of the decision has been provided in accordance with subsection A above. If the notice of decision or copy of the decision was provided via first class mail, three days shall be added to filing deadline.

2. Appeals of decisions by the Planning Director or Town Engineer in administering or enforcing the provisions of this Ordinance may be made in accordance with the procedures and standards in Section 8.3.5.E, Appeal.

C. Effect of Approval

1. Authorized Activity

a. Approval of a development application in accordance with this Ordinance authorizes only the particular use, plan, or other specific development or activity approved, and not any other development or activity requiring separate approval.

b. If one development approval or permit is a prerequisite to another development approval or permit (e.g., variance approval prior to a site plan approval), development may not take place until all required development approvals and permits are obtained. Approval of one development application does not necessarily guarantee approval of any subsequent application.

2. Expiration of Approval

a. A development application approval shall be valid as authorization for the approved development activity until the end of the expiration time period provided in Section 8.3, Application-Specific Review Procedures, for the particular type of application.

b. If no expiration period is provided in Section 8.3, Application-Specific Review Procedures, the development approval or permit shall expire if a Building Permit or Zoning Compliance Permit authorizing the approved development is not obtained within one year.

c. A change in ownership of the land shall not affect the established expiration time period of an approval.

D. Amendment of Development Approval

Unless otherwise provided in Section 8.3, Application-Specific Review Procedures, for the particular type of development application, any modifications of approved plans or conditions of approval shall require a new application that is submitted and reviewed in accordance with the procedure and standards applicable to the particular type of application.

E. Limitation on Subsequent Similar Applications

1. If a development application requiring a public hearing is denied or withdrawn after pubic notification is made in accordance with Section 8.2.6.C, Public Notification, no application proposing the same or similar development on all or part of the same land

shall be submitted within one year after the date of the denial or withdrawal unless the decision-making body waives this time limit in accordance with subsection 2 below.

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

a. There is a substantial change in circumstances relevant to the issues or facts considered during review of the prior application that might reasonably affect the decision-making body's application of the relevant review standards to the development proposed in the new application; or

b. New or additional information is available that was not available at the time of review of the prior application that might reasonably affect the decision-making body's application of the relevant review standards to the development proposed in the new application; or

c. The new application proposed to be submitted is materially different from the prior application; or

d. The final decision on the prior application was based on a material mistake of fact.

8.2.11. Miscellaneous

A. Simultaneous Processing of Applications

Whenever two or more applications for a development approval or permit are required under this Ordinance, the applications may, at the discretion of the Planning Director, be processed simultaneously, so long as all applicable local, state and federal requirements are satisfied.

B. Requests to Defer Scheduled Review Meetings

1. If an applicant submits a written request to the Planning Director to defer consideration of a development application scheduled for review at a Town Board of Commissioners, Planning Board, or Board of Adjustment meeting before any required public notification has been provided in accordance with Section 8.2.6.C, Public Notification, the Planning Director may defer consideration for good cause shown.

2. Any subsequent request for deferral by the applicant shall be in writing, state the reasons for deferral, and be submitted directly to the body scheduled to review the application. The body shall consider such a request and may either grant the request for good cause shown or deny the request and proceed to hear public comments, review, and take action on the application. If the body grants the request for deferral, it shall concurrently identify the date and time of a subsequent meeting at which the application shall be scheduled for review. The application may be subject to additional application fees to defray additional costs of processing the application.

C. Examination and Copying of Applications and Other Documents

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

Section 8.3. Application-Specific Review Procedures

8.3.1. General

This section sets forth specific procedures, review standards, and related information for each development application reviewed under this Ordinance (see Table 8.1, Table of Development Review Procedures).

A. Structure of Procedures

For each type of development application reviewed under this Ordinance, the following sections state the purpose of the section and/or type of development approval or permit and specify in in what situations the specific procedures in the section are required. Each section identifies applicable review procedures by reference to the standard procedures in Section 8.2, Standard Review Procedures, including any variations of, or additions to, the standard procedures. This is followed by the review standards for the application. The provisions of Section 8.2.11, Miscellaneous, apply to all development applications.

8.3.2. Basic Development Review Procedures

A. Site Plan[201]

1. Purpose

The purpose of site plan review is to establish a uniform mechanism to ensure that the layout and general design of proposed development complies with all applicable requirements of this Ordinance and all other Town regulations, and is compatible with surrounding land uses. This section establishes procedures and standards for review and approval of two types of site plans: Major Site Plans and Minor Site Plans.

2. Applicability

a. Major Site Plan approval shall be required for the following development, prior to the issuance of a Zoning Compliance Certificate:

(1) Non-residential development having a gross floor area greater than 10,000 square feet;

(2) Residential development having more than ten residential units;

(3) Development in a Major Transportation Corridor Overlay District; and

(4) Manufactured home parks.

b. Minor Site Plan approval shall be required before the issuance of a Zoning Compliance Permit, for all development that does not require Major Site Plan approval, unless it is exempted in accordance with subsection c below.

c. The following development is exempt from the requirements of this section:

[201] This section establishes site plan review procedures for two types of site plans. Minor site plans are decided by the Planning Director; major site plans are decided by the Town Board of Commissioners after review and recommendation from the Planning Board. It increases the threshold for Town Board of Commissioners' review of nonresidential development from 3,000 square feet to 10,000 square feet. The delegation of authority for final decision on some site plan applications is consistent with Section 2.C.1 of the Code Assessment, This section departs somewhat from the initial recommendations in the Code Assessment in that it does not integrate subdivision approval procedures into the site plan approval procedures.

(1) Internal construction that does not increase gross floor area or building height, increase the density or intensity of use, or affect parking or landscaping requirements;

(2) Expansion of an existing non-residential structure that does not increase the gross floor area by more than ten percent or 500 square feet;

(3) Nonhabitable detached accessory structures associated with single-family detached dwellings, duplex dwellings, or manufactured home dwellings; and

(4) New single-family detached dwellings, duplex dwellings, and manufactured home dwellings, and additions to such dwellings.

3. Minor Site Plan Procedure

a. Pre-Application Conference

Applicable (see Section 8.2.2).

b. Application Submittal and Acceptance

Applicable (see Section 8.2.4).

c. Staff Review and Action

Applicable (see Section 8.2.5). The Planning Director shall review and make a decision on the application in accordance with Section 8.3.2.A.5, Site Plan Review Standards.

d. Post-Decision Actions and Limitations

Applicable (see Section 8.2.10).

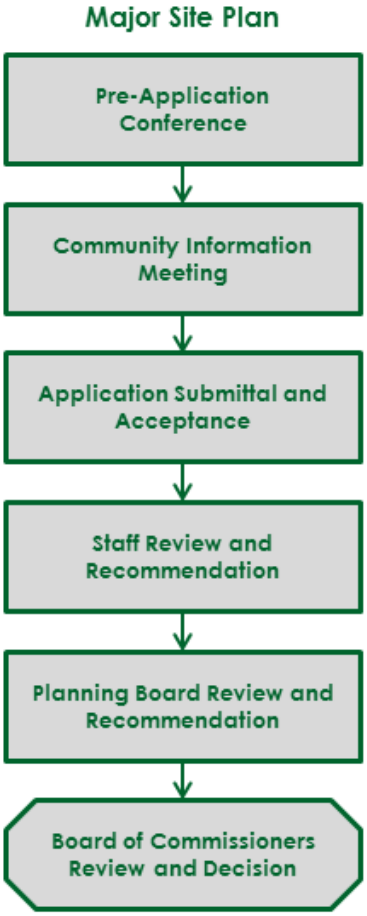
(1) Effect of Approval

Approval of a Minor Site Plan authorizes the submittal of an application for a building permit and any other development application that may be required before construction or other development authorized by this Ordinance.

(2) Expiration of Approval

Approval of a Minor Site Plan shall automatically expire at the end of two years following the date of approval if a Zoning Compliance Certificate for at least one building in the site plan is not approved. A change in the ownership in land does not affect this time period.

4. Major Site Plan Procedure



a. Pre-Application Conference

Applicable (see Section 8.2.2).

b. Community Information Meeting

Applicable (see Section 8.2.3).

c. Application Submittal and Acceptance

Applicable (see Section 8.2.4).

d. Staff Review and Action

Applicable (see Section 8.2.5).

e. Planning Board Review and Recommendation

Applicable (see Section 8.2.7).

f. Town Board of Commissioners Review and Decision

Applicable (see Section 8.2.8). The Town Board of Commissioners shall review and make a decision on the application in accordance with Section 8.3.2.A.5, Site Plan Review Standards. The decision shall be one of the following:

(1) Approve the application as submitted;

(2) Approve the application subject to conditions;

(3) Deny the application; or

(4) Remand the application back to the Planning Director or Planning Board for further consideration.

g. Post-Decision Actions and Limitations

Applicable (see Section 8.2.10).

(1) Effect of Approval

Approval of a Minor Site Plan authorizes the submittal of an application for a building permit and any other development application that may be required before construction or other development authorized by this Ordinance.

(2) Expiration of Approval

Approval of a Minor Site Plan shall automatically expire at the end of two years following the date of approval if a Zoning Compliance Certificate for at least one building in the site plan is not approved. A change in the ownership in land does not affect this time period.

5. Site Plan Review Standards

An application for Major or Minor Site Plan shall be approved only upon a finding that the site plan:

a. Complies with applicable district standards in Article 2: Zoning Districts, and applicable use standards in Article 3: Use Standards;

b. Complies with all other applicable standards in this Ordinance;

c. Complies with all other applicable Town ordinances;

d. Complies with all applicable state and federal laws; and

e. Complies with all requirements and conditions of approval of any prior development permits or approvals.

6. Phasing

a. General

Phasing of approved development shall be in keeping with an approved phasing plan that shows phase boundaries and describes included development and improvements in accordance with the following standards:

(1) The numbering of phases shall be sequential and coincide with the order in which the different development phases are proposed to be constructed.

(2) Each phase shall be designed to include all improvements and other aspects of development necessary to meet all requirements of this Ordinance and other applicable regulations, either as a stand-alone development or in conjunction with completed and accepted phases of the same development.

b. Temporary Measures

A phasing plan may include installation of temporary measures as necessary to allow a particular phase to meet the phasing standards in subsection a above, provided authorization of the temporary measures shall be valid for one year and be accompanied by the provision of a performance guarantee and a maintenance guarantee for the temporary measures in accordance with Section <>, Performance Guarantees.

B. Stormwater Management Permit[202]

See 4.7.2, Administration and Procedures.

[202] Procedures are carried forward in Section Section 4.7, Stormwater Management. The Pittsboro UDO Code Assessment, Section 3.4.7 recommends consolidating the procedures for stormwater management permits in Article 8 but recognizes that there is a perception among some local governements of difficulty in obtaining state approval of stormwater management regulations that do not fit the state's model ordinance. Stormwater regulations are carried forward consistent with the model code in this draft, but procedures may be moved to Article 8 in a future draft.

C. Zoning Compliance Certificate[203]

1. Purpose

The purpose of a zoning compliance certificate is to establish a uniform mechanism to ensure that proposed development complies with the requirements of this Ordinance prior to the issuance of a building permit (or other permit).

2. Applicability

a. Prior to issuance of a Building Permit, any change in use, or commencement of any development that does not require issuance of a Building Permit (e.g., construction of a fence or wall), a Zoning Compliance Certificate is required in accordance with the procedure and standards in this section.

3. Zoning Compliance Certificate Procedure

a. Application Submittal and Acceptance

Applicable(see Section 8.2.4).

b. Staff Review and Action

Applicable (see Section 8.2.5). The Planning Director shall review and make a decision on the application in accordance with Section 8.3.2.C.4, Zoning Compliance Certificate Review Standards.

c. Post-Decision Actions

Applicable (see Section 8.2.10), except:

(1) Effect of Approval

A Zoning Compliance Certificate authorizes an applicant to apply for a Building Permit, or to commence construction if the proposed development does not require additional permits. If the Zoning Compliance Certificate application is filed concurrently with a building permit application, approval of the Zoning Compliance Certificate authorizes the county to complete its review of the Building Permit application

(2) Expiration of Approval

If the Zoning Compliance Certificate is associated with a prior development application approval, it shall automatically expire when the prior approval expires, is revoked, or otherwise becomes invalid.

(3) Inspections

Town staff may inspect sites undergoing development authorized by a Zoning Compliance Certificate to determine whether development activities conform to approved plans and whether adequate measures are in place to control adverse impacts from construction activities.

[203] The section establishes a new procedure for the Town staff's final pre-development verification of compliance with all applicable UDO standards and the terms of prior approvals and permits.

4. Zoning Compliance Certificate Review Standards

An application for a Zoning Compliance Certificate shall be approved upon a finding the proposed development complies with all applicable standards in this Ordinance and all applicable conditions of applicable development approvals and permits.

D. Building Permit

1. Building Permits are approved and issued by the Building Official[204] in accordance with review procedures and construction standards in the State Building Code. A Building Permit is required before construction, erection, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal, or demolition of any building or structure. It certifies that plans for such activity demonstrate compliance with the construction standards in the Building Code.
2. A Building Permit shall not be issued unless a Zoning Compliance Certificate has been approved in accordance with Section 8.3.2.C, Zoning Compliance Certificate.

8.3.3. Supplemental Development Review

A. Special Use Permit[205]

1. Purpose

The purpose of this section is to establish a uniform mechanism to review Special Uses to ensure they are appropriate as proposed. A use designated as a Special Use in a particular zoning district is a use that may be appropriate in the district, but because of its nature, extent, and external effects, requires special consideration of its location, design, and methods of operation before it can be deemed appropriate in the district and compatible with its surroundings.

2. Applicability

A Special Use Permit is required prior to any proposed development involving a Special Use as designated in Section 3.2.4, Principal Use Table, or Section 3.3.4, Accessory Use/Structure Table.

3. Special Use Permit Procedure

a. Pre-Application Conference

Applicable (see Section 8.2.2).

b. Community Information Meeting

Applicable (see Section 8.2.3).

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[204] At present, the Town has arranged for Chatham County to serve as the Building Official for purposes of this Ordinance.

[205] This section establishes procedures for the review of Special Use Permit applications. Decisions on Special Use Permit applications will be made by the Town Board of Commissioners, which continues the Town's current practice under Section 5.3.2 of the Zoning Ordinance, except the Planning Board review and recommendation precedes the public hearing to allowthe Town Board of Commissioners to consider input from the Planning Board received during the public hearing prior to making a decision.The Code Assessment recommends delegation of this decision to the Board of Adjustment; however, after consultation with Town staff, it has been determined that the decision on Special Use Permit applications should remain with the Town Board of Commissioners.

c. Application Submittal and Acceptance

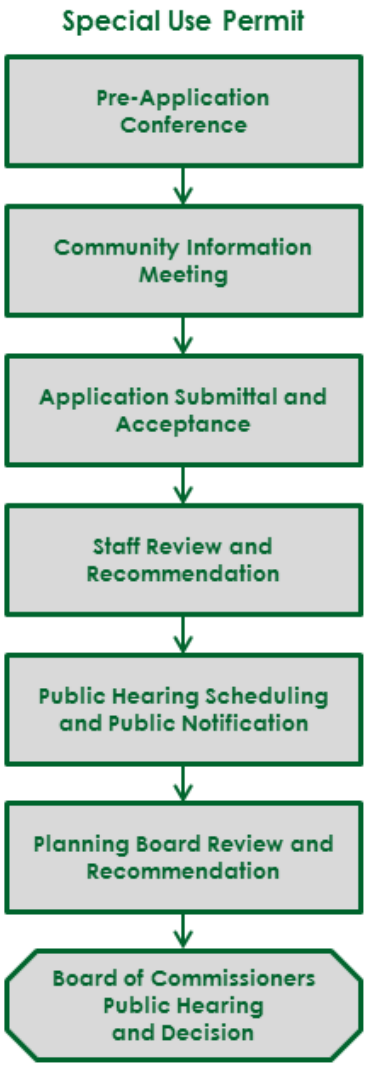
Applicable (see Section 8.2.4).

d. Staff Review and Action

Applicable (see Section 8.2.5).

e. Public Hearing Scheduling and Public Notification

Applicable (see Section 8.2.6), except the Planning Director shall provide mailed notice via first-class mail to the applicant, the owners of the land subject to the application if different from the applicant, and the owners of all properties located within 100 feet of the land subject to the application.



f. Planning Board Review and Recommendation

Applicable (see Section 8.2.7).

g. Public Hearing Procedures

Applicable (see Section 8.2.9).

h. Town Board of Commissioners Review and Decision

Applicable (see Section 8.2.8). The Town Board of Commissioners shall review and make a decision on the application in accordance with Section 8.3.3.A.4, Special Use Permit Review Standards. The decision shall be one of the following:

(1) Approve the application as submitted;

(2) Approve the application subject to conditions;

(3) Deny the application;

(4) Remand the application back to the Planning Director or Planning Board for further consideration. (This may require further public notice and additional review fees.)

i. Post-Decision Actions and Limitations

Applicable (see Section 8.2.10), except:

(1) Recordation of Special Use Permit

The applicant shall record the Special Use Permit with the Register of Deeds for the county and return a copy of the recorded Special Use Permit to the Planning Director, after the deadline for filing an appeal of the decision.

(2) Effect of Approval

Approval and recordation of a Special Use Permit application authorizes only the particular special use and associated development that is approved. A Special Use Permit, including any approved plans and conditions, shall run with the land and shall not be affected by a change in ownership unless specifically conditioned as part of the approval.

(3) Expiration of Approval

(A) A Special Use Permit approval shall automatically expire if a Zoning Compliance Certificate is not obtained within 18 months of the Special Use Permit approval, or if the development authorized by the permit is discontinued and not resumed for a period of one year.

(B) The Town Board of Commissioners may prescribe a time limit not to exceed 18 months within which a Zoning Compliance Certificate for the development authorized by a Special Use Permit shall be obtained. Failure to obtain a Zoning Compliance Certificate within the specified time limit shall void the Special Use Permit.

(4) Minor Modifications Allowed[206]

(A) Subsequent development applications may incorporate minor changes from the development approved by the Special Use Permit, without the need to amend the Special Use Permit in accordance with Section 8.2.10.D, Amendment of Development Approval, where the Planning Director determines that the changes:

(i) Continue to comply with this Ordinance;

(ii) Are necessary to comply with conditions of approval; or

(iii) Are consistent with the Special Use Permit approval or any Town Board of Commissioners approval on which the Special Use Permit approval was based. Consistency means the changes would not significantly alter the development's general function, form, intensity, character, demand on public facilities, impact on adjacent properties, or other characteristic from that indicated by the Special Use Permit approval or any prior Town Board of Commissioners approval on which it was based.

(B) The following changes from the Special Use Permit shall require submission of a new Special Use Permit application in accordance with Section 8.2.10.D, Amendment of Development Approval:

(i) A change in a condition of approval;

(ii) An increase greater than 20 percent in residential density;

(iii) An increase greater than ten percent in total nonresidential floor area;

(iv) An increase greater than ten percent in the amount of land devoted to nonresidential uses;

[206] This provides greater clarity regarding what modifications may be allowed admininstratively in subsequent development applications (see Section 5.3.2(I) of the Zoning Ordinance).

(v) A change greater than ten percent in the ratio of gross floor area devoted to residential uses to that devoted to nonresidential floor area; and

(vi) A decrease greater than ten percent in the ratio of single-family dwelling units to other residential building types.

(C) Before determining whether a minor change is allowed in accordance with subsection (A) above, the Planning Director shall review the record of the proceedings on the Special Use Permit application and consider whether any proposed modification would require evidentiary support in addition to that on which approval of the Special Use Permit application was based.

4. Special Use Permit Review Standards[207]

A Special Use Permit application shall be approved only upon a finding the special use complies with all of the following:

a. The proposed special use will not materially endanger the public health or safety;

b. The proposed special use complies with all requirements of this Ordinance, including all regulations and standards generally applicable within the zoning district and specifically applicable to the particular type of Special Use;

c. The proposed special use will not substantially injure the value of adjoining property, or is a public necessity;

d. The proposed special use is in harmony with the intensity, scale, and character of development existing or planned in the surrounding area; and

e. The proposed special use is consistent with the adopted comprehensive plan and any other plans officially adopted by the Town Board of Commissioners.

B. Riparian Buffer Development[208]

1. Purpose

The purpose of Riparian Buffer Development review is to establish a uniform mechanism to ensure development complies with the riparian buffer standards in Section 4.4, Riparian Buffers.

2. Applicability[209]

a. Unless exempted in accordance with subsection b below, Riparian Buffer Development review is required in accordance with this section before any activity identified in Table 4.4.8, Uses and Activities Permitted in Riparian Buffers, occurs within a riparian buffer.

b. The requirements of this section shall not apply to land in the riparian buffer occupied by the footprint of an existing and ongoing use, as defined in Section 10.5, Terms and Uses Defined, or to activities necessary to maintain the use (including grading and revegetating in Zone Two of the riparian buffer if the health

[207] Review standards from the current regulations are carried forward with only slight refinements in wording (See Section 5.3.2(D) of the Zoning Ordinance).
[208] Consistent with Section 3.8D of the Code Assessment, administrative provisions for review of riparian buffer development are carried forward and reorganized, consistent with the format of this section.
[209] Current exemptions from the Riparian Buffer Ordinance are carried forward.

of the vegetation in Zone One of the riparian buffer is not compromised and the ground is stabilized), so long as the following conditions are met:

(1) The land remains similarly vegetated;

(2) No impervious surface is added within 50 feet of the surface water where it did not exist on February 14, 2011; and

(3) Existing diffuse flow is maintained.

3. Riparian Buffer Development Procedure

a. Pre-Application Conference

Applicable (see Section 8.2.2).

b. Application Submittal and Acceptance

Applicable (see Section 8.2.4). If the application proposes development or activity that is allowable only with mitigation, the application shall include a mitigation plan.

c. Staff Review and Action

Applicable (see Section 8.2.5). The Town Engineer shall review and make a decision on the application in accordance with Section 8.3.3.B.4, Riparian Buffer Development Review Standards.

(1) The decision shall be one of the following:

(A) Determine that the proposed development or activity is permitted without an Authorization Certificate ("Exempt");

(B) Approve the proposed development or activity as allowable, as submitted;

(C) Approve the proposed development or activity as allowable, subject to conditions;

(D) Approve the proposed development or activity as allowable with mitigation, as submitted;

(E) Approve the proposed development or activity as allowable with mitigation, subject to conditions; or

(F) Deny the application.

(2) If the Town Engineer fails to decide the application within 60 days after it is determined complete, the application shall be deemed approved as submitted unless the applicant:

(A) Agrees in writing to a longer time for the review; or

(B) Refuses access to its records or premises for gathering information necessary to make a decision on the application.

d. Post-Decision Actions

Applicable (see Section 8.2.10), except:

(1) Issuance of Authorization Certificate

On approving the proposed development or activity as allowable or allowable with mitigation, the Town Engineer shall issue the applicant a Riparian Buffer Authorization Certificate. If the development or activity is approved with mitigation, the Authorization Certificate shall identify the approved mitigation option, including the area of mitigation and the location of donated property or restored riparian buffer and/or amount of mitigation fee, as appropriate.

(2) Appeal

The decision on an application for Riparian Buffer Authorization Certificate may be appealed to the Director of the North Carolina Division of Water Resources for review and decision in accordance with the North Carolina Administrative Hearings Act.

(3) Effect of Approval

Approval of the proposed development or activity as "Exempt" or issuance of a Riparian Buffer Authorization Certificate authorizes review and decision on a Zoning Compliance Certificate application for the same development, subject to any mitigation required in the application approval, or any other application for development approval or permits needed to undertake the authorized land disturbing activities within the riparian buffer.

(4) Expiration of Approval

Approval of the proposed development or activity as "Exempt" or issuance of a Riparian Buffer Authorization Certificate shall expire if an application for a Zoning Compliance Certificate for the approved development is not submitted within one year after the date of approval or issuance.

4. Riparian Buffer Development Review Standards

a. Exempt

The Town Engineer shall determine that the development or activity proposed in a riparian buffer is permitted without a Riparian Buffer Authorization Certificate ("Exempt") only on reaching each of the following conclusions:

(1) The proposed development or activity falls within a use listed as "Exempt" in Table 4.4.8, Uses and Activities Permitted in Riparian Buffers; and

(2) The proposed development or activity complies with the diffuse flow requirements in 4.4.7.D, Diffuse Flow Requirements; and

(3) The proposed development or activity will be designed, constructed, and maintained to minimize soil disturbance and provide the maximum water quality protection practical.

b. Allowable

The Town Engineer shall determine that the development or activity proposed in a riparian buffer is allowable with an Authorization Certificate only on reaching each of the following conclusions:

(1) The proposed development or activity falls within a use listed as "Allowable" in Table 4.4.8, Uses and Activities Permitted in Riparian Buffers.

(2) The proposed development or activity complies with the diffuse flow requirements in 4.4.7.D, Diffuse Flow Requirements.

(3) There are no practical alternatives to the proposed development or activity within the riparian buffer—that is:

(A) The basic purpose of the proposed development or activity cannot be practically accomplished in a manner that would better minimize disturbance of the riparian buffer, preserve aquatic life and habitat, and protect water quality;

(B) The proposed development or activity cannot practically be reduced in size or density, reconfigured, or redesigned to better minimize disturbance of the riparian buffer; and

(C) Best management practices will be used, as necessary, to minimize disturbance of the riparian buffer, preserve aquatic life and habitat, and protect water quality.

c. Allowable with Mitigation

The Town Engineer shall determine that the development or activity proposed in a riparian buffer is allowable with an Riparian Buffer Authorization Certificate and mitigation only on reaching each of the following conclusions:

(1) The proposed development or activity falls within a use listed as "Allowable with Mitigation" in Table 4.4.8, Uses and Activities Permitted in Riparian Buffers.

(2) The proposed development or activity complies with the diffuse flow requirements in 4.4.7.D, Diffuse Flow Requirements.

(3) There are no practical alternatives to the proposed development or activity within the riparian buffer—that is:

(A) The basic purpose of the proposed development or activity cannot be practically accomplished in a manner that would better minimize disturbance of the riparian buffer, preserve aquatic life and habitat, and protect water quality;

(B) The proposed development or activity cannot practically be reduced in size or density, reconfigured, or redesigned to better minimize disturbance of the riparian buffer; and

(C) Best management practices will be used as necessary to minimize disturbance of the riparian buffer, preserve aquatic life and habitat, and protect water quality.

(4) The proposed mitigation strategy complies with the mitigation standards in 4.4.9, Mitigation.

C. Floodplain Development Permit[210]

1. Purpose

The purpose of this section is to establish a uniform mechanism to ensure development complies with the standards of Section 4.5, Floodplain Management.

2. Applicability

All development within the Floodplain Overlay District shall receive approval of a Floodplain Development Permit prior to the issuance of a Zoning Compliance Certificate.

3. Floodplain Development Permit Procedure

a. Application Submittal and Acceptance

Applicable (see Section 8.2.4). In addition, the application shall include certificates of reference level elevations and any proposed floodproofing. (See Section 4.5, Floodplain Management.)

b. Staff Review and Action

Applicable (see Section 8.2.5). The Planning Director shall review and make a decision on the application in accordance with Section 8.3.3.C.4, Floodplain Development Permit Review Standards.

c. Post-Decision Actions and Limitations

Applicable (see Section 8.2.10), except:

(1) Effect of Approval

A Floodplain Development Permit authorizes submittal of an application for a Zoning Compliance Certificate for approved development in the Floodplain Overlay District.

(2) Expiration of Approval

A Floodplain Development Permit shall expire if an application for a Zoning Compliance Certificate for the approved development is not submitted within two years after approval of the Floodplain Development Permit.

4. Floodplain Development Permit Review Standards

An application for a Floodplain Development Permit shall be approved only upon a finding that the proposed development complies with all applicable standards in Section 4.5, Floodplain Management.

[210] This section carries forward floodplain development review procedures from the Floodplain Development Ordinance and reorganizes them consistent with other development review procedures in Article 8 as described in the Pittsboro UDO Code Assessment and Annotated Outline, Section 3.8.D.

D. Sign Permit[211]

1. Purpose

The purpose of this section is to provide a uniform mechanism for reviewing development applications for sign permits to ensure all signs comply with the standards of Section 5.11, Signage.

2. Applicability

a. General

A Sign Permit shall be required before the erection, installation, construction, alteration, or moving of any sign unless exempted in accordance with subsection b below.

b. Exemptions[212]

(1) The following signs are exempt from the signage regulations of this Ordinance:

[To be completed in Module 2]

(2) The following signs are subject to this Ordinance's signage standards, but exempt from the requirement for a Sign Permit:

[Tobe completed in Module 2]

3. Sign Permit Procedure

a. Application Submittal and Acceptance

Applicable(see Section 8.2.4).

b. Staff Review and Decision

Applicable (see Section 8.2.5). The Planning Director shall review and make a decision on the application in accordance with Section 8.3.3.D.4, Sign Permit Review Standards.

c. Post-Decision Actions

Applicable (see Section 8.2.10), except, a Sign Permit shall expire if the approved signage is not erected, installed, constructed, altered, or moved within six months of approval of a Sign Permit.

4. Sign Permit Review Standards

An application for a Sign Permit shall be approved only upon a finding the application complies with the applicable standards in Section 5.11, Signage, all other relevant standards of this Ordinance, and any other applicable standards of the Town Code of Ordinances.

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[211] This section generally carries forward the current procedure for Town staff review and approval of Sign Permits, with most of the procedure consolidated with the standard review procedures.
[212] Specific exemptions will be listed consistent with signage regulations to be developed as a part of Module 2.

E. Temporary Use Permit[213]

1. Purpose

The purpose of this subsection is to establish a uniform mechanism for reviewing temporary uses (including special events) and structures to ensure they comply with the standards in Section 4.4, Temporary Use Standards.

2. Applicability

A Temporary Use Permit is required prior the establishment of any temporary use (including special events) or structure identified in Section 3.4.4, Temporary Use/Structure Table.

3. Temporary Use Permit Procedure

a. Application Submittal and Acceptance

Applicable(see Section 8.2.4). The application shall clearly state the dates of establishment and discontinuance of the proposed temporary use or structure.

b. Staff Review and Decision

Applicable (see Section 8.2.5). The Planning Director shall review and make a decision on the application in accordance with Section 8.3.3.E.4, Temporary Use Permit Review Standards.

c. Post-Decision Actions

Applicable (see Section 8.2.10). A Temporary Use Permit shall be effective only for the period of time indicated in the permit.

4. Temporary Use Permit Review Standards

A Temporary Use Permit shall be approved only upon a finding the applicant demonstrates the proposed temporary use (including special events) or structure complies with the relevant standards in Section 3.4, Temporary Uses and Structures.

F. Site-Specific Development Plan Designation[214]

1. Purpose

The purpose of this section is to establish a uniform mechanism under this Ordinance for a development approval to establish a vested right in accordance with N.C.G.S 160A-385.1.

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[213] This section carries forward and builds upon the Temporary Certificate provision in Article IX, Section 9.5, of the Zoning Ordinance. It includes a procedure for establishing a temporary use, consistent with Section 2.5.C(4) of the Code Assessment.

[214] This section generally carries forward the current procedure in Article XVI of the Zoning Ordinance whereby the Board of Commissioners, following a public hearing, determines that an approved plan is a site-specific development plan that is generally vested under State law against subsequent changes to applicable Town regulations for between two and five years. It modifies the procedure to provide that the application is reviewed concurrently with a Major Site Plan, Special Use Permit, or Planned Development Zoning application, essentially "piggy-backing" on those applications, consistent with Section 3.8.3(D) of the Code Assessment.

2. Applicability

The procedure and standards in this section apply to the review of applications for a Site-Specific Development Plan Designation. An application for Site Specific Development Plan Designation may be submitted and reviewed only concurrently with an application for a Special Use Permit, Site Plan (Major or Minor), or Subdivision. The application for Site-Specific Development Plan Designation shall be reviewed in accordance with the procedure and standards set forth in this section irrespective of whether all the required review steps are required for the concurrently reviewed application. It may be approved only if the concurrently reviewed application is approved and shall be subject to any conditions imposed on that application.

3. Site-Specific Development Plan Designation Procedure

a. Application Submittal and Acceptance

Applicable (see Section 8.2.4).

b. Staff Review and Action

Applicable (see Section 8.2.5).

c. Public Hearing Scheduling and Public Notification

Applicable (see Section 8.2.6).

d. Planning Board Review and Recommendation

Applicable (see Section 8.2.7).

e. Public Hearing

Applicable (see Section 8.2.8).

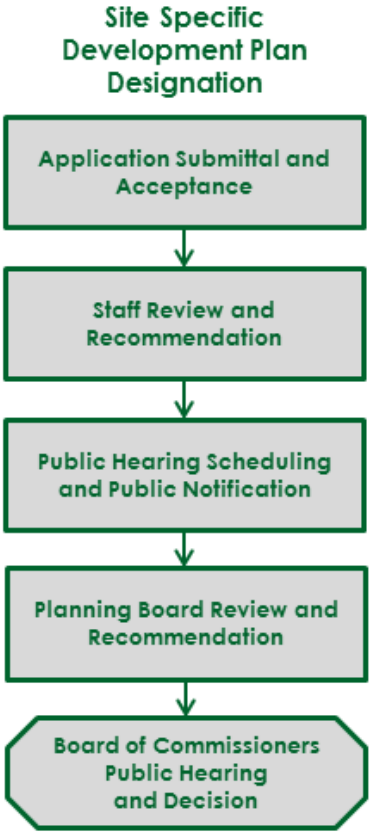
f. Town Board of Commissioners Review and Decision

Applicable (see Section 8.2.8). The Town Board of Commissioners shall review and make a decision on the application in accordance with Section 8.3.3.F.4, Site-Specific Development Plan Designation Review Standards. The decision shall be one of the following:

(A) Approve the application as submitted; or

(B) Deny the application.

(2) In making its decision, the board may specify a time period more than two years but less than five years during which the application approval shall be valid.



g. Post-Decision Actions and Limitations

Applicable (see Section 8.2.10), except:

(1) Effect of Approval

(A) In accordance with N.C.G.S. Section 160A-385.1, approval of a development application determined to include a site-specific development plan establishing a vested right confers on the landowner the right to undertake and complete the approved development under the terms and conditions of the site-specific development plan, including any approved amendments to the plan.

(B) Nothing in this Ordinance shall exempt development in accordance with an approved site-specific development plan establishing a statutory vested right from subsequent reviews and approvals to ensure compliance with the terms and conditions of the original approval, provided that such reviews and approvals are not inconsistent with the original approval.

(C) Nothing in this Ordinance shall prohibit the revocation of the vested right or other remedies for failure to comply with applicable terms and conditions of the approval.

(2) Expiration of Approval

Designation of an approved plan as a site-specific development plan shall be valid for a period of two years, unless another time period not exceeding five years is specified at the time the application is approved, with respect to buildings and uses for which no valid Building Permit application has been submitted.

(3) Revocation of Site-Specific Development Plan Designation

(A) The Town may revoke approval of Site-specific Development Plan if:

(i) The applicant fails to comply with all applicable terms and conditions of the approval;

(ii) The affected landowner consents, in writing, to the revocation;

(iii) The Town Board of Commissioners holds a duly noticed public hearing and adopts an ordinance revoking the approval based on a finding that natural or man-made hazards pose a threat to the public health, safety, and welfare if the development were to proceed;

(iv) The Town provides the affected landowner compensation for all costs, expenses, and other losses incurred by the landowner—including, but not limited to, all fees paid in consideration of financing, and all architectural, planning, marketing, legal, and other consultant's fees incurred after approval by the Town, together with interest thereon at the legal rate;

(v) The Town Board of Commissioners holds a duly noticed public hearing and adopts an ordinance revoking the approval based on a finding that the landowner or the landowner's representative intentionally supplied inaccurate information or misrepresented the development proposal in a manner that made a difference in the Town's approval; or

(vi) Enactment of a State or federal law or regulation precludes the authorized development, in which case the Town Board of Commissioners may, after a duly noticed public hearing, modify

the approval on finding that the enacted State or federal law has a fundamental effect on approval of the site-specific development plan or the concurrently reviewed development application.

(B) Revocation of Site-Specific Development Plan Designation eliminates the vested right established by approval of the Site-Specific Development Plan Designation, but does not itself terminate any unexpired development permit or approval associated with the plan.

4. Site-Specific Development Plan Designation Review Standards

An application for Site-Specific Development Plan Designation submitted concurrently with an application for a Special Use Permit, Site Plan (Major or Minor), or Subdivision shall be approved if the concurrently-reviewed and approved application describes with reasonable certainty the type and intensity of use for a specific parcel or parcels of land.

G. Development Agreement[215]

1. Findings and Purpose

a. This section is intended to implement and be consistent with the comprehensive plan of the Town.

b. The objective of this section is accomplished by authorizing development agreements in which a developer and the Town of Pittsboro may ensure the adequacy of public facilities and encourage sound capital improvement planning while providing certainty in the process of obtaining development approval and reducing the economic costs of development by providing greater regulatory certainty.

c. The purpose of this section is to establish standards and procedures for entering into Development Agreements for long-term, large-scale developments with the following statements of intent:

(1) Large-scale development projects often occur in multiple phases extending over a period of years, requiring a long-term commitment of both public and private resources.

(2) Such large-scale developments often create potential community impacts and potential opportunities that are difficult or impossible to accommodate within traditional zoning processes.

(3) Because of their scale and duration, such large-scale projects often require careful integration between public capital facilities planning, financing, and construction schedules and the phasing of the private development.

(4) Because of their scale and duration, such large-scale projects involve substantial commitments of private capital by private developers, which private developers are unwilling to risk without sufficient assurances that development standards will remain stable through the extended period of the development.

(5) Because of their size and duration, such developments often permit communities and developers to experiment with different or nontraditional

[215] This section carries forward the Town's development agreement ordinance that was adopted on September 28, 2015. It has been reorganized consistent with the format used in this article.

types of development concepts and standards, while still managing the impacts on the surrounding areas.

(6) To better structure and manage development approvals for such large-scale developments and ensure their proper integration into local capital facilities programs, local governments need the flexibility in negotiating such developments.

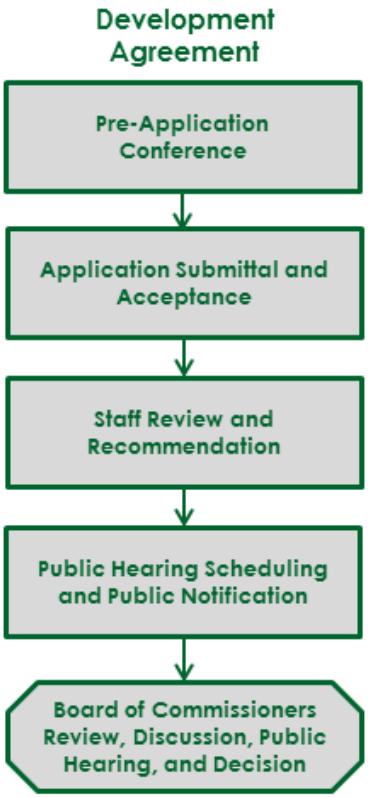
(7)

(8) In negotiating for such developments, the intent of the Town is to remain consistent with the adopted plans, policies, and goals of the Town as they relate to land use and capital improvements

2. Applicability

a. The Town of Pittsboro may enter into a development agreement with a developer, subject to the requirements and procedures set forth in this section. In entering into such an agreement, the Town may not exercise any authority or make any commitment not authorized by general or local act and may not impose any tax or fee not authorized by otherwise applicable law. If more than one local government is made party to an agreement, the agreement must specify which local government is responsible for the overall administration of the development agreement.

b. The Town may consider requests to participate in development agreements for any development within the land use jurisdiction of the Town or adjoining jurisdictions in which the development impacts the communities or natural resources of the Town.



c. For consideration of the Town to participate in development agreements, the following standards shall be met:

(1) The property in question must be developable property of any size, including property that is subject to an executed brownfields agreement in accordance with Part 5 of Article 9 of Chapter 130A of the N.C.G.S.

(2) The duration of the development agreement shall not exceed a reasonable term as specified in the agreement.

(3) The estimated appraised value of the development (including all real property) at build-out shall equal or exceed $20,000,000.00, or will demonstrate that the proposed development will significantly enhance opportunities for very-low income or special populations, protect natural resources, or preserve critical watersheds within the Town.

(4) The development shall demonstrate the impact on existing and future public facilities.

3. Development Agreement Procedure

a. Pre-Application Conference

Applicable (see Section 8.2.2), except it is the responsibility of the Town Manager to coordinate this the pre-application conference. Additionally, the Town shall notify Chatham County and the Chatham County Board of Education of the proposed development agreement and invite participation.

b. Application Submittal and Acceptance

Applicable (see Section 8.2.4), except a completed Development Agreement application shall include the following:

(1) A survey and legal description of the property and the tax parcel number(s) of the property;

(2) A signed affidavit by the property owner of record or other person having proprietary interest in the property authorizing the Development Agreement application;

(3) A written description of the proposed development and statement of objectives and reasons for the request;

(4) A copy of the proposed preliminary subdivision plan, site plan, phasing plan, or conceptual plan;

(5) An application for rezoning (if applicable);

(6) A draft development agreement that meets the requirements of Section 8.3.3.G.4, Development Agreement Review Standards;

(7) Any other information required to provide a complete understanding of the proposed Development Agreement.

c. Staff Review and Action

Applicable (see Section 8.2.5).

d. Public Hearing Scheduling and Public Notification

Applicable (see Section 8.2.6). Notification for the public hearing shall follow the procedure set forth in N.C.G.S. 160A-364 for ordinance adoption or amendment. The notice of public hearing must specify the following:

(1) The location of the property subject to the development agreement;

(2) The development uses proposed on the property; and

(3) A place where a copy of the proposed development agreement can be obtained.

e. Town Board of Commissioners Review and Decision

Applicable (see Section 8.2.8), except following the public hearing, the Board may negotiate directly with the developer. A simple majority vote of the Board of Commissioners shall be required for approval. No member of the Board of Commissioners may vote on a development agreement if it is reasonably likely that the agreement or development would have a direct, substantial, and readily identifiable financial impact on the member that is distinct from any financial impact on general citizens of the Town.

f. Post-Decision Actions and Limitations

Not applicable (see Section 8.2.10). The following shall apply:

(1) Recordation

Within 14 days after approving and entering into a development agreement, the Town shall record the agreement with the Chatham County Register of Deeds. The burdens of the development agreement are binding upon, and the benefits of the agreement shall inure to, all successors in interest to the parties to the agreement.

(2) Relationship of Agreement to Other Regulations

(A) This section does not preclude or supersede rights and obligations established in accordance with other laws regarding building permits, site-specific development plans, phased development plans or other provisions of law. A development agreement shall not exempt the property owner or developer from compliance with the State Building Code or State or local housing codes that are not part of the Town's planning, zoning, or subdivision regulations.

(B) Unless the development agreement specifically provides for the application of subsequently enacted laws, the laws applicable to development of the property subject to a development agreement are those in force at the time of execution of the agreement.

(C) Except for grounds specified in N.C.G.S. 160A-385.1(e) the Town may not apply subsequently adopted ordinances or development policies to a development that is subject to a development agreement. In the event that state or federal law is changed after a development agreement has been entered into and the change prevents or precludes compliance with one or more provisions of the development agreement, the local government may modify the affected provisions, upon a finding that the change in state or federal law has a fundamental effect on the development agreement, by ordinance after notice and a hearing.

(D) This section does not abrogate any rights preserved by N.C.G.S. 160A-385 or N.C.G.S. 160A-385.1 or that may vest in accordance with common law or otherwise in the absence of a development agreement.

(3) Approval of Debt

In the event that any of the obligations of the Town in the development agreement constitute debt, the Town shall comply, at the time of the obligation to incur the debt and before the debt becomes enforceable against the Town, with any applicable constitutional and statutory procedures for the approval of this debt. The agreement shall be signed by the Town Attorney, Finance Director, and Town Manager.

(4) Periodic Review

During any period of time in which a development permit is active, the Town shall review the development at least once every 12 months for compliance with the agreement. The Town shall notify the developer in writing of its findings if, in the discretion of the Town Manager, or designee, a breach of

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

(5) Expiration, Termination, or Modification of Agreement

A development agreement may be amended or canceled only by mutual consent of the parties to the agreement or by their successors in interest. Major modification of the agreement shall follow the same procedures as required for initial approval of a Development Agreement. With the mutual consent of the other parties to the agreement, the Planning Director may approve minor modifications of the Development Agreement, without following the same procedures as required for initial approval of the agreement. Before doing so, the Planning Director shall make written findings that the proposed minor modifications would not significantly change the use, intensity, or design of the development, would be consistent with the purposes and goals of the agreement, would comply with this Ordinance, and would not adversely affect the public health, safety, or general welfare. Except as otherwise provided, any development agreement entered into and approved by the Town or other local government jurisdiction before the effective date of a change of jurisdiction shall be valid for the duration of the agreement, or eight (8) years from the effective date of the change in jurisdiction, whichever is earlier. The parties to the development agreement and the local government assuming jurisdiction have the same rights and obligations with respect to each other regarding matters addressed in the development agreement as if the property had remained in the previous jurisdiction. The Town may modify or suspend the provisions of the development agreement if the Town determines that the failure to do so would place the residents of the territory subject to the development agreement, or the residents of the local government, or both, in a condition dangerous to their health or safety, or both.

4. Development Agreement Review Standards

a. A development agreement shall meet and be subject to all requirements and provisions in Chapter 160A, Article 19, Part 3D of the N.C.G.S.

b. A development agreement shall at a minimum include all of the following:

(1) A legal description of the property subject to the agreement and the names of its legal and equitable property owners.

(2) The duration of the agreement. However, the parties are not precluded from entering into subsequent development agreements that may extend the original duration period.

(3) The development uses permitted on the property, including population densities and building types, intensities, placement on the site, and design.

(4) A description of public facilities that will service the development, including who provides the facilities, the date any new public facilities, if needed, will be constructed, and a schedule to assure public facilities are available concurrent with the impacts of the development.

(5) A description, where appropriate, of any reservation or dedication of land for public purposes and any provisions to protect environmentally sensitive land.

(6) A description of all local development approvals or permits approved or needed to be approved for the development of the property together with a statement indicating that the failure of the agreement to address a particular permit, condition, term, or restriction does not relieve the developer of the necessity of complying with the law governing their permitting requirements, conditions, terms, or restrictions.

(7) A description of any conditions, terms, restrictions, or other requirements determined to be necessary by the local government for the public health, safety, or welfare of its citizens.

(8) A description, where appropriate, of any provisions for the preservation and restoration of historic structures.

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

c. A development agreement may provide that the entire development or any phase of it be commenced or completed within a specified period of time. The development agreement must provide a development schedule, including commencement dates and interim completion dates at no greater than five-year intervals; provided, however, the failure to meet a commencement or completion date shall not, in and of itself, constitute a material breach of the development agreement but must be judged based upon the totality of the circumstances. The developer may request a subsequent modification in the dates as set forth in the agreement.

d. In the event that the development agreement provides that the Town shall provide certain public facilities, the development agreement shall provide that the delivery date of such public facilities will be tied to successful performance by the developer in implementing the proposed development (such as meeting defined completion percentages or other performance standards). The development agreement may include other defined performance standards to be met by the developer. The development agreement may contain other matters not inconsistent with law.

8.3.4. Subdivision[216]

A. General

1. Purpose

The purpose of this section is to provide a uniform mechanism for the review and approval of divisions of land and to ensure, in conjunction with Article 5: Development Standards, that subdivisions promote the health, safety, convenience, order, prosperity, and welfare of the present and future residents of the Town by:

a. Providing for the orderly growth and development of the Town;

b. Coordinating streets within proposed subdivisions with the existing street system, transportation plans, and other public facilities;

c. Providing rights-of-way for streets and utility easements;

d. Avoiding congestion and overcrowding, and encouraging the proper arrangement of streets in relation to existing or planned streets;

e. Ensuring there is adequate open space and recreation facilities to serve development; and

f. Ensuring there is proper recordation of land ownership or property owner association records, where applicable.

2. Applicability

Before the division of land (whether improved or unimproved) into two or more lots is recorded or otherwise made effective, the landowner shall comply with the requirements of this section, unless exempted in accordance with subsection 3 below.

3. Exemptions

The following are not subject to the review and approval processes established in this section:

a. The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the Town as shown in its subdivision regulations;

b. The division of land into parcels greater than ten acres if no street right-of-way dedication is involved;

c. The public acquisition by purchase of strips of land for the widening or opening of streets or for public transportation system corridors; and

d. The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the Town as shown in its subdivision regulations.

[216] This section contains the procedures for subdivision applications. Consistent with Section 2.1.G of the Code Assessment, detailed application and plat content specifications are proposed to be located in an Administrative Manual in order to make the ordinance more readable and to allow those requirements to be modified more easily to reflect changing standard practices or technology or the characteristics of a particular development site.

4. Major and Minor Subdivisions Distinguished

A subdivision shall be categorized as either a Major Subdivision or a Minor Subdivision. Development of a Major Subdivision requires approval of a Preliminary Plat and then approval of a Final Plat. The Planning Director may allow concurrent submittal of a Preliminary Plat and a Final Plat in cases where no public improvements are required. Development of a Minor Subdivision requires approval of a Final Plat.

a. A Minor Subdivision consists of the division of land into five or fewer lots where:

(1) All lots front on an existing public street;

(2) No new street is created; and

(3) No extension of the local government facilities or creation of public improvements is involved.

b. A Major Subdivision consists of any division of land into two or more lots that is not exempted under Section 8.3.4.A.3 and that is not a Minor Subdivision.

B. Minor Subdivision

1. General

A Minor Subdivision requires approval of a Final Plat, including recordation.

2. Final Plat Procedure for Minor Subdivisions

a. Pre-Application Conference

Applicable (see Section 8.2.2).

b. Application Submittal and Acceptance

Applicable (see Section 8.2.4).

c. Staff Review and Action

Applicable (see Section 8.2.5). The Planning Director shall review and make a decision on the application in accordance with Section 8.3.4.B.3, Final Plat Review Standards.

d. Post Decision Actions and Limitations

Applicable (see Section 8.2.10), except:

(1) Plat Certification and Recording

(A) If the application is approved as submitted, the Planning Director shall certify the Town's approval on the Final Plat.

(B) If the application is approved subject to conditions, the applicant shall revise the Final Plat as necessary to incorporate any conditions of approval and any required certification forms and signatures, and submit the revised Final Plat to the Planning Director for review. On determining that the Final Plat has been properly revised and that all prerequisites to recordation of the Final Plat have been met, the Planning Director shall certify the Town's approval on the Final Plat.

(C) The applicant shall then record the certified Final Plat with the Chatham County Register of Deeds and return a copy of the recorded Final Plat to the Planning Director.

(2) Effect of Approval

Recordation of a certified Final Plat for an approved Minor Subdivision authorizes the applicant to convey the platted lots by reference to the recorded plat. It also authorizes the owners of recorded lots to submit applications for a Building Permit or other development permit or approval required to develop the lot, provided all private utility improvements required to serve the lot, if any, have been completed and accepted by the appropriate agency.

(3) Expiration of Approval

If the applicant fails to record the plat within 60 days after the date of approval, the plat approval shall become invalid. A recorded Final Plat shall not expire.

3. Final Plat Review Standards for Minor Subdivisions

An application for Minor Subdivision shall be approved only if the Planning Director determines that the proposed Final Plat:

a. Represents a Minor Subdivision as defined in Section 8.3.4.A.4.a;

b. Complies with all applicable standards in this Ordinance;

c. Complies with all other applicable Town ordinances and state and federal laws;

d. Complies with all standards or conditions of any prior applicable development permits and approvals; and

e. Includes all required certifications.

C. Major Subdivision

1. General

A Major Subdivision requires approval of a Preliminary Plat followed by approval of a Final Plat, including recordation.

a. Preliminary Plat

(1) A Preliminary Plat establishes the general layout and shapes of subdivision lots and open spaces; the layout, alignment, and design of the streets, utility lines, and other public infrastructure serving the subdivision; and phasing, if any, of the subdivision.

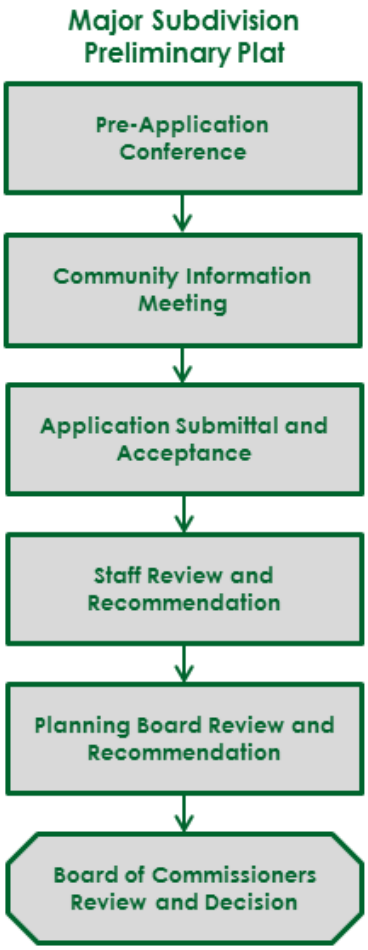
(2) Preliminary Plat approval shall be required for Major Subdivisions before submittal of an application for any Final Plat approval or Zoning Compliance Certificate authorizing the creation of lots or development of infrastructure proposed as part of the subdivision.

b. Final Plat

(1) Final Plat approval, including recordation, shall be required for Major Subdivisions before any conveyance of proposed lots or the submittal of any application for a Zoning Compliance Permit or Building Permit authorizing the development on any lot or parcel proposed as part of the subdivision.

(2) The Final Plat shall be in substantial conformance with the Preliminary Plat and include only minor deviations created by final engineering, surveying, or other minor design enhancements. Major changes (e.g., increase in the number of lots, reduction in the amount of open space, significant change in the location of streets, etc.) at Final Plat stage may, at the discretion of the Planning Director, require re-review of the Preliminary Plat.

2. Preliminary Plat Procedure[217]



a. Pre-Application Conference

Applicable (see Section 8.2.2).

b. Community Information Meeting

Applicable (see Section 8.2.3).

c. Application Submittal and Acceptance

Applicable (see Section 8.2.4).

d. Staff Review and Action

Applicable (see Section 8.2.5).

e. Planning Board Review and Recommendation

Applicable (see Section 8.2.7).

f. Town Board of Commissioners Review and Decision

Applicable (see Section 8.2.8). The Town Board of Commissioners shall review and make a decision on the application in accordance with Section 8.3.4.C.3, Preliminary Plat Review Standards. The decision shall be one of the following:

(1) Approve the application as submitted;

(2) Approve the application subject to conditions;

(3) Deny the application; or

(4) Remand the application back to the Planning Director or Planning Board for further consideration. (This may require additional review fees.)

g. Post-Decision Actions and Limitations

Applicable (see Section 8.2.10), except:

[217] This replaces the two-stage Preliminary Plat process in the current regulations. Section 3.8.3 of the UDO Code Assessment proposed combining preliminary plat review and major site plan review in the interest of economy. After further consideration, it was determined that preliminary plat review should be carried forward separately.

(1) Effect of Approval

(A) Upon approval of the Preliminary Plat by the Town Board of Commissioners, the subdivider may proceed with Final Plat preparations and, after obtaining any required approval for specific development activities, the installation of or arrangement for required improvements in accordance with the approved Preliminary Plat and the requirements of this Ordinance.

(B) No building permits shall be issued to develop any lot or parcel shown on the approved Preliminary Plat until a Final Plat showing such lot or parcel is approved and recorded in compliance with Section 8.3.4.C.5, Final Plat.

(2) Expiration

(A) Approval of a Preliminary Plat shall automatically expire if an application for approval of a Final Plat is not submitted within one year after the date of approval of the Preliminary Plat.

(B) A subdivider may submit no more than one request for a one-year extension for consideration by the Town Board of Commissioners prior to the initial expiration. The Town Board of Commissioners may grant a request for extension for good cause.

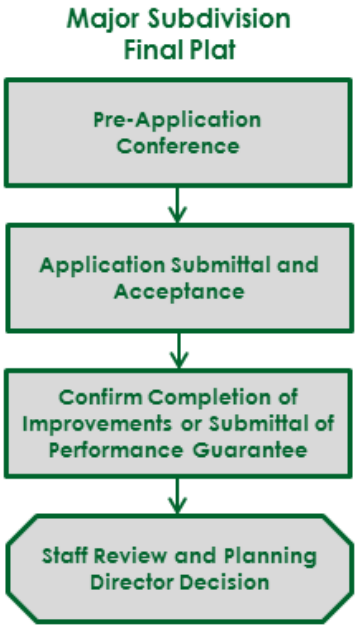
3. Preliminary Plat Review Standards

An application for Preliminary Plat approval shall be approved only upon a finding the applicant demonstrates the Preliminary Plat:

a. Complies with all applicable standards in this Ordinance;

b. Complies with all other applicable Town ordinances and state and federal laws; and

c. Complies with all standards or conditions of any prior applicable development permits and approvals.



4. Final Plat Procedure for Major Subdivisions[218]

a. Pre-Application Conference

Applicable (see Section 8.2.2).

b. Application Submittal and Acceptance

Applicable (see Section 8.2.4), except:

(1) An application may be submitted only if:

(A) Approval for all public infrastructure and private utility improvements required to serve the subdivision has been obtained and is unexpired and otherwise valid; and

[218] As discussed in the Pittsboro UDO Code Assessment, Section 3.8.3.D, this section delegates the administrative function of final plat approval for all subdivisions to the Planning Director in order to create a more efficient process.

(B) Construction or installation of the approved improvements has been ensured by one or a combination of the following:

(i) Completion of the construction or installation of approved improvements and acceptance of the improvements by the appropriate agency;

(ii) Payment to the Town of funds in lieu of required street construction in accordance with Section <>, Funds in Lieu; and/or

(iii) Provision of performance guarantees ensuring the construction and acceptance of approved improvements in accordance with Section <>, Performance Guarantees.

c. Staff Review and Action

Applicable (see Section 8.2.5). The Planning Director shall review and make a decision on the application in accordance with Section 8.3.4.C.5, Final Plat Review Standards.

d. Post Decision Actions

Applicable (see Section 8.2.10), except:

(1) Plat Certification and Recording

(A) If the application is approved as submitted, the Planning Director shall certify the Town's approval on the Final Plat.

(B) If the application is approved subject to conditions, the applicant shall revise the Final Plat as necessary to incorporate any conditions of approval and any required certification forms and signatures, and submit the revised Final Plat to the Planning Director for review. On determining that the Final Plat has been properly revised and that all prerequisites to recordation of the Final Plat have been met, the Planning Director shall certify the Town's approval on the Final Plat.

(C) The applicant shall then record the certified Final Plat with the Chatham County Register of Deeds and return a copy of the recorded Final Plat to the Planning Director. If the Final Plat is approved and such approval includes a proposed or conditional requirement for a payment in lieu of providing required common space or public recreation area, the applicant shall deposit such payment with the Town in accordance with Section 4.3.3.B, Payment in Lieu of Providing Required Common Open Space or Public Recreation Area, before recordation of the approved Final Plat.

(2) Effect of Approval

Recordation of a certified Final Plat authorizes the applicant to convey the platted lots by reference to the recorded plat. It also authorizes the owners of recorded lots to submit applications for a Building Permit or other development permit or approval required to develop the lot, provided all dedications and public infrastructure and private utility improvements required to serve the lot, if any, have been completed and accepted by the appropriate agency.

(3) Expiration of Approval

If the applicant fails to record the plat within 60 days after the date of approval, the plat approval shall become invalid. A recorded Final Plat shall not expire.

5. Final Plat Review Standards for Major Subdivisions

An application for Final Plat Approval shall be approved only if the Planning Director determines that the proposed Final Plat:

a. Substantially conforms to an unexpired and valid Preliminary Plat;

b. Complies with all applicable standards in this Ordinance;

c. Complies with all other applicable Town ordinances and state and federal laws; and

d. Includes all required certifications.

6. Phasing

a. General

Phasing of approved development shall be in keeping with an approved phasing plan that shows phase boundaries and describes included development and improvements in accordance with the following standards:

(1) The numbering of phases shall be sequential and coincide with the order in which the different development phases are proposed to be constructed.

(2) Each phase shall be designed to include all improvements and other aspects of development necessary to meet all requirements of this Ordinance and other applicable regulations, either as a stand-alone development or in conjunction with completed and accepted phases of the same development.

b. Temporary Measures

A phasing plan may include installation of temporary measures as necessary to allow a particular phase to meet the phasing standards in subsection above, provided authorization of the temporary measures shall be valid for one year and be accompanied by the provision of a performance guarantee and a maintenance guarantee for the temporary measures in accordance with Section 5.<>, Performance Guarantees.

8.3.5. Relief and Interpretation

A. Administrative Adjustment[219]

1. Purpose

The purpose of this section is to provide a uniform mechanism for allowing minor variations, or adjustments, to certain numerical standards (i.e., setbacks) of the zoning provisions based on specific standards, with the intent of providing relief where application of a standard creates practical difficulties in allowing development that

[219] The section establishes a new procedure that allows prescribed minor deviations of certain dimensional or numeric standards in order to provide limited design flexibility, consistent with section 2.2.8 of the Code Assessment.

otherwise advances the purposes served by the standards of this Ordinance and is compatible with surrounding development.

2. Applicability

Administrative Adjustments may be requested and granted for the standards identified in Table 8.3.5, Standards Subject to Administrative Adjustments, up to the limits set forth in the table.

[NOTE: The table is an example of how the standards are set out, and the maximum they can be adjusted. It will be completed in Module 2.]

Table 8.3.5: Standards Subject to Administrative Adjustments

Standard	Maximum Allowable Extent of Adjustment
Minimum lot width, minimum lot coverage, and minimum setbacks	<>
Maximum height	<>
Maximum setback encroachment	<>
Minimum required number of off-street parking spaces, loading, or stacking spaces	<>

3. Administrative Adjustment Procedures

a. Pre-Application Conference

Applicable (see Section 8.2.2).

b. Application Submittal and Acceptance

Applicable (see Section 8.2.4).

c. Staff Review and Action

Applicable (see Section 8.2.5). The Planning Director shall review and make a decision on the application in accordance with Section 8.3.5.A.4.

d. Post-Decision Actions

Applicable (see Section 8.2.10), except:

(1) Effect of Approval

Administrative Adjustment approval authorizes only the particular adjustment that is approved in accordance with Section 8.2.10.

(2) Expiration of Approval

(A) In cases where a maximum time frame for development is established as a condition of approval, the administrative adjustment shall expire upon the lapse of the allowable time frame.

(B) If a Building Permit is required, the administrative adjustment shall automatically expire if the Building Permit is not issued within one year after the date of issuance of the administrative adjustment.

(C) In cases where a Building Permit is not required, the administrative adjustment shall automatically expire if the activity authorized by the administrative adjustment is not commenced within six months of the date of approval of the administrative adjustment.

4. Administrative Adjustment Review Standards

An application for an administrative adjustment shall be approved upon a finding that the applicant demonstrates that all of the following standards are met:

a. The administrative adjustment does not exceed the limits in Table 8.3.5;

b. The administrative adjustment is consistent with the character of development on surrounding land, and is compatible with surrounding land uses;

c. The administrative adjustment is of a technical nature (i.e., relief from a dimensional or design standard) and:

(1) Is required to compensate for some unusual aspect of the site or the proposed development that is not shared by landowners in general;

(2) Supports an objective or goal from the purpose and intent statements of the zoning district where it is located; or

(3) Saves healthy existing trees;

d. The administrative adjustment will not pose a danger to the public health or safety;

e. Any adverse impacts will be mitigated, to the maximum extent practical; and

f. The site is not subject to a series of multiple, incremental administrative adjustments that result in a reduction in development standards by the maximum allowed.

B. Variance (Zoning and Flood Damage Prevention)

1. Purpose

The purpose of a Variance (Zoning and Flood Damage Prevention) is to allow certain deviations from the dimensional standards (zoning) and floodplain management standards (Section 4.5, Floodplain Management) of this Ordinance when the landowner demonstrates that, owing to special circumstances or conditions beyond the landowner's control (such as exceptional topographical conditions or the narrowness, shallowness, or 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 are to be sparingly exercised and only in rare instances and under exceptional circumstances in order to relieve undue and unique hardships to the landowner. No change in permitted uses or

increases in maximum allowable development intensity may be authorized by variance.

2. Applicability

a. The procedure and standards in this section apply to the review of development applications for a Variance (Zoning and Flood Damage Prevention) seeking hardship relief from the dimensional standards (zoning) or floodplain management standards (Section 4.5, Floodplain Management) of this Ordinance.

b. No variance may be sought or granted that would permit a use not allowed by use standards applicable in a zoning district or increase development intensity (e.g., dwelling units per acre) beyond that allowed by the intensity standards applicable in a zoning district. (Procedures and standards for variances from riparian buffer standards are in 4.4.7, Variances from Riparian Buffer Regulations; those for variances from stormwater management regulations are in 4.7.2.E, Stormwater Variances.)

3. Variance (Zoning and Flood Damage Prevention) Procedure[220]

a. Pre-Application Conference

Applicable (see Section 8.2.2).

b. Application Submittal and Acceptance

Applicable (see Section 8.2.4). An application that involves standards in Section 4.5, Floodplain Management, shall include a written report addressing each of the factors in Section 8.3.5.B.5.a.

c. Staff Review and Action

Applicable (see Section 8.2.5), except the staff report prepared by the Planning Director shall summarize the variance request based on submitted evidence. A staff recommendation for action is not required to be included.

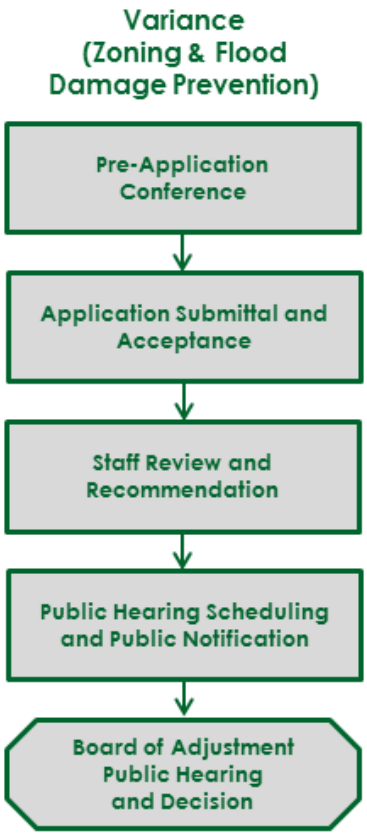
d. Public Hearing Scheduling and Public Notification

Applicable (see Section 8.2.6).

e. Board of Adjustment Review and Decision

Applicable (see Section 8.2.8). The Board of Adjustment shall review and make a decision on the application in accordance with Section 8.3.5.B.4, Variance (Zoning) Review Standards, or Section 8.3.5.B.5, Variance (Floodplain Management, as appropriate.

(1) The decision shall be one of the following:



[220] This section consolidates variance procedures and standadrds from the Zoning Ordinance and Flood Damage Protection Ordinance.

(A) Approve the application as submitted;

(B) Approve the application subject to conditions;

(C) Deny the application.

(2) For an application seeking hardship relief from the dimensional standards (zoning) of this Ordinance, approval of the application shall require the affirmative vote of at least 4/5 of all the members of the board. (In such cases, vacant positions and members who are excused from voting shall not be considered members of the board.)

(3) Conditions of Approval

Upon consideration of the standards in Section 8.3.5.B.4, Variance (Zoning) Review Standards, and the purposes of this Ordinance, the BOA may attach such conditions to the variance as it deems necessary to further the purposes and objectives of this Ordinance.

f. Public Hearing Procedures

Applicable (see Section 8.2.8).

g. Post-Decision Actions

Applicable (see Section 8.2.10), except:

(1) Notice of Decision

If the application involves standards in Section 4.5, Floodplain Management, the following shall apply:

(A) The applicant to whom the variance is granted shall be given written notice specifying the difference between the base flood elevation (BFE) and the elevation to which the structure is to be built and that such construction below the BFE increases risks to life and property, and that the issuance of a variance to construct a structure below the BFE will result in increased premium rates for flood insurance potentially.

(B) Such notification shall be maintained with the record of the variance action.

(C) Upon request, the Planning Director shall report any flood damage prevention variance approvals to the Federal Emergency Management Agency and the State of North Carolina.

(2) Effect of Approval

(A) Approval of a Variance (Zoning and Flood Damage Prevention) authorizes only the particular regulatory relief approved. It does not exempt the applicant from the responsibility to obtain all other development approvals and permits required by this Ordinance and any other applicable laws, and does not indicate that the development for which the Variance is granted should receive approval of other applications for a development approval or permit required under this Ordinance unless the relevant and applicable portions of this Ordinance are met.

(B) Unless it expires in accordance with section 8.2.10.C.2, Expiration of Approval, an approved Variance (Zoning and Flood Damage Prevention), including any approved plans and documents, and conditions of approval, shall run with the land, shall be binding on the landowners and their successors and assigns, and shall not be affected by a change in ownership.

(3) Expiration of Approval

Approval of a variance for development requiring a Building Permit shall expire 180 days after the date of approval if a Building Permit is not obtained and construction is not begun during that time.

4. Variance (Zoning) Review Standards[221]

This subsection applies to Variance applications seeking hardship relief from the dimensional standards (zoning) of this Ordinance.

a. The application shall be approved only if all of the following conclusions are reached, based on findings of fact supported by competent, substantial, and material evidence entered into the record at the hearing:

(1) Unnecessary hardship would result from the strict application of this Ordinance (it shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the land);

(2) The hardship results from conditions that are peculiar to the land, such as location, size, or topography (hardships resulting from personal circumstances or from conditions that are common to the neighborhood or the general public may not be the basis for granting a variance);

(3) The hardship did not result from actions taken by the applicant or the landowner (the act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship); and

(4) The requested variance is consistent with the spirit, purpose, and intent of this Ordinance, such that public safety is secured, and substantial justice is achieved.

b. Insufficient Grounds for Approving Variances

The following factors shall not constitute sufficient grounds for approval of the application:

(1) A request for a particular use that is expressly, or by inference, prohibited in the zoning district;

(2) Hardships resulting from factors other than application of requirements of this Ordinance;

(3) The fact that land or a structure may be utilized more profitably or be more marketable with a Variance; or

(4) The citing of other nonconforming or conforming uses of land or structures in the same or other zoning districts.

[221] Standards are those required by the N.C.G.S. Insufficient grounds listed in subsection b provide clarification. These standards replace those in Section 6.13.1 in the current zoning ordinance.

5. Variance (Floodplain Management) Review Standards[222]

This subsection applies to Variance applications that involve standards in Section 4.5, Floodplain Management.

a. When deciding on the application, the Board of Adjustment shall consider all technical evaluations and all relevant factors, including:

(1) The danger that materials may be swept onto other lands to the injury of others;

(2) The danger to life and property due to flooding or erosion damage;

(3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(4) The importance of the services provided by the proposed facility to the community;

(5) The necessity to the facility of a location within a special flood hazard area;

(6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

(7) The compatibility of the proposed use with existing and anticipated development;

(8) The relationship of the proposed use to the comprehensive plan and the Town's floodplain management program;

(9) The safety of access to the use in times of flood for ordinary and emergency vehicles;

(10) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

(11) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

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

(1) There is good and sufficient cause to grant the variance.

(2) Failure to grant the variance would result in exceptional hardship.

(3) The variance is the minimum necessary, considering the flood hazard, to afford relief.

(4) Approval of the variance will not render a structure in violation of applicable Federal, State, or local laws, regulations, or ordinances.

(5) Granting the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

[222] Standards from the Flood Damage Prevention Ordinance are carried forward.

(6) Approval of the variance will not result in any increase in flood levels within any designated floodway or non-encroachment area during the base flood discharge.

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

(1) The use serves a critical need in the community;

(2) No feasible locations exist for the use outside the Special Flood Hazard Area;

(3) The reference level of any structure is elevated or floodproofed to at least the regulatory flood protection elevation;

(4) The use complies with all other applicable federal, State and local laws; and

(5) The Town of Pittsboro has notified the Secretary of the North Carolina Department of Crime Control and Public Safety of its intention to grant a variance at least 30 calendar days prior to granting the variance.

C. Variance (Stormwater)[223]

See Section 4.7.2.E, Stormwater Variances.

D. Variance (Riparian Buffer)[224]

1. Purpose

The purpose of this section is to provide a uniform mechanism for review of proposed development activity not identified in Table 4.4.8, Uses and Activities Permitted in Riparian Buffers, within a riparian buffer.

2. Applicability

a. General

A Variance (Riparian Buffer) in accordance with this section shall be required before any activity not identified in Table 4.4.8, Uses and Activities Permitted in Riparian Buffers, may be conducted within a riparian buffer, consistent with Article 3: Use Standards.

b. Minor Variances and Major Variances Distinguished

(1) Minor Variance

A Minor Variance is a variance pertaining to activities that will impact only Zone Two of the riparian buffer.

[223] The variance procedures are carried forward in Section Section 4.7, Stormwater Management. The Code Assessment, Section 3.4.7, recommends consolidating the procedures for stormwater management permits in Article 8 but recognizes that there is a perception among some local governements of the difficulty in obtaining state approval of stormwater management regulations that do not fit the state's model ordinance. Stormwater regulations are carried forward consistent with the model code in this draft, but procedures may be moved to Article 8 in a future draft.
[224] Consistent with the Code Assessment Section 3.8D, administrative provisions for review of riparian buffer variance applications are carried forward and consolidated with other procedures and review standards in Article 8.

(2) Major Variance

A Major Variance is a variance pertaining to activities that will impact any portion of Zone One of the riparian buffer (irrespective of whether it also impacts Zone Two).

3. Variance (Riparian Buffer) Procedure (Major and Minor)

a. Pre-Application Conference

Applicable (see Section 8.2.2).

b. Community Information Meeting

(1) For a Major Variance, applicable (see Section 8.2.3).

(2) For a Minor Variance, no Community Information Meeting is required.

c. Application Submittal and Acceptance

Applicable (see Section 8.2.4).

d. Staff Review and Action

Applicable (see Section 8.2.5). The staff report prepared by the Town Engineer shall summarize the variance request based on submitted evidence. A staff recommendation for action is not required to be included.

e. Public Hearing Scheduling and Public Notification

Applicable (see Section 8.2.6).

f. Board of Adjustment Review and Decision

Applicable (see Section 8.2.8). The Board of Adjustment shall review and decide the application in accordance with Section **Error! Reference source not found.**, **Error! Reference source not found.**.

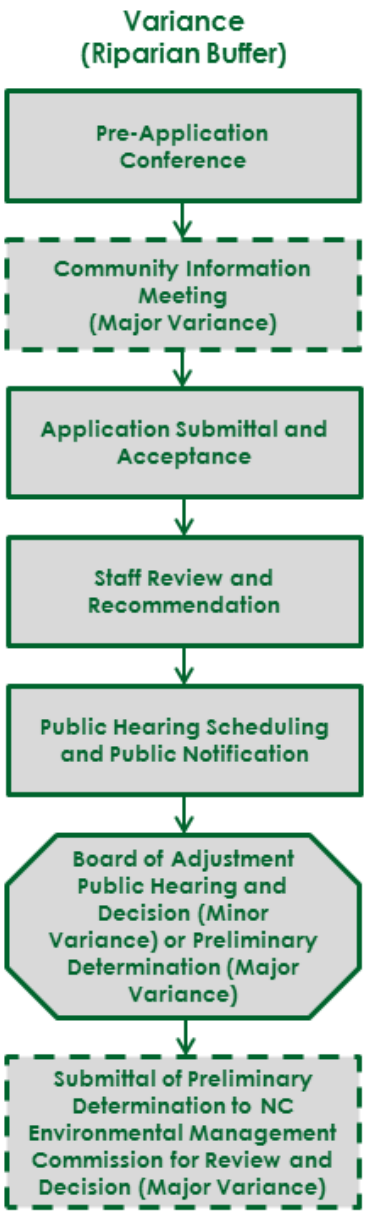
(1) If the Riparian Buffer Variance application requests a Minor Variance, the decision shall be one of the following:

(A) Approve the application as submitted;

(B) Approve the application subject to conditions;

(C) Deny the application.

(2) If the Riparian Buffer Variance application requests a Major Variance, the decision shall be a preliminary determination of compliance with the review standards in Section **Error! Reference source not**



found., **Error! Reference source not found.**, and shall be submitted to the North Carolina Environmental Management Commission to approve, approve with conditions, or deny in accordance with Section .

g. Public Hearing Procedures

Applicable (see Section 8.2.9).

h. Post-Decision Actions and Limitations

Applicable (see Section 8.2.10), except:

(1) Appeal of Decisions on Minor Variance Applications

If the decision was approval or denial of an application for a Minor Variance (Riparian Buffer), the decision may be appealed to the Director of the North Carolina Division of Water Resources for review and decision in accordance with the North Carolina Administrative Hearings Act.

(2) Submittal of Preliminary Determination on Major Variance Applications to State

(A) (1) If the decision was a preliminary determination on an application for a Major Variance, the Town Engineer shall submit the preliminary determination to the North Carolina Environmental Management Commission for approval in accordance with applicable State regulations.

(B) (2) After the North Carolina Environmental Management Commission approves the Major Variance or approves it with conditions or stipulations added, then the Commission shall submit a copy of its decision to the Town Engineer, who shall file it in the Planning Department.

(3) Issuance of Variance

If a Riparian Buffer Variance application is approved, the Town Engineer shall issue the applicant documentation of the approval that identifies the land to which it applies, the development plans on which it is based, and any conditions of approval. The documentation shall also include notice of the Town's right to inspect riparian buffers to ensure compliance with this article.

(4) Effect of Approval

(A) Approval of a Variance (Riparian Buffer) authorizes only the particular regulatory relief approved as part of the Variance, as applied only to the land for which the Variance is approved, and only in accordance with any approved plans and documents, and conditions of approval. It does not exempt the applicant from the responsibility to obtain all other development permits required by this Ordinance and any other applicable laws, and does not indicate that the development for which the Variance is granted should receive approval of other applications for development approval or permits required under this Ordinance unless the relevant and applicable portions of this Ordinance or any other applicable laws are met.

(B) Unless it expires in accordance with Section 8.2.10.C.2, Expiration of Approval, an approved and recorded Variance (Riparian Buffer),

including any approved plans, documents, and conditions of approval, shall run with the land, shall be binding on the landowners and their successors and assigns, and shall not be affected by a change in ownership. All decisions, determinations, and interpretation by Town staff shall be consistent with an approved and recorded Variance.

4. Riparian Buffer Variance Review Standards[225]

The Board of Adjustment shall approve or make a preliminary determination, as applicable, in favor of an application for a Variance (Riparian Buffer) only if the board reaches all of the following findings, based on findings of fact supported by competent, substantial, and material evidence presented at the hearing:

a. There are practical difficulties or unnecessary hardships that prevent compliance with the riparian buffer protection requirements;

b. If the applicant complies with the provisions of this Ordinance, he/she can secure no reasonable return from, nor make reasonable use of, his/her property (merely proving that the variance would permit a greater profit from the property shall not be considered adequate justification for a variance);

c. The variance is the minimum possible deviation from the terms of this Ordinance that shall make reasonable use of the property possible;

d. The hardship results from application of this Ordinance to the property rather than from other factors such as deed restrictions or other hardship;

e. The hardship is due to the physical nature of the applicant's property, such as its size, shape, or topography, such that compliance with provisions of this ordinance would not allow reasonable use of the property;

f. The applicant did not cause the hardship by knowingly or unknowingly violating this Ordinance;

g. The applicant did not purchase the property after the effective date of this Ordinance, and then request a variance; and

h. The hardship is rare or unique to the applicant's property;

i. The variance is in harmony with the general purpose and intent of the State's riparian buffer protection requirements and this Ordinance and preserves its spirit;

j. In granting the variance, the public safety and welfare have been assured, water quality has been protected, and substantial justice has been done;

k. Granting the Variance would not result in a new stormwater conveyance in the riparian buffer; and

l. Granting the Variance would maintain or restore diffuse flow runoff in the riparian buffer.

[225] These review standards are carried forward from the Riparian Buffer Ordinance.

E. Appeal[226]

1. Purpose

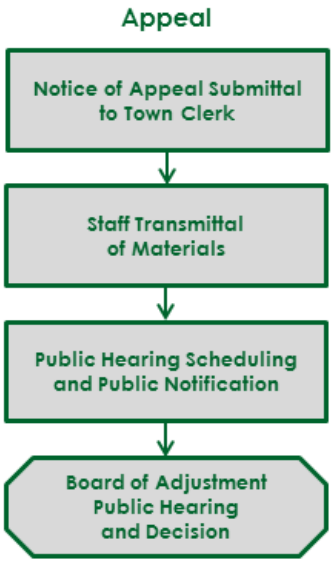
The purpose of this section is to establish a uniform mechanism for an aggrieved party affected by any decision by the Planning Director or Town Engineer to determine if the decision complies with the requirements of this Ordinance.

2. Applicability

Any party aggrieved by a decision by the Planning Director or Town Engineer in administering or enforcing the provisions of this Ordinance may appeal the decision to the Board of Adjustment by submitting a notice of appeal stating the grounds for appeal with the Town Clerk within 30 days after receiving actual or constructive notice of the decision being appealed.

3. Appeal Procedure

a. Staff Transmittal of Materials to Board of Adjustment



Upon receipt of a notice of appeal, the Town Clerk shall transmit a copy of the notice of appeal to the Planning Director. The Planning Director shall:

(1) Transmit to the Board of Adjustment all documents and exhibits constituting the record upon which the action appealed from is taken; and

(2) Provide a copy of the record to the appellant and, if the appeal pertains to a specific parcel of land, to the landowner, if different from the appellant.

b. Public Hearing Scheduling and Public Notification

Applicable (see Section 8.2.6).

c. Board of Adjustment Review and Decision

Applicable (see Section 8.2.8), with the following variations or additions:

(1) The Board of Adjustment shall review and make a decision on the application in accordance with Section 8.3.5.E.4, Appeal Review Standards.

(2) The decision shall be one of the following:

(A) Affirmation of the decision being appealed (in whole or in part);

(B) Modification of the decision being appealed (in whole or in part); or

(C) Reversal of the decision being appealed (in whole or in part).

(3) In deciding the appeal, the Board of Adjustment shall make any order, requirement, decision, or determination that in its opinion ought to be made

[226] This section updates the appeal procedures in Section 11.3 of the Zoning Ordinance, consistent with State law and the formatting in this section.

in the circumstances, and shall have all the powers of the officer from whom the appeal is taken.

d. Public Hearing Procedures

Applicable (see Section 8.2.9). The official who made the decision being appealed shall be present at the hearing as a witness.

e. Post-Decision Actions and Limitations

Applicable (see Section 8.2.10), except:

(1) Effect of Approval

To the extent a decision on an Appeal application pertains to application of a particular provision of this Ordinance in a particular circumstance, the appeal decision shall be binding on subsequent decisions by the Planning Director or Town Engineer in applying the same provision of this Ordinance in the same circumstance.

(2) Expiration of Approval

The decision on an Appeal application does not expire, but shall remain valid except to the extent this Ordinance is subsequently amended to reflect any reversal or modification of the decision, interpretation, or order that was appealed.

4. Appeal Review Standards

a. The Board of Adjustment shall review the Appeal application in accordance with the standards of this Ordinance applicable to the decision, interpretation, or order being appealed, and shall base its decision solely on the record established below for the decision, interpretation, or order being appealed. The record shall consist of the all documents, hearing records, and other materials related to the decision, interpretation, or order.

b. The Board of Adjustment may modify or reverse a decision (in whole or in part) only if it finds there is competent, substantial, and material evidence in the record of a clear and demonstrable error in the Planning Director's or Town Engineer's application of the relevant standards or provisions of this Ordinance.

F. Interpretation[227]

1. Purpose

The purpose of this section is to provide a uniform mechanism for rendering formal written interpretations of the text of this Ordinance and the boundaries on the Official Zoning Map.

2. Applicability

The Planning Director is responsible for making interpretations of all provisions of this Ordinance, including, but not limited to:

a. Interpretations of the text;

[227] This section establishes a new procedure whereby an applicant can receive a formal written determination of ordinance provisions or zoning district boundaries. Such a determination provides a degree of certainty regarding the meaning and application of specific ordinance provisions.

b. Interpretations of the zoning district boundaries;

c. Interpretations of whether an unspecified use falls within a use classification, use category, or use type allowed in a zoning district; and

d. Interpretations of compliance with a condition of approval.

3. Interpretation Procedure

a. Pre-Application Conference

Applicable, (see Section 8.2.2).

b. Application Submittal and Acceptance

Applicable (see Section 8.2.4), except an application for a formal written interpretation may only be initiated by the Town Board of Commissioners, the Planning Board, any resident of the Town, any owner of land located in the Town, or any person having a contractual interest in land in the Town or that person's representative.

c. Staff Review and Action

Applicable (see Section 8.2.5). The Planning Director shall make interpretations in accordance with Section 8.3.5.F.4, Interpretation Review Standards. Prior to rendering an interpretation, the Planning Director shall consult with the Town Attorney and other affected Town officials.

d. Post-Decision Actions and Limitations

Applicable (see Section 8.2.10), except:

(1) Effect of Interpretation

A written interpretation shall be binding on subsequent decisions by the Planning Director or other Town administrative officials in applying the same provision of this Ordinance or the Official Zoning Map in the same circumstance, unless the Interpretation is modified in accordance with this section, or the subject provisions of this Ordinance are modified.

4. Interpretation Review Standards

a. Zoning District Map Boundaries

Interpretation of zoning district boundaries on the Official Zoning Map shall be in accordance with Section 10.2, Interpretation of Zoning Map Boundaries.

b. Unspecified Uses

Interpretation of whether an unspecified use is similar to a use identified in Table 3.2.4, Principal Use Table, or is prohibited in a zoning district shall be in accordance with Section 10.3.2, Interpretation of Unlisted Uses.

c. Text Provisions

Interpretation of the text and its application shall be in accordance with Section 10.1, Interpretation of Ordinance Text, and the following considerations:

(1) The clear and plain meaning of the provision's wording, as defined by the meaning and significance given specific terms used in the provision, as established in Section 10.5, Terms and Uses Defined, and by the common and accepted usage of the term;

(2) The intended purpose of the provision, as indicated by purpose statements, its context and consistency with surrounding and related provisions, and any legislative history related to its adoption; and

(3) The general purposes served by this Ordinance, as set forth in Section 1.1.3, Purpose and Intent.

5. Official Record

The Planning Director shall maintain a record of written interpretations that shall be available in the Planning Department for public inspection, on reasonable request, during normal business hours.

8.3.6. Amendments

A. Text Amendment[228]

1. Purpose

The purpose of this section is to provide a uniform mechanism for amending the text of this Ordinance whenever the public necessity, convenience, general welfare, or good zoning practices require doing so.

2. Applicability

The procedures and standards in this subsection apply to the review of any proposal to amend the text of this Ordinance.

3. Text Amendment Procedure

a. Application Submittal and Acceptance

Applicable (see Section 8.2.4), except an application to amend the text of this ordinance may be initiated only by the Town Board of Commissioners, Planning Board, or Planning Director.[229]

[228] This section generally carries forward the current procedures for amendments to the text of the Ordinance, with the majority of the procedures consolidated in the the standard review procedures. Protest petition provisions (Section 10.4.5) are removed based on recent changes in State law.

[229] The current zoning ordinance states that any person or organization may submit a petition for an amendment to the zoning ordinance . Initiation of Text Amendment applications is limited here for two reasons. First, unlike rezonings—which directly affect and are limited to discrete areas of land owned by particular persons—text amendments affect the whole community and involve community interests, for which the Town Board of Commissioners and its advisory staff and boards are the main trustees. Second, although the intent and general parameters of a text amendment may be readily expressed, text amendments must be carefully drafted to be consistent with Town plans and policies, to coordinate and avoid conflicts with other regulatory provisions in this Ordinance and other Town (and state) regulations. This requires a level of familiarity with Town regulations and policies that generally only exists with Town staff and boards.

b. Staff Review and Action

Applicable (see Section 8.2.5).

c. Public Hearing Scheduling and Public Notification

Applicable (see Section 8.2.6).

d. Planning Board Review and Recommendation

Applicable (see Section 8.2.7).

e. Town Board of Commissioners Review and Decision

Applicable (see Section 8.2.8). The Town Board of Commissioners shall review and make a decision on the application in accordance with Section 8.3.6.A.4, Text Amendment Review Standards. The decision shall be one of the following:

(1) Adopt the amendment as proposed;

(2) Adopt a revised amendment;

(3) Deny the amendment; or

(4) Remand the application back to the Planning Director or Planning Board for further consideration.

f. Public Hearing Procedures

Applicable (see Section 8.2.9).

g. Post-Decision Actions and Limitations

Applicable (see Section 8.2.10), except:

(1) Effect of Approval

Approval of a Text Amendment authorizes the approved revisions to the text of this Ordinance. Such approval does not itself authorize specific development activity.

(2) Expiration of Approval

A Text Amendment does not expire, but shall remain valid unless and until the revised text of this Ordinance is subsequently amended in accordance with this section.

4. Text Amendment Review Standards

The advisability of an amendment to the text of this Ordinance is a matter committed to the legislative discretion of the Town Board of Commissioners and is not controlled by any one factor. In deciding whether to adopt or disapprove an amendment to the text of this Ordinance, the Town Board of Commissioners may consider many factors,

including but not limited to whether and the extent to which the proposed amendment:

a. Is consistent with the comprehensive plan;

b. Conflicts with any other provisions of this Ordinance or the Code of Ordinances;

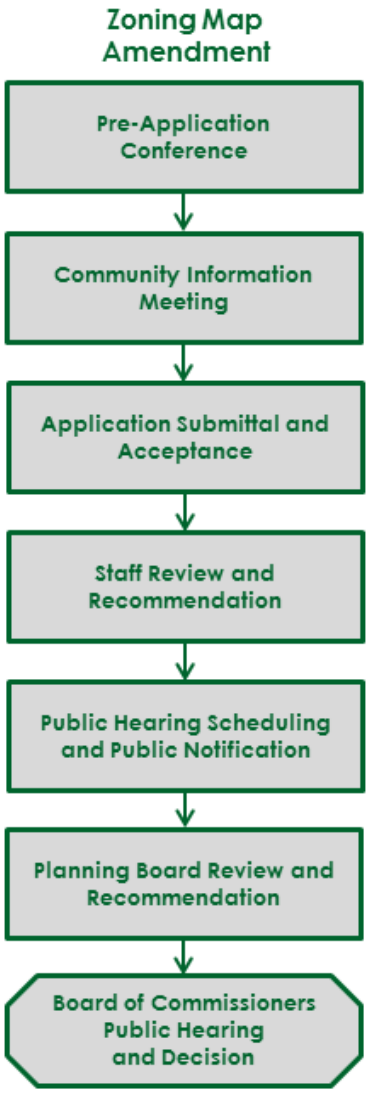
c. Is required by changed conditions;

d. Addresses a demonstrated community need;

e. Is consistent with the purpose and intent of the zoning districts in this Ordinance, or would improve compatibility among uses and would ensure efficient development within the Town;

f. Would result in a logical and orderly development pattern; and

g. Would result in significantly adverse impacts on the natural environment—including, but not limited to, water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.



B. Zoning Map Amendment[230]

1. Purpose

The purpose of this section is to provide a uniform mechanism for reviewing and deciding proposed general amendments to the Official Zoning Map whenever the public necessity, general welfare, adopted plans, or appropriate land use practices justify or require doing so. A Zoning Map Amendment reclassifies land to a base zoning district and subjects future development in the district to all the development regulations applicable to that district, including allowance of the full range of uses and development intensity permitted in the district.

2. Applicability

The procedure and standards in this section apply to the review of any proposal to revise the Official Zoning Map to change the zoning district classification applicable to a particular parcel, portion of a parcel, or group of parcels, except when proposed in conjunction with a Conditional Zoning or Planned Development.

[230] This section generally carries forward the current procedures for zoning map amendments, with the majority of the procedures consolidated in the the standard review procedures. A pre-application conference and a community information meeting are now mandatory.

3. Zoning Map Amendment Procedure

a. Pre-Application Conference

Applicable, (see Section 8.2.2), unless the applicant is the Town Board of Commissioners, Planning Board, or Planning Director.

b. Community Information Meeting

Applicable (see Section 8.2.3), unless the applicant is the Town Board of Commissioners, Planning Board, or Planning Director.

c. Application Submittal and Acceptance

Applicable (see Section 8.2.4), except:

(1) A Zoning Map Amendment application may also be initiated by the Town Board of Commissioners, Planning Board, or Planning Director for any land in the Town's planning jurisdiction.

(2) The applicant for a Zoning Map Amendment application may change the application into a Conditional Zoning application only by first withdrawing the Zoning Map Amendment application before the provision of required public notification of the public hearing, and then submitting an application for Conditional Zoning in accordance with Section 8.3.6.C.2.a, Conditional Zoning.

d. Staff Review and Action

Applicable (see Section 8.2.5).

e. Public Hearing Scheduling and Public Notification

Applicable(see Section 8.2.6).

f. Planning Board Review and Recommendation

Applicable (see Section 8.2.7). In addition:

(1) The Planning Board's recommendation shall address whether the proposed Zoning Map Amendment is consistent with the adopted comprehensive plan.

(2) Action on the application shall be taken within 60 days after the meeting at which the Planning Board first reviews the application. The board may vote to extend this time period to up to 90 days, for good cause.

g. Town Board of Commissioners Review and Decision

(1) Applicable (see Section 8.2.8). The Town Board of Commissioners shall review and make a decision on the application in accordance with Section 8.3.6.B.4, Zoning Map Amendment Review Standards. A decision on a Zoning Map Amendment application shall be one of the following:

(A) Approve the application as submitted;

(B) Approve a rezoning to a more restrictive district, with the applicant's consent;

(C) Deny the application; or

(D) Remand the application back to the Planning Director or Planning Board for further consideration.

(2) When approving or denying the application, the Town Board of Commissioners shall approve a statement describing whether its action is consistent with the adopted comprehensive plan and briefly explaining why the board considers the action taken to be reasonable and in the public interest.

h. Public Hearing Procedures

Applicable (see Section 8.2.9).

i. Post-Decision Actions and Limitations

Applicable(see Section 8.2.10), except:

(1) Effect of Approval

Approval of a Zoning Map Amendment reclassifies the land that is the subject of the application to the approved zoning district classification and subjects it to the development regulations applicable to the district. Such approval does not itself authorize specific development activity.

(2) Expiration of Approval

A Zoning Map Amendment does not expire, but shall remain valid unless and until the land that was the subject of the amendment is subsequently reclassified to a different zoning district in accordance with the procedures and standards in this section.

(3) Designation on Official Zoning Map

If a Zoning Map Amendment is adopted by the Town Board of Commissioners, the Planning Director shall place the amendment on the Official Zoning Map within a reasonable period of time after adoption.

4. Zoning Map Amendment Review Standards

a. The advisability of an amendment to the Official Zoning Map is a matter committed to the legislative discretion of the Town Board of Commissioners and is not controlled by any one factor. In deciding whether to adopt or disapprove a Zoning Map Amendment, the Town Board of Commissioners may consider many factors, including but not limited to whether and the extent to which the proposed amendment:

(1) Is consistent with the adopted comprehensive plan;

(2) Is consistent with any provisions of this Ordinance and the Code of Ordinances;

(3) Is required by changed conditions;

(4) Addresses a demonstrated community need;

(5) Is compatible with existing and proposed uses surrounding the subject land, and is the appropriate zoning district for the land;

(6) Would result in a logical and orderly development pattern;

(7) Would result in development that is adequately served by public facilities (e.g., streets, potable water, sewerage, stormwater management, solid

waste collection and disposal, schools, parks, police, and fire and emergency medical facilities);

(8) Would result in significant adverse impacts on the natural environment—including, but not limited to, water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

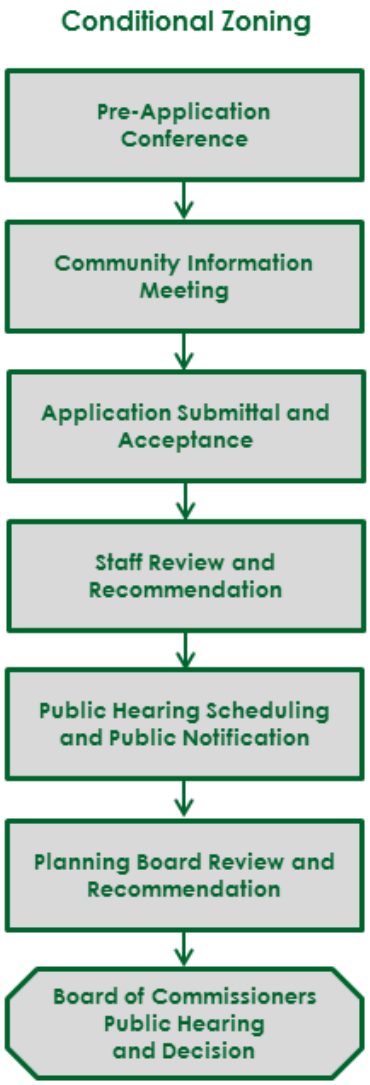
(9) Would adversely affect the property values in the area; and

(10) Would be consistent with the public interest and the purposes and intent of this Ordinance.

C. Conditional Zoning[231]

1. Purpose

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



2. Applicability

a. The procedure and standards in this section apply to the review of a development application for Conditional Zoning.

b. Applications for Conditional Zoning shall include all the land area within a recorded lot or site that is the subject of the application. Conditional Zoning applications may not establish bi-furcated zoning classifications where only a portion of a lot or site is subject to a condition zoning classification.

3. Conditional Zoning Procedure

a. Pre-Application Conference

Applicable, (see Section 8.2.2).

[231] This section generally carries forward the current procedures for conditional zoning districts, with the majority of the procedures consolidated in the the standard review procedures. The community meeting requirement is carried forward consistent with the standard review procedures, and a pre-application conference is now mandatory.

b. Community Information Meeting

Applicable (see Section 8.2.3).

c. Application Submittal and Acceptance

Applicable (see Section 8.2.4). The application shall include conditions of approval proposed by the applicant in accordance with Section 8.3.6.C.5, Conditions of Approval, and a conceptual development plan depicting the proposed development.

d. Staff Review and Action

Applicable (see Section 8.2.5).

e. Public Hearing Scheduling and Public Notification

Applicable(see Section 8.2.6).

f. Planning Board Review and Recommendation

Applicable (see Section 8.2.7).

(1) During its review of the application, the Planning Board may suggest revisions to the proposed conditions (including the conceptual development plan), consistent with the provisions of Section 8.3.6.C.5, Conditions of Approval. Only those revisions agreed to in writing by the applicant shall be incorporated into the application.

(2) The Planning Board's recommendations shall address whether the proposed Conditional Zoning is consistent with the adopted comprehensive plan.

g. Town Board of Commissioners Review and Decision

(1) Applicable (see Section 8.2.8). The Town Board of Commissioners shall review and make a decision on the application in accordance with Section 8.3.6.C.4, Conditional Zoning Review Standards. A decision on a Conditional Zoning application shall be one of the following:

(A) Approve the application as submitted (including any conditions proposed as part of a Conditional Rezoning application, consistent with Section 8.3.6.C.5, Conditions of Approval);

(B) Approve the application subject to modified or additional conditions, with the applicant's consent, consistent with Section 8.3.6.C.5, Conditions of Approval;

(C) Deny the application; or

(D) Remand the application back to the Planning Director or Planning Board for further consideration.

(2) When approving or denying the application, the Town Board of Commissioners shall approve a statement describing whether its action is consistent with the adopted comprehensive plan and any other officially adopted plan that is applicable, and briefly explaining why the board considers the action taken to be reasonable and in the public interest.

h. Public Hearing Procedures

Applicable (see Section 8.2.9).

i. Post-Decision Actions and Limitations

Applicable(see Section 8.2.10), except:

(1) Effect of Approval

Approval of a Conditional Zoning application subjects the land to the development regulations applicable to the parallel base zoning district, as modified by the more restrictive conditions agreed to by the applicant and approved by the Town Board of Commissioners in accordance with subsection 8.3.6.C.5, Conditions of Approval. These regulations and modifying conditions are binding on the land as an amendment to this Ordinance and the Official Zoning Map.

(2) Expiration of Approval

j. An approved Conditional Zoning shall not expire, but the Official Zoning Map is subject to further amendment in accordance with the requirements in this section, Section 8.3.6.B, Zoning Map Amendment, or Section 8.3.6.C.5.d,

Mixed Use Planned Development.

(1) Designation on Official Zoning Map

(A) If a Conditional Zoning is adopted by the Town Board of Commissioners, the Planning Director shall place the conditional zoning classification on the Official Zoning Map within a reasonable period of time after adoption.

(B) Designation of a conditional zoning district on the Official Zoning Map shall bear the same designation as the parallel base zoning district but shall also include the suffix "CD" along with the ordinance number approving the conditional rezoning.

(C) The Planning Director shall keep in the Planning Department a Conditional Zoning Index. The Conditional Zoning Index shall provide ready access to the ordinances creating a conditional zoning district and the conditions of approval.

(2) Minor Deviations

Subsequent plans and permits for development within a conditional zoning district may include minor deviations from the approved conceptual development plan, provided such deviations are limited to changes addressing technical considerations that could not reasonably be anticipated during the conditional zoning classification process, or any other change that has no material effect on the character of the approved development. The following shall constitute minor deviations that may be approved by the Planning Director:

(A) Driveway locations;

(B) Structure floor plan revisions;

(C) Minor shifts in building size or location; and

(D) Facility design modifications for amenities and the like.

(3) Material Changes are Amendments

Changes that materially affect the basic configuration of the approved conceptual development plan are not considered minor deviations and shall only be changed as amendments to the Conditional Zoning in accordance with Section 8.2.10.D, Amendment of Development Approval.

(4) Action if Condition of Conditional Zoning Invalidated

If any condition applicable to a Conditional Zoning approval is declared invalid by a court of competent jurisdiction, the Town Board of Commissioners may subsequently rescind the approval on determining that it would not have approved the application but for the condition. If the Town Board of Commissioners rescinds its approval, it shall provide the applicant an opportunity to revise the application in accordance with Section 8.2.8.C, Revision of Application, in response to the condition invalidation and rescission.

4. Conditional Zoning Review Standards

The advisability of a conditional zoning is a matter committed to the legislative discretion of the Town Board of Commissioners and is not controlled by any one factor. In deciding whether to adopt or disapprove a conditional zoning, the Town Board of Commissioners may consider the review standards in Section 8.3.6.B.4, Zoning Map Amendment Review Standards, and other appropriate factors.

5. Conditions of Approval

a. Only conditions mutually agreed to by the owner(s) of the land to be conditionally zoned and the Town Board of Commissioners may be approved as part of a conditional zoning district.

b. Conditions shall be limited to those that address conformance of the allowable development and use of the site with Town regulations and adopted plans and those that address impacts reasonably expected to be generated by the allowable development or use of the site.

c. Conditions may be in the form of text or plans and maps.

d. No condition shall be less restrictive than the standards of the parallel base zoning district, any applicable overlay zoning district standard, or other applicable requirements in this Ordinance.

D. Mixed Use Planned Development[232]

1. Purpose

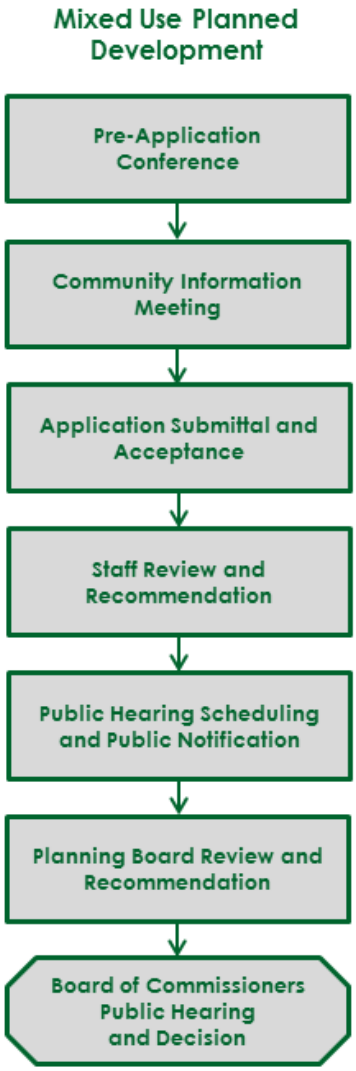
A Mixed Use Planned Development is a development that is planned and developed under unified control in accordance with more flexible standards and procedures that are conducive to creating more innovative and higher quality development than could be achieved through the base zoning district regulations, in accordance with Section 2.5.4, Mixed Use Planned Development District (MUPD). The purpose of this section is to provide a uniform means for amending the Official Zoning Map to establish a Mixed Use Planned Development zoning district.

[232] This section consolidates procedures for mixeduse planned developments and references the standards in the Mixed Use Planned Develoment zoning district. As discussed in Section 3.8.F of the Code Assessment, the procedures clarify the requirement that mixed use planned development applications include both a plan and an agreement.

2. Applicability

The procedures and standards in this section apply to the review of applications for Mixed Use Planned Developments. A Mixed Use Planned Development reclassifies land to the Mixed Use Planned Development (MUPD) zoning district. Subsequent development within a Mixed Use Planned Development zoning district occurs through Subdivision and Site Plan.

3. Mixed Use Planned Development Procedure



a. Pre-Application Conference

Applicable, (see Section 8.2.2, Pre-Application Conference).

b. Community Information Meeting

Applicable (see Section 8.2.3, Community Information Meeting).

c. Application Submittal and Acceptance

Applicable (see Section 8.2.4, Application Submittal and Acceptance). A Mixed Use Planned Development application shall also include a MUPD Plan/MUPD Agreement that depict the general configuration and relationship of the principal elements of the proposed development (uses, intensity, circulation, open space, public facilities), outline how the development will be phased and served by public facilities and how environmental mitigation and monitoring will occur, and how unified management will be provided.

d. Staff Review and Action

Applicable (see Section 8.2.5).

e. Public Hearing Scheduling and Public Notification

Applicable(see Section 8.2.6).

f. Planning Board Review and Recommendation

Applicable (see Section 8.2.7). In addition, the Planning Board's recommendation shall address whether the proposed Mixed Use Planned Development is consistent with the adopted comprehensive plan.

g. Town Board of Commissioners Review and Decision

Applicable (see Section 8.2.8). The Town Board of Commissioners shall review and make a decision on the application in accordance with Section 8.3.6.D.4, Mixed Use Planned Development Review Standards. A decision on a Mixed Use Planned Development application shall be one of the following:

(A) Approve the application as submitted;

(B) Approve the application, subject to conditions;

(C) Deny the application; or

(D) Remand the application back to the Planning Director or Planning Board for further consideration.

(2) When approving or denying the application, the Town Board of Commissioners shall approve a statement describing whether its action is consistent with the adopted comprehensive plan and briefly explaining why the board considers the action taken to be reasonable and in the public interest.

h. Public Hearing Procedures

Applicable (see Section 8.2.9).

i. Post-Decision Actions and Limitations

Applicable(see Section 8.2.10), except:

(1) Effect of Approval

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

(2) Expiration of Approval

(A) If no application for approval of a subdivision Preliminary Plat or Site Plan (Major or Minor) for any part of the approved MUPD Plan/MUPD Agreement is submitted within three years after approval of the Planned Development, the Planning Director shall initiate a Zoning Map Amendment application to rezone the land back to its prior zoning classification or any other base zoning classification determined to be appropriate. Such time period shall not be extended with transfer of ownership.

(B) Upon written request submitted at least thirty days before expiration of the three-year period provided in subsection A above, and upon a showing of good cause, the Planning Director may grant one extension not to exceed six months for the applicant to submit required development applications.

(3) Designation on Official Zoning Map

(A) If a Mixed Use Planned Development zoning is adopted by the Town Board of Commissioners, the Planning Director shall place the Mixed Use Planned Development zoning classification on the Official Zoning Map within a reasonable period of time after adoption.

(B) Designation of a Mixed Use Planned Development zoning district on the Official Zoning Map shall bear the designation "MUPD" along with the ordinance number approving the Mixed Use Planned

Development zoning and the name of the Mixed Use Planned Development.

(C) The Planning Director shall keep in the Planning Department a Planned Development Index. The Planned Development Index shall provide ready access to the ordinances creating a Mixed Use Planned Development.

4. Mixed Use Planned Development Review Standards

The advisability of adopting a Mixed Use Planned Development district is a matter committed to the legislative discretion of the Town Board of Commissioners and is not controlled by any one factor. In deciding whether to adopt or disapprove a Mixed Use Planned Development district, the Town Board of Commissioners may consider the review standards in Section 8.3.6.B.4, Zoning Map Amendment Review Standards. A Mixed Use Planned Development application shall not be approved unless the planned development district complies with the standards in Section 2.5.4, Mixed Use Planned Development District (MUPD).

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Article 9: Enforcement

Commentary

Article 9: Enforcement, consolidates all provisions related to enforcement.

Highlights include:

- Establishing a section on required compliance;
- Establishing a section addressing violations, which identifies actions and development that violate the Ordinance;
- Establishing sections identifying who is responsible for Ordinance enforcement and violations;
- Establishing sections that describe how complaints are handled, and investigated, and how violators are notified and violations addressed;
- Establishing sections that describe the process for initiating remedies and issuing penalties, and the various remedies and penalties that can be used; and
- Establishing sections that describe the procedures and standards for withholding or revoking permits.

This comment box and the footnotes included in this draft are provided for reference purposes and will not be included in the adopted UDO.

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Article 9: ENFORCEMENT[233]

Section 9.1. General Provisions

9.1.1. Purpose

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

9.1.2. Compliance Required

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

Section 9.2. Violations and Responsible Persons[234]

9.2.1. Violations Generally

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

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

B. Permits or Permit Approvals Only Authorize Development Approved

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

9.2.2. Specific Violations

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

A. Develop land or a structure without first obtaining all appropriate development approvals or permits, and complying with their terms and conditions.

B. Occupy or use land or a structure without first obtaining all appropriate development approvals or permits, and complying with their terms and conditions.

C. Subdivide land without first obtaining all appropriate development approvals or permits required to engage in subdivision, and complying with their conditions of approval.

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[233] This article carries forward the enforcement provisions that are included in Article IX of the current zoning ordinance and Section 3 of the existing subdivision regulations.

[234] This section includes more specifics regarding what constitutes a violation than existing provisions in the current zoning ordinance and subdivision regulations.

D. Excavate, grade, cut, clear, mine, extract earth resources, or undertake any land disturbing activity without first obtaining all appropriate development approvals or permits, and complying with their conditions of approval.[235]

E. Remove existing trees from a development site without first obtaining appropriate development approvals or permits, and complying with their conditions of approval.[236]

F. Disturb any landscaped area or vegetation required by this Ordinance.

G. Install, create, erect, alter, or maintain any sign without first obtaining the appropriate development approvals or permits, and complying with their conditions of approval.

H. Fail to remove any sign installed, created, erected, or maintained in violation of this Ordinance, or for which the permit has expired.

I. Create, expand, replace, or change any nonconformity except in compliance with this Ordinance.

J. Reduce or diminish the requirements for development, design, or dimensional standards below the minimum required by this Ordinance.

K. Increase the intensity or density of development, except in accordance with the standards of this Ordinance.

L. Through any act or omission, fail to comply with any other provisions, procedures, or standards as required by this Ordinance.

9.2.3. Responsible Persons

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

Section 9.3. Enforcement Responsibility and Procedures[237]

9.3.1. Responsibility for Enforcement

A. Primary responsibility for enforcing the provisions of this Ordinance shall be divided among Town officials as follows:

1. The Planning Director shall be responsible for enforcement of all parts of this Ordinance not enforced by the Town Engineer.

2. The Town Engineer shall be responsible for enforcement of the provisions in Section 4.4, Riparian Buffers, and Section 4.7, Stormwater Management, and the engineering provisions in the text of this Ordinance, and compliance with conditions of approval for development approvals and permits required for Section 4.4 and Section 4.7.

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[235] This new provision clarifies that land-disturbing activity may not occur without first obtaining appropriate development approvals or permits.

[236] This new provision clarifies that tree removal and clearing may not occur on a site without first obtaining appropriate development approvals or permits.

[237] This section consolidates enforcement responsiblities currently scattered in the current zoning oridnance and subdivision regulations, and combines various existing references to the responsible staff person under the title of Planning Director.

B. All other officers and employees of the Town—especially members of the Police Department and Fire Department—shall have the duty to assist the Planning Director and Town Engineer in enforcing this Ordinance by reporting apparent violations of this Ordinance to these officials.

9.3.2. Complaints Regarding Violations

Any person may submit to the Town officials identified in Section 9.3.1, above, a complaint alleging a violation of this Ordinance. On receiving a signed written complaint that fully states the basis for the allegation, including the apparent cause of the alleged violation, the Planning Director shall properly record such complaint, investigate the alleged violation, and take appropriate action as provided by this Ordinance.

9.3.3. Inspections

On presenting proper credentials, the Planning Director and Town Engineer, as appropriate, may enter upon land or inspect any structure to ensure compliance with the provisions of this Ordinance. These inspections shall be carried out during normal business hours unless the Planning Director or Town Engineer, as appropriate, determines there is an emergency necessitating inspections at another time.

9.3.4. Enforcement Procedure[238]

A. Notice of Violation and Opportunity for Correction

1. On finding that a violation of this Ordinance exists, whether from an investigation of a written complaint or otherwise, the Planning Director or Town Engineer, as appropriate, shall provide written Notice of the Violation, by personal service or certified mail, return receipt requested, to the owner of the land on which the violation exists and the person causing or maintaining the violation. Such notification shall:

a. Describe the location and nature of the violation;

b. State the actions necessary to abate the violation; and

c. Order that the violation be corrected or an administrative hearing be requested within a specified reasonable time period not to exceed 30 days after receipt of the Notice of Violation.

2. The final Notice of Violation (which may also be the initial Notice of Violation) shall state what course of action is intended if the violation is not corrected or an administrative hearing is not requested within the specified time limit. If the final Notice of Violation identifies the assessment of a civil penalty as a potential intended course of action, the Notice of Violation shall also serve as a warning citation. The final Notice of Violation shall also advise the violators of their rights to appeal the Notice of Violation to the Board of Adjustment in accordance with Section 8.3.5.E, Appeal.

3. On receiving a written request for extension of the time limit for correction specified in the Notice of Violation, the Planning Director or Town Engineer, as appropriate, may grant a single extension of the time limit for up to 90 days, for good cause shown.

4. If the owner of the land cannot be located or determined, the Planning Director or Town Engineer, as appropriate shall post a copy of the notice on the building,

[238] This section more explicitly describes the steps in the enforcement procedure than provisions currently included in the zoning oridnance and subdivision regulations.

structure, sign, or land that is the subject of the violation. In such a case, the time limit for correction of the violation shall be deemed to begin five days after the Notice of Violation is posted.

B. Administrative Hearing

If the violator requests an administrative hearing within the deadline set forth in the Notice of Violation, the Planning Director or Town Engineer, as appropriate shall schedule a hearing not less than ten days or more than 30 days after receiving the request, and shall provide the alleged violator written notice of the time and place of the hearing. At the conclusion of the hearing, the Planning Director or Town Engineer, as appropriate shall make a final determination of whether a violation exists and, if finding that a violation does exist, shall order the violator to undertake actions necessary to abate the violation within a set time limit. The Planning Director or Town Engineer, as appropriate shall also advise the violator of the right to appeal the final determination of violation to the Board of Adjustment in accordance with Section 8.3.5.E, Appeal.

C. Application of Remedies and Penalties

On determining that the violator has failed to correct the violation by the time limit set forth in the final Notice of Violation (or any granted extension) or set at a subsequent administrative hearing, or has failed to appeal the Notice of Violation or final determination of violation in a timely manner in accordance with Section 8.3.5.E, Appeal, the Planning Director or Town Engineer, as appropriate shall take appropriate action, as provided in Section 9.4, Civil Remedies and Penalties, to correct the violation and to ensure compliance with this Ordinance.

D. Emergency Enforcement without Notice

On determining that delay in correcting the violation would pose a danger to the public health, safety, or welfare, the Planning Director or Town Engineer, as appropriate, may seek immediate enforcement without prior written notice, by invoking any of the remedies authorized in Section 9.4, Civil Remedies and Penalties.

E. Repeat Violations

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

F. Authority to Require Statements

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

Section 9.4. Civil Remedies and Penalties[239]

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

9.4.1. Issuance of Stop Work Order

Whenever a building or structure is being constructed, demolished, renovated, altered, or repaired in violation of any applicable provision of this Ordinance, the Planning Director or Town

[239] This section combines existing provision into a single process for imposing and collecting civil penalties.

Engineer, as appropriate, may issue a Stop Work Order. The Stop Work Order shall be in writing, directed to the person doing the work, and shall state the specific work to be stopped, the specific reasons for cessation, and the action(s) necessary to lawfully resume work.

9.4.2. Revocation of Development Approval or Permit

The Planning Director or Town Engineer, as appropriate, may revoke any development approval or permit granted under this Ordinance, by written notice to the development approval or permit holder, when false statements or misrepresentations were made in securing the approval or permit, work is being or has been done in substantial departure from the approved application or plan, there has been a failure to comply with the requirements of this Ordinance, or a development approval or permit has been mistakenly granted in violation of this Ordinance.

9.4.3. Denial or Withholding of Related Permits

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

9.4.4. Removal of Illegal Signs from Town-Maintained Streets

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

9.4.5. Citation and Civil Penalties

A. Violation of this Ordinance subjects the violator to a civil penalty in an amount prescribed by the Town Board of Commissioners in accordance with State law.

B. Each day's continuing violation shall be a separate and distinct offense.

C. To impose a civil penalty, the Planning Director or Town Engineer, as appropriate, shall first provide the violator a written citation, either by personal service or certified mail, return receipt requested. The citation shall:

1. Describe the violation;
2. Specify the amount of the civil penalty being imposed;
3. Direct the violator to, within 30 days after the date the citation is received, correct the violation, pay the civil penalty to the Town, or contest the citation by submitting a written request for an administrative hearing; and
4. Advise the violator of the right to appeal the citation to the Board of Adjustment in accordance with Section 8.3.5.E, Appeal.

D. If the violator requests for an administrative hearing within the deadline set forth in the citation, the Planning Director or Town Engineer, as appropriate, shall schedule a hearing not less than ten days or more than 30 days after receiving the request, and shall provide the violator written notice of the time and place of the hearing. At the conclusion of the hearing, the Planning Director or Town Engineer, as appropriate, shall make a final determination of whether the citation is warranted and, if finding that the citation is warranted, shall order the violator to either pay the civil penalty to the Town or correct the

violation within a set time limit. The Planning Director or Town Engineer, as appropriate, shall also advise the violator of the right to appeal the citation to the Board of Adjustment in accordance with Section 8.3.5.E, Appeal.

E. If the violator fails to either pay the civil penalty or correct the violation within the time limit set forth in the citation, or set an administrative hearing, or has failed to appeal the citation in a timely manner and in accordance Section 8.3.5.E, Appeal, the Town may institute a civil action in the nature of a debt in a court of competent jurisdiction to recover the civil penalty.

9.4.6. Injunction[240]

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

9.4.7. Order of Abatement

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

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

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

9.4.8. Equitable Remedy

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

Section 9.5. Criminal Penalties[241]

9.5.1. Violations of Riparian Buffer Regulations

A. Any person who negligently violates any provision of Section 4.4, Riparian Buffers, shall, upon conviction, be guilty of a Class 2 misdemeanor and subject to a criminal fine of up to

[240] This enforcement procedure is currently available, but not specified in the current regulations. It is an important component in the array of enforcement mechanisms.
[241] This section consolidates the current Riparian Buffer and Stormwater Management enforcement provisions into this article (See Section 10 of the Riparan Buffer Ordinance).

$15,000 per day of violation, up to a cumulative total fine of $200,000 for each period of 30 days during which the violation continues.

B. Any person who knowingly or willingly violates any provision of Section 4.4, Riparian Buffers, shall be guilty of a Class I felony and subject to a fine of up to$100,000 per day of violation, up to a cumulative total of $500,000 for each period of 30 days during which the violation continues.

C. Any person who knowingly violates any provision of Section 4.4, Riparian Buffers, shall be guilty of a Class C felony and be subject to a fine of up to $250,000 per day of violation, up to a cumulative total of $1,000,000 for each period of 30 days during which the violation continues.

9.5.2. Violations of Stormwater Management Regulations

A. Any person who violates any provision in Section 4.7 Stormwater Management, shall be subject to the criminal penalties and fines set forth in this article.

B. In accordance with Section 14-4 of the N.C.G.S., any person who violates the provisions of Section 4.7 Stormwater Management, shall, upon conviction, be guilty of a Class 3 misdemeanor and subject to a criminal fine of $500.

Section 9.6. Cumulative Remedies and Penalties

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

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Article 10: Interpretation and Definitions

Commentary

Article 10: Interpretation and Definitions, consolidates all rules of interpretation and measurement relevant to the Unified Development Ordinance, as well as all definitions of terms used in the Ordinance.

Highlights include:

- Establishing rules for: interpreting text; measurement, computing time; and delegation of authority. Several new provisions related to measurement are proposed, to help ensure regulations throughout the Ordinance are applied consistently, and to reduce redundancy.
- Describing use categories, classifications, and types, and procedures for interpreting uses.
- Establishing provisions for classifying new uses as they emerge, making it easier to determine whether newly-proposed uses should be allowed in a given zoning district, based on the functional relationship to other use types, and associated use categories and classifications.
- Establishing a consolidated list of terms used in the Ordinance, and refining and adding new terms as appropriate.

This comment box and the footnotes included in this draft are provided for reference purposes and will not be included in the adopted UDO.

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Article 10: Interpretation and Definitions

Section 10.1. Interpretation of Ordinance Text[242]

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

10.1.1. Meanings and Intent

All provisions, terms, phrases, and expressions contained in this Ordinance shall be interpreted in accordance with the general purposes set forth in Section 1.1.3, Purpose and Intent, and the specific purpose statements set forth throughout this Ordinance. When a specific section of these regulations provides a different meaning than the general definition provided in Section 10.5, Terms and Uses Defined, the specific section's meaning and application of the term shall control the meaning.

10.1.2. Headings, Illustrations, and Text

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

10.1.3. Lists and Examples

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

10.1.4. Computation of Time

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

10.1.5. References to Other Regulations/Publications

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

10.1.6. Delegation of Authority

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

[242] All provisions related to interpretation are recommended new provisions unless otherwise noted. These provisions are recommended to ensure regulations throughout the Ordinnance are interpreted consistently.

10.1.7. Technical and Nontechnical Terms

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

10.1.8. Public Officials and Agencies

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

10.1.9. Mandatory and Discretionary Terms

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

10.1.10. Conjunctions

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

A. "And" indicates that all connected items, conditions, provisions or events apply or are required;

B. "Or" indicates that only one of the connected items, conditions, provisions, or events applies or is required; and

C. "And/or" indicates that one or more of the connected items, conditions, provisions, or events apply or are required.

10.1.11. Tenses and Plurals

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

10.1.12. Term Not Defined

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

Section 10.2. Interpretation of Zoning Map Boundaries

The Planning Director shall be responsible for interpretations of the Official Zoning Map in accordance with the standards in Section 10.1, Interpretation of Ordinance Text, and the following rules and standards.

10.2.1. Map Interpretation Rules

A. Boundaries shown as approximately following a utility line or a street, road, alley, railroad, or other public access way shall be interpreted as following the centerline of the right-of-way or easement for the utility line or access way.

B. Boundaries shown as approximately following a property line shall be interpreted as following the property line as it existed when the boundary was established. If a subsequent minor adjustment (such as from settlement of a boundary dispute or overlap) results in the property line moving 10 feet or less, the zoning boundary shall be interpreted as moving with the property line.

C. Boundaries shown as approximately following a watercourse shall be interpreted as following the centerline of the watercourse as it actually exists, and as moving with that centerline to the extent the watercourse moves as a result of natural processes (flooding, erosion, sedimentation, etc.).

D. Boundaries shown as approximately following the shoreline of a body of water shall be interpreted as following the shoreline and as moving with the shoreline to the extent the shoreline moves as a result of natural processes (flooding, erosion, sedimentation, etc.).

E. Boundaries shown as entering a body of water shall be interpreted as continuing in the direction at which they enter the body of water and extending until they intersect another zoning district boundary or similarly extended boundary, or the limits of the Town's jurisdiction.

F. Boundaries shown as approximately following established municipal corporate limits or other political boundaries shall be interpreted as following the corporate limits or boundary.

G. Boundaries shown parallel to or as extensions of features indicated in this subsection shall be interpreted as such.

H. If the specific location of a depicted boundary cannot be determined from notations on the Official Zoning Map or application of the above standards, it shall be determined by using the map's scale to determine the boundary's distance from other features shown on the map.

10.2.2. Map Interpretation Where Rules Do Not Apply

Where the actual locations of existing physical or natural features vary from that shown on the Official Zoning Map, or in other circumstances not covered by this subsection, the Planning Director shall have the authority to interpret the district boundaries in accordance with Section 8.3.5.F, Interpretation.

Section 10.3. Use Classifications and Interpretation

10.3.1. Principal Use Classification System[243]

A. Purpose

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

B. Structure of Principal Use Classification System

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

1. Use Classifications

The use classifications identify broad general classifications of land use and include agriculture and animal-related uses, residential uses, institutional uses, commercial uses, and industrial uses. Use classifications are further broken down into a series of general "use categories."

2. Use Categories

a. The use categories describe the major sub-groups of the respective use classifications, and are based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions. For example, the Residential Uses Classification is divided into the Household Living and Group Living use categories.

b. Each use category is described in terms of the common characteristics of included uses (including common or typical accessory uses), examples of common use types included in the category, and, for a number of use categories, exceptions—i.e., those uses that might appear to fall within the use category, but are included in another use category.

3. Use Types

The specific use types included in each use category identify specific principal uses that are considered to possess the characteristics identified for the use category. For example, single-family detached dwellings, duplex dwellings, single-family attached dwellings, multifamily dwellings, and manufactured home dwellings are use types in the Household Living use category.

[243] The recommended use classification system is based on Pittsboro's existing classification system, with refinements in order to delete obsolete classifications, and to accommodate new ones. As recommended in the UDO Code Assessment, the principal use classification system helps make it easier to interpret proposed uses and classify uses not defined.

C. Agricultural and Animal Related Uses Classification

1. Agriculture Use Category

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

2. Agricultural Support Services Use Category

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

3. Animal Related Use Category

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

D. Residential Uses Classification

1. Household Living Use Category

The Household Living use category includes use types providing for the residential occupancy of a dwelling unit by a single family. Tenancy is generally arranged on a month-to-month or longer basis. Example use types include single-family detached dwellings, duplex dwellings, single-family attached dwellings, multifamily dwellings, manufactured home dwellings, and live/work dwellings. A dwelling unit with support and supervisory personnel that provides room and board, personal care and habilitation services in a family environment for not more than six resident persons with physical, emotional, or mental disabilities is treated as any other household living use, and not as a group living use.[244] This use category does not include residential use types that generally involve some level of managed personal care for a larger number of residents (e.g., congregate living facilities), which are categorized as group living uses. It also does not include use types where persons generally occupy living units for periods of less than 30 days (e.g., hotel/motel), which are categorized in the Lodging use category. Accessory uses common to household living uses include recreational activities, raising of domestic pets, hobbies, swimming pools, and parking of the occupants' vehicles. Some accessory uses (e.g., home occupations and accessory dwelling units) are subject to additional regulations (see Section 3.3, Accessory Uses and Structures).

[244] This provision is required by §168-22 of the N.C.G.S.

2. Group Living Use Category

The Group Living use category includes use types providing for the residential occupancy of a group of living units by persons who do not constitute a single family and may receive some level of personal care. Individual living units often consist of a single room or group of rooms without cooking and eating facilities, but unlike a hotel/motel, are generally occupied on a monthly or longer basis. Example use types include congregate living facilities, rehabilitation centers, continuing care retirement communities, dormitories, and rooming houses. Although continuing care retirement communities include household living uses (e.g., dwellings) and health care uses (e.g., nursing homes), they are categorized as a group living use because of their focus on the present or future provision of personal care to senior citizens and their integration of various uses as a single cohesive development. This use category does not include use types where persons generally occupy living units for periods of less than 30 days (e.g., hotel/motels), which are categorized in the Lodging use category. It also does not include use types where residents or inpatients are routinely provided more than minor health care services (e.g., nursing homes), which are categorized in the health care use category. Accessory uses common to group living uses include recreational facilities, administrative offices, and food preparation and dining facilities.

E. Institutional Use Classification

1. Community and Government Services Use Category

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

2. Health Care Use Category

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

rooms, teaching facilities, hospices, maintenance facilities, staff residences, and limited accommodations for members of patients' families.

3. Transportation, Communication, and Utility Use Category

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

F. Commercial Uses Classification

1. Eating and Drinking Establishments Use Category

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

2. Office Use Category

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

3. Recreation/Entertainment Uses

The Recreational/Entertainment use category includes use types providing indoor or outdoor facilities for recreation or entertainment-oriented activities by patrons or members. Example use types include golf courses, country clubs, and indoor and outdoor private recreation facilities (including tennis and swim clubs). This use category includes adult establishments (as defined in Section 10.5, Terms and Uses Defined). It does not include recreational facilities that are accessory to community and government service uses (categorized in the Other Institutional use category), or that are reserved for use by a particular residential development's residents and their guests (e.g., residential support recreation facility). Accessory uses may include offices, concessions, snack bars, and maintenance facilities.

4. Funeral Related Use Category

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

5. Retail Sales and Service Use Category

The Retail Sales and Service use category includes use types involved in the sale, rental, and incidental servicing of goods and commodities that are generally delivered or provided on the premises to a consumer. They may also include uses that provide personal services, or product repair or services for consumer and business goods. Example use types include convenience stores, farmers' markets, service establishments, personal service establishments, retail stores, and shopping centers. This use category does not include sales or service establishments related to vehicles (categorized in the Vehicle Service, Sales, and Related Uses use category), or entertainment establishments primarily engaged in selling food or beverages for on-site consumption (categorized in the Eating and Drinking Establishments use category), or establishments primarily selling supplies to contractors or retailers (categorized in the Wholesale Establishments use type), or the provision of financial, professional, or business services in an office setting (categorized in the Office use category), or uses providing recreational or entertainment opportunities (categorized in the Recreation/Entertainment use category), or uses categorized as Adult Establishments (see Section Section 10.5, Terms and Uses Defined). Accessory uses may include offices, storage of goods, assembly or repackaging of goods for on-site sale, concessions, ATM machines, and outdoor display of merchandise.

6. Vehicle Service, Sales, and Related Uses Use Category

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

7. Lodging Use Category

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

G. Industrial Uses Classification

1. Industrial and Services Uses Category

The Industrial and Services Uses category includes use types involving the repair or servicing of industrial, business, or consumer machinery equipment, products, or by-

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

2. Manufacturing Use Category

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

3. Extraction, Landfill, Recycling Use Category

The Extraction, Landfill, and Recycling use category is characterized by activities related to the extraction of naturally occurring materials and the processing and disposal of solid wastes. This use does not include the extraction of natural gas from shale rock layers by hydraulic fracturing ("fracking"). Example use types include excavation of earth products such as stone, gravel, sand, or soil; sanitary, reclamation, and debris landfills; and recycling facilities. This use category does not include facilities for the drop-off, collection, or temporary holding of household or business recyclables (classified as minor utilities in the Transportation, Communication, and Utility Uses use category). Accessory uses may include offices, storage areas, and vehicle washing facilities.

10.3.2. Interpretation of Unlisted Uses

A. Procedure for Interpreting Unlisted Uses

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

B. Criteria for Allowing Unlisted Principal Uses

The Planning Director shall interpret an unlisted principal use as an allowed permitted use or a Special Use in a particular zoning district only after finding that the nature, function, and duration of the use and the impact of allowing it in the zoning district are so similar to those of a use type or use category that is allowed in the zoning district that the unlisted use should be deemed allowed in the same manner (i.e., as a permitted use or a special use) as

the similar use type or use category and subject to the same use-specific standards. In making such interpretation, the Planning Director shall consider the relevant characteristics of the unlisted use relevant to the those of listed and defined use types and/or of the use categories described in this section, the purpose and intent statements in this Ordinance concerning the zoning district (Article 2: Zoning Districts), and the character of use types allowable in the district. The relevant characteristics of the unlisted use that should be considered in making this interpretation include, but are not limited to, the following:

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

C. Standards for Allowing Unlisted Accessory Uses and Structures

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

1. The use or structure is accessory to the principal use, in accordance with the definitions of "accessory use" and "accessory structure" in this section's description of the relevant use category;
2. The nature, function, and potential impacts of the use or structure are so similar to those of uses or structures that are accessory to the principal use, or of accessory uses allowable in the zoning district, that the unlisted use or structure should be deemed allowable in the same manner as the similar accessory uses or structures;
3. The use or structure is compatible with the character of principal and accessory uses allowable in the district; and

4. Allowing the use or structure as an accessory use or structure is consistent with the purpose and intent statements in this Ordinance concerning the zoning district (see Article 2: Zoning Districts).

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

On interpreting an unlisted use or structure as allowed in a zoning district, and finding that the use or structure is likely to be common or would lead to confusion if it remains unlisted, the Planning Director may initiate an application for a text amendment to this Ordinance in accordance with Section 8.3.6.A, Text Amendment, to list the use or structure in Article 3: Use Standards, as a permitted principal use, a special use, or a permitted accessory use or structure, as appropriate. Until final action is taken on the text amendment application, the interpretation of the Planning Director shall be binding.

Section 10.4. Measurement, Exceptions, and Variations of Intensity and Dimensional Standards

10.4.1. Measurement[245]

A. Net Lot Area

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

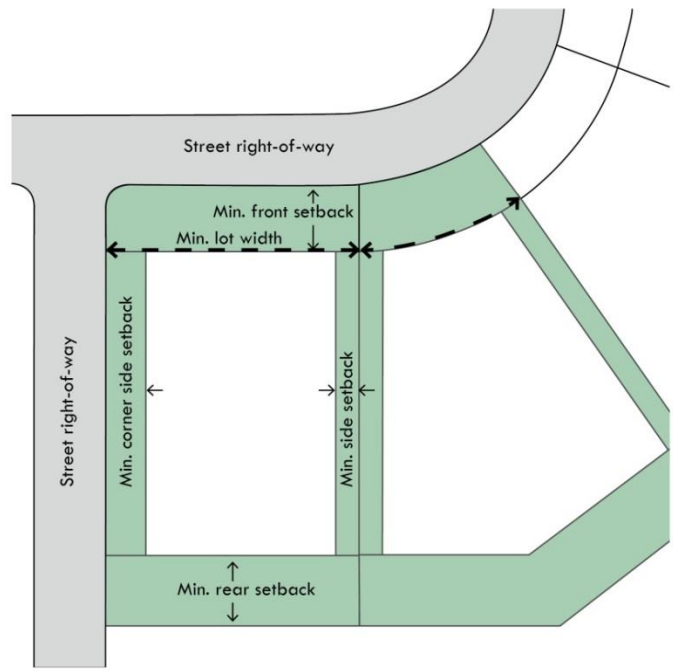

Figure 10.4.1.B: Lot Dimensions.

B. Lot Width

Lot width shall be determined by measuring the distance along a line delineating the minimum front setback applicable to the lot, between its intersections with the side lot lines, or for corner lots, between a corner side lot line and the opposite side lot line. (See Figure 10.4.1.B: Lot Dimensions.)

[245] Provisions related to measurement carry forward existing measurement rules in the Pittsboro Zoning Ordinance and subdivision regulations with adjustments to achieve consistency and reduce redundancy.

C. Net Density (Dwelling Units per Acre)[246]

1. Net density (expressed as dwelling units per acre) shall be determined by dividing the total number of dwelling units located or proposed on a lot by the net lot area (see subsection A above). If net lot area is measured in square feet, that result shall be multiplied by 43,560. For purposes of determining maximum net density, an accessory dwelling unit shall not count as a dwelling unit.
2. Prior to calculating density the applicant shall deduct 10 percent of the buildable land for right of way dedication and all unbuildable land.
3. Maximum net density standards apply only to development comprised of dwelling uses (e.g., household living uses). For a mixed-use development containing dwelling units and nonresidential principal uses, net density shall be determined by dividing the total number of dwelling units located or proposed on the lot by that portion of the net lot area allocated to the dwelling uses (and not allocated to nonresidential or non-dwelling uses).

D. Lot Coverage

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

[246] This carries forward existing provisions for calculation of "Adjusted Tract Acreage," and is renamed "Net Density" as it also includes other provisions to help clarify how density is calculated.

E. Structure Height

The height of a structure generally shall be determined by measuring the vertical distance from the mean elevation of the finished grade at the base of the structure up to the highest point of the structure. For buildings, height shall be measured from the mean elevation of the finished grade at the base of the front of the building up to:

1. The deck for a flat roof;
2. The mean height level between eaves and ridge for a gable, hip, cone, gambrel, or shed roof; or.
3. The deck line of a mansard roof.

(See Figure 10.4.1.E: General Height Measurement.)

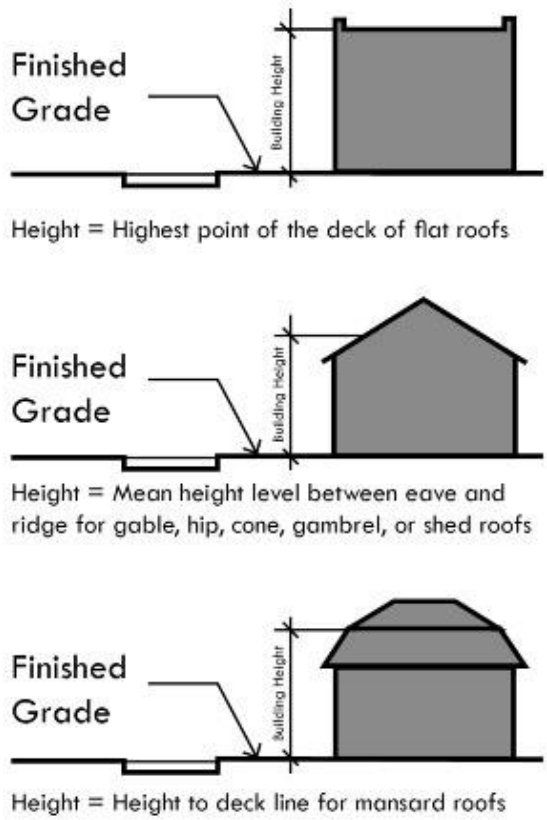

Figure 10.4.1.E: General Height Measurement.

F. Setback

1. Generally

Front, corner side, side, and rear setbacks on a lot shall be determined by measuring the horizontal distance along a straight line extending at a right angle from the lot's front, corner side, side, or rear lot line (as appropriate) to the foundation of the nearest structure on the lot. (See Figure 10.4.1.B: Lot Dimensions.) The area defined by a minimum setback and the lot line from which it measured is a required front, corner side, side, or rear yard (as appropriate). Allowable encroachments into required yards shall be ignored when measuring setbacks (see Section 10.4.2.D, Allowable Encroachments into Required Yards).

2. Front and Corner Side Setbacks

a. Corner Lot

(1) On a corner lot, the front and corner side setbacks shall be measured—and the minimum front and corner side setback requirements applied—from the front or corner side lot line, as appropriate.

(2) On a corner lot where the intersecting right-of-way boundaries are defined by a radius, the front and corner side setbacks shall be measured—and the minimum front and corner side setback requirements applied—from the front or corner side lot line, as appropriate, extended to form an intersecting angle with an extension of the corner side or front lot line, as appropriate. (See Figure 10.4.1.B: Lot Dimensions.)

b. Through Lot

On a through lot, the front setback shall be measured—and the minimum front setback requirement applied—from each of the parallel or nearly parallel street-fronting lot lines. (See Figure 10.4.1.F.2.b: Through Lot.)

c. Flag Lot

On a flag lot, the front setback shall be measured within the "flag" portion of the lot, from the lot line delineating the base of that portion. (See Figure 10.4.1.F.2.c: Flag Lot Front Setback.)

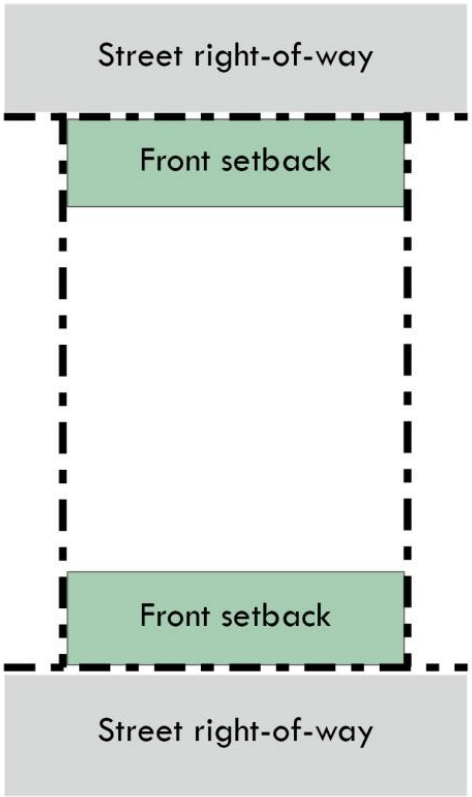

Figure 10.4.1.F.2.b: Through Lot.

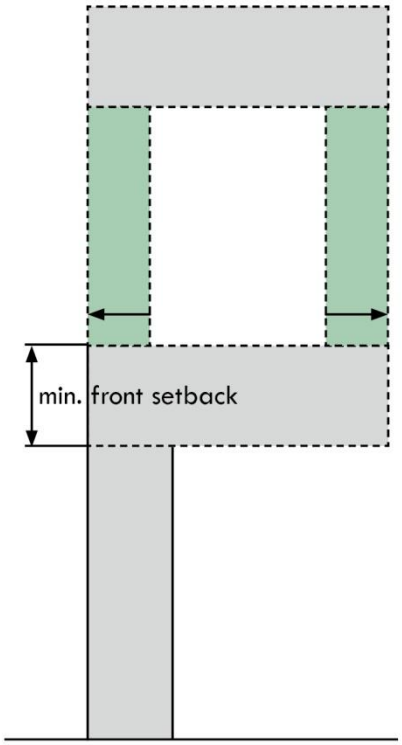

Figure 10.4.1.F.2.c: Flag Lot Front Setback

10.4.2. Exceptions and Variations

A. Reduction of Minimum Net Lot Area or Width to Block Face Average

If the average net area or width of existing lots located on the same block face and in the same zoning district is less than the minimum net lot area or minimum lot width (as appropriate) applied to a lot by the standards in Article 2: Zoning Districts, the minimum net lot area or minimum lot width (as appropriate) applicable to a lot on the block face shall be reduced to such average. Calculation of the average shall exclude any net lot area or width (as appropriate) that exceeds the next largest net lot area or next widest lot width by more than 25 percent. (See Figure 10.4.2.A: Reduction of Minimum Lot Area, Lot Width, and Front Setback to Block Face Average.)

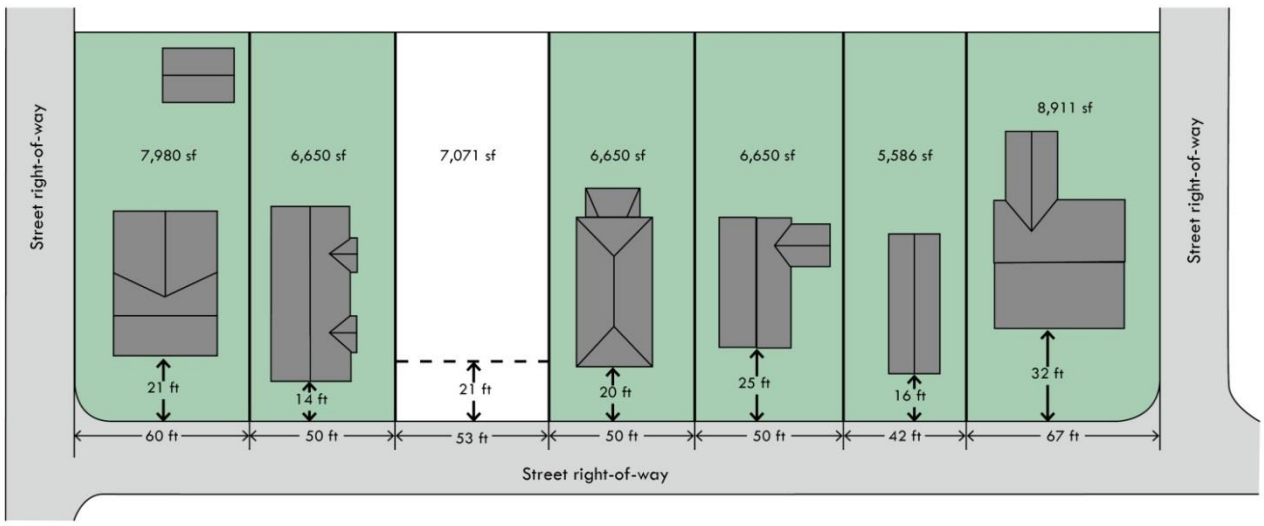

Figure 10.4.2.A: Reduction of Minimum Lot Area, Lot Width, and Front Setback to Block Face Average.

B. Reduction of Minimum Front Setbacks to Block Face Average

If the average front setback on improved lots located on the same block face and in the same zoning district is less than the minimum front setback applied to a lot by the standards in Article 2: Zoning Districts, the minimum front setback applicable to a lot on the block face shall be reduced to such average. Calculation of the average shall exclude any front setback that exceeds the next deepest setback by more than 15 feet. (See Figure 10.4.2.A: Reduction of Minimum Lot Area, Lot Width, and Front Setback to Block Face Average.)

C. Exceptions to Maximum Structure Height

The maximum structure height limits established in Article 2: Zoning Districts, shall not apply to the following structures or structural elements:

1. Monuments, water towers, silos, granaries, barns, utility transmission towers, derricks, cooling towers, fire towers, and other similar structures not intended for human occupancy.
2. Spires, belfries, cupolas, domes, chimneys, elevator shaft enclosures, ventilators, skylights, mechanical equipment and appurtenances, and similar rooftop structures or structural elements not intended for human occupancy, provided they:

a. Cover not more than 25 percent of the roof area of the structure to which they are attached;

b. Comply with applicable screening requirements for mechanical equipment and appurtenances in Section 5.8.1, Screening of Exterior Mechanical Equipment; and

c. Extend above the applicable maximum height limit by no more than 25 percent of the height limit (unless otherwise allowed in this Ordinance).

3. Ham radio antennas, roof-mounted satellite dishes, and television or radio antennas, provided they comply with height limits established for the specific use in Section 3.3.5, Accessory Use-Specific Standards.

4. Roof-mounted solar energy collection systems, in accordance with the height standards in Section 3.3.5.B.22, Solar Energy Collection System (as an accessory use).

   Small wind energy systems, in accordance with the height standards in Section 3.3.5.B.21, Small Wind Energy System.

D. Allowable Encroachments into Required Yards

Every part of every required yard shall remain open and unobstructed from the ground to the sky except as otherwise allowed in Table 10.4.2.D, Allowable Encroachment into Required Yards, or allowed or limited by provisions in Article 3: Use Standards, Article 5: Development Standards, Section 4.7 Stormwater Management, or elsewhere in this Ordinance. (See Figure 10.4.2.D: Allowable Encroachments into Required Yards.)

Table 10.4.2.D: Allowable Encroachments into Required Yards

Feature	Extent and Limitations of Encroachment
1. Open balconies and fire escapes	May extend up to five feet into any required minimum yard
2. Decks, porches (screened or unscreened), stoops, or exterior stairways	May extend up to five feet into any required minimum yard; decks and porches decks and porches on a single-family attached dwelling may extend to a rear lot line that abuts permanent open space or to within 3 feet of a rear lot line that abuts another single-family attached dwelling lot, provided that any stairs leading to the deck or porch is at least 3 feet from the rear lot line
3. Bay windows	May extend up to three feet into any required minimum yard if no more than nine feet wide
4. Chimneys or fireplaces	May extend up to three feet into any required minimum yard
5. Moveable awnings	
6. Roof eaves and overhangs, or marquees	
7. Window sills or entablatures	May extend up to 18 inches into any required minimum yard
8. Patios or terraces, or walkways	May extend into or be located in any required minimum yard if less than 2 inches high
9. Signs, projecting or free-standing	May extend into or be located in any required minimum yard in accordance with Section 5.11, Signage
11. Flagpoles	May be located in any required yard if less than 20 feet high, set back from side and rear lot lines by at least ten feet, and set back from abutting street rights-of-way by a distance equal to the flagpole height
12. Lighting fixtures, projecting or free-standing (including lampposts)	May be located in any required minimum yard
13. Mailbox, freestanding	May be located in any required minimum yard
14. Fences or walls (including associated gates and arbors)	May be located in any required minimum yard, subject to the limitations in Section 5.9, Fences and Walls

Table 10.4.2.D: Allowable Encroachments into Required Yards

FEATURE	EXTENT AND LIMITATIONS OF ENCROACHMENT
15. Accessory structures other than those listed above	May be located in a required minimum side or rear yard, subject to the limitations in Section 3.3, Accessory Uses and Structures
16. Swimming pool	May be located in any required minimum side or rear yard
17. Vegetation and landscaping and minor ornamental yard or garden features such as retaining walls, fountains, ponds, birdbath, sculptures and similar landscaping features	May be located in any required minimum yard

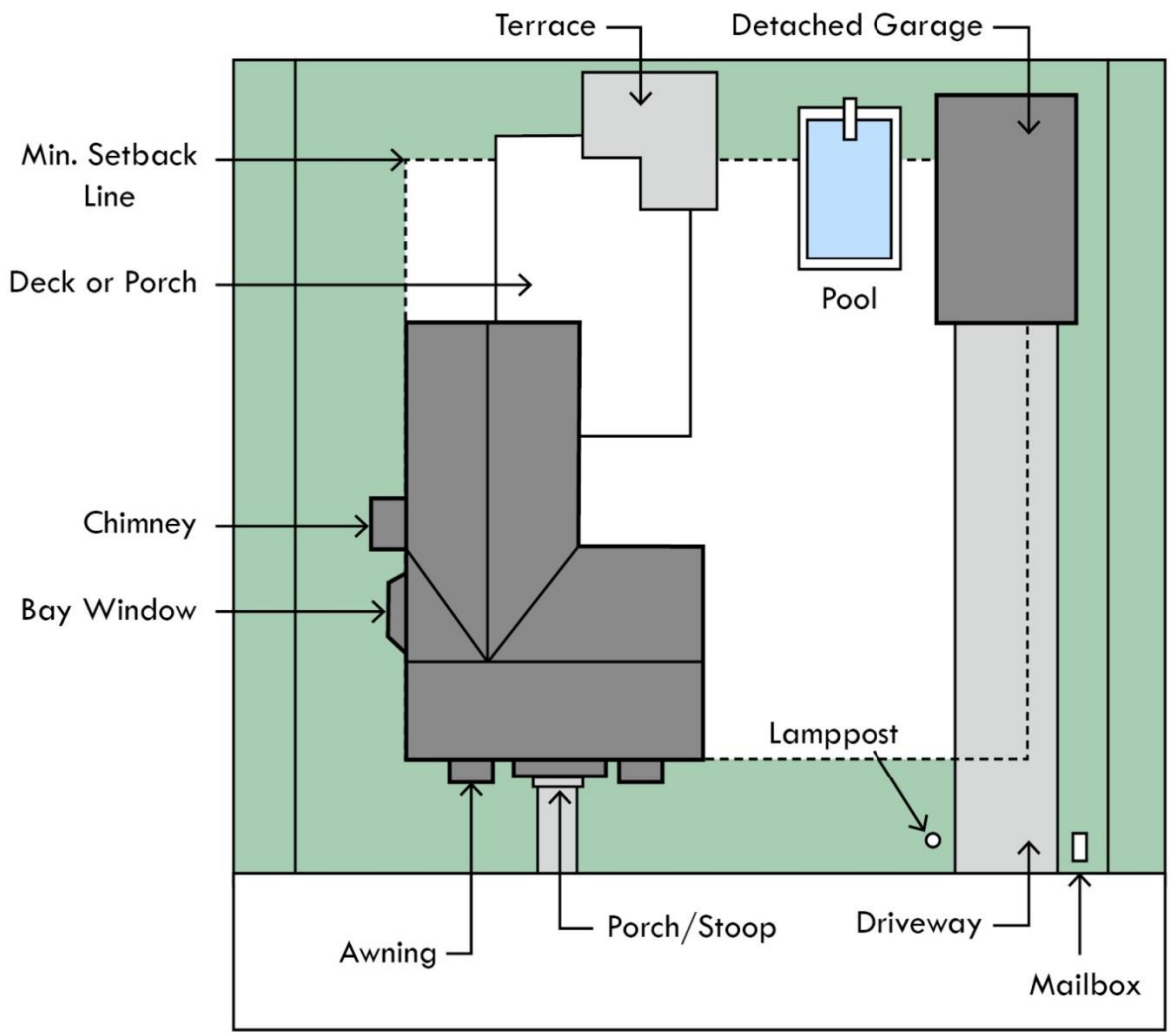

Figure 10.4.2.D: Allowable Encroachments into Required Yards

Section 10.5. Terms and Uses Defined[247]

ACCESSORY DWELLING UNIT*
An ancillary or secondary living unit to a single-family detached dwelling use that has a separate kitchen, bathroom, and sleeping area, existing either within the same structure, or on the same lot, as the primary dwelling unit. For purposes of determining maximum density, an accessory dwelling unit shall not count as a dwelling unit.

ACCESSORY STRUCTURE*
A nonhabitable structure located on the same lot as a principal structure and use that is incidental and subordinate in size and use to the principal structure and principal use of the lot. Examples of accessory structures include detached garages and carports and storage sheds.

ACCESSORY USE*
A use customarily incidental and subordinate to the principal use and located on the same lot with such principal use. Off-premise signage shall not be considered an accessory use.

ACCESSWAY
A roadway or driveway (including alleys) that provides a means for vehicular travel between communities, neighborhoods, properties, and origin and destination points within a property (e.g., parking spaces and loading/unloading spaces).

ADDITION (TO AN EXISTING BUILDING)
An extension or increase in the floor area or height of a building or structure.

ADMINISTRATIVE ADJUSTMENT*
See Section 8.3.5.A, Administrative Adjustment.

ADMINISTRATIVE MANUAL
A manual containing details on the mechanics of the development review process, information for potential applicants, and development review application forms.

ADT (AVERAGE DAILY TRAFFIC)
The average number of vehicles in both directions that pass a specific point along a roadway in a 24-hour period, as measured throughout the year.

ADULT ESTABLISHMENT*
An Adult Bookstore or Adult Theater. An Adult Bookstore is a bookstore: 1) which receives a majority of its gross income during any calendar year from the sale of publications (including books, magazines, and other periodicals) which are distinguished or characterized by their emphasis on matters depicting, describing or relating to sexual activities or anatomical areas, or 2) having a preponderance of its publications, books, magazines and other periodicals which are distinguished or characterized by their emphasis on matters depicting or relating to sexual activities or anatomical areas. An Adult Theater is an enclosed building or premises used for presenting motion pictures, a preponderance of which are distinguished or characterized by an emphasis on matters depicting, describing or relating to sexual activities or anatomical areas.

[247] Terms shown with an asterisk are carried forward from the existing zoning ordinance.

AFFECTED PARTY
Owners of land adjoining the land subject to an application and any other person who could suffer an adverse effect to a property interest from a proposed development.

AGGRIEVED PARTY
A person with a legally recognized interest that will be injuriously affected by a decision made in administering this Ordinance.

AGRICULTURE SUPPORT SERVICES
Agriculture Support Services include use types that provide support and services to agricultural, horticultural, and farming activities, off-site, and that are not directly related to on-going agricultural, horticultural, or farming uses. Examples of Agricultural Support Services include agricultural research facilities, and farm machinery sales and rental.

AGRITOURISM ACTIVITY
Events and activities conducted on a working farm offered to the public or to invited groups for the purpose of recreation, education, or active involvement in the farm operation, and that are related to agriculture or natural resources and directly associated with and incidental to on-going agricultural activity on-site. Agritourism activities include, but are not limited to, farm tours, hayrides, corn mazes, petting zoos, classes related to agricultural products or skills, picnic and party facilities offer in conjunction with such activities.

ALLEY*
A specialized accessway that primarily functions to provide secondary vehicular access and/or service and delivery vehicle access between a street and the rear or sides of lots or buildings. Alleys also may provide primary vehicular access for dwellings designed to have no driveway access from the fronting street.

ALTERATION*
Any addition to the height or depth of a building; (b) any change in the location of any of the exterior walls of a building; or (c) any increase in the interior accommodations of a building.

APPEAL
See Section 8.3.5.E, Appeal.

APPLICANT
A person who submits a development application requesting a development permit or approval authorized by this Ordinance.

APPRAISED VALUE
The monetary value estimated for a parcel of land, portion of land, improvement on land, or other commodity by a person who is registered, licensed, or certified as a real estate appraiser by the North Carolina Appraisal Board.

ARBOR
An open wood-framed roof, supported by regularly spaced posts or columns, and often covered with lattice and climbing plants such as vines or roses, that shades a walk, patio, or passageway.

ARCADE
A series of arches supported by columns, piers, or pillars, either freestanding or attached to a wall to form a gallery.

ARCHITECTURAL FEATURE
A part, portion, or projection of a building or structure that contributes to its character or style, exclusive of signs, that is not necessary for the structural integrity of the building or to make said building habitable.

ARCHITECTURAL LIGHTING
Exterior lighting that is designed to highlight structures, plantings, or significant architectural features in a direct or indirect fashion.

ART
A fountain, sculpture, or similar object that is sited within a development as a focal point and is intended for the enjoyment of the general public. It can be located on both private and public property.

ASSESSED VALUE
The monetary value that a parcel of land, portion of land, improvement on land, or other commodity is assigned by the Wake County Revenue Department for the purposes of taxation.

AUTOMOBILE REPAIR, COMMERCIAL
Establishments, excluding vehicle paint finishing shops, that repair, install, or maintain the mechanical components or the bodies of large trucks, mass transit vehicles, large construction or agricultural equipment, or commercial boats. Truck stops and fueling facilities are included in this commercial vehicle repair and maintenance use category equipment, or other similar vehicles. These facilities may require outdoor areas for vehicle parking and equipment storage.

AUTOMOBILE REPAIR, MAJOR
General repair, rebuilding or reconditioning of engines, motor vehicles, or trailers, such as collision services, body repair and frame straightening, painting and upholstering, vehicle steam cleaning and undercoating. Parking or storage of vehicles for parts, as in a junkyard, is prohibited.

AUTOMOBILE REPAIR, MINOR
Minor repairs, incidental replacement of parts, and maintenance and servicing of passenger automobiles and trucks not exceeding one and one-half ton capacity.

AUTOMOBILE SALES AND RENTAL
Storage and display for sale or lease of more than two motor vehicles.

AUTOMOBILE SALES OR RENTAL, COMMERCIAL
Storage and display for sale or lease of more than two motor vehicles, including the sale or rental of large trucks, mass transit vehicles, large construction or agricultural equipment, or other similar vehicles.

AUTOMOBILE SERVICE STATION*
A building or other structure or a tract of land where gasoline or other similar fuel is dispensed directly to users of motor vehicles. The following activities are included in this definition: the dispensing of oil, greases, antifreeze, tires, batteries, and automobile accessories directly to users of motor vehicles, tuning motors, minor wheel and brake adjustment, waxing and polishing and other minor servicing and repair to the extent of installation of the items enumerated above; washing of automobiles, provided that no chain conveyor, blower, steam cleaner, or other mechanical device is employed.

AWNING
An exterior shading device attached to and supported entirely from a building facade that projects outward from the facade, commonly above (and sometimes to the side of) a window or door to block or minimize direct sunlight reaching the window or door. An awning may also overhang and provide shelter to people using sidewalks and outdoor seating areas. An awning may be a basic awning made up of opaque or translucent nonrigid materials except for the supporting framework, or may be a horizontal or vertical louvered awning.

BALCONY
An exterior platform at an opening in a building facade (generally a door opening in the upper floors of the facade), which is enclosed by a railing, balustrade, or parapet.

BAR OR NIGHTCLUB*
An establishment having as its principal or predominant use the serving of beer, wine, or liquor for consumption on the premises, and which sets a minimum age requirement for entrance, consistent with State law. May also include live or recorded music, dancing, indoor games, and food service (as an accessory use).

BASEMENT
Any area of the building having its floor subgrade (below ground level) on all sides.

BED AND BREAKFAST*
A residence engaged in renting one or more sleeping rooms to persons for temporary occupancy (see Section 3.2.5.E.5.a, Bed and Breakfast).

BERM
An elongated earthen mound typically designed or constructed on a site to separate, screen, or buffer adjacent uses.

BICYCLE PARKING SPACE
Space designed for the parking of a single bicycle. One bike rack = two bicycle parking spaces and one bike locker = one bicycle parking space.

BIKE LANE
A designated area within a street roadway or other vehicular accessway that is reserved for bicycle travel and separated from the rest of the roadway or vehicular accessway by painted lines or other pavement markings.

BIKE LOCKER
A locker or box in which a single bicycle is placed and locked in.

BIKE PATH
A designated accessway reserved for bicycle travel that is not within a street roadway or other vehicular accessway. A bike path may be within a greenway or may parallel a street or other vehicular accessway, but are typically separated from them by landscaping.

BIKE RACK
A stand used for mounting and securing two bicycles when not in use.

BIKEWAY
Any improved bicycle accessway that is specifically designated as being open to bicycle travel, regardless of whether such facility is designated for the exclusive use of bicycles or is shared with other transportation modes. Bikeways include bike lanes within roadways and off-street bike paths.

BLOCK
A unit of land bounded by streets or by a combination of streets and parks or open space, railroad rights-of-way, waterways or any barrier to the continuity of development.

BLOCK FACE
Properties abutting one side of a street or public right-of-way and lying between the two nearest intersecting streets or rights-of-way, or intersecting right-of-way and railroad right-of-way, unsubdivided land, water course or Town boundary.

BOARD OF ADJUSTMENT*
See Section 7.3, Board of Adjustment.

BREWERY
An establishment primarily engaged in the brewing ale, beer, malt liquors, and nonalcoholic beer that is permitted to do so in accordance with N.C.G.S. 18B-1104 and regulations of the Alcoholic Beverage Control Commission, with a capacity less than 15,000 barrels per year. Brewing establishments with a capacity less than 15,000 barrels are generally classified as microbreweries. Accessory uses include a restaurant, a public tasting room, and retails sales of ale or beer, or related products.

BRICK
Block made of kiln-fired material, usually clay or ground shale, laid in small, individual units with concrete mortar joints.

BRIDGE
A structure carrying a walkway, bikeway, roadway, or railway over a depression or obstacle such as a watercourse, ravine, roadway, or railway. Roadway bridges cannot be constructed of wood.

BROADCAST STUDIO
Commercial and public communications uses including radio and television broadcasting and receiving stations and studios, with facilities entirely within buildings.

BROADCASTING STATION
Commercial and public communication uses including radio and television broadcasting and receiving stations and studios, including ancillary outdoor communications equipment such as transmission towers and satellite dishes.

BUILDING*
Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any person, process, equipment, or goods.

BUILDING CODE
The North Carolina State Building Code and any amendments thereto.

BUILDING FOOTPRINT
The portion of a lot covered by a building or structure at the surface level, measured on a horizontal plane.

BUILDING FRONTAGE
The linear distance along the exterior building wall that faces a public right-of-way abutting the lot on which the building is located.

BUILDING HEIGHT*
See Section 10.4.1.E, Structure Height.

BUILDING MASS
The three-dimensional bulk of a building.

BUILDING OFFICIAL*
The person authorized by the Town Manager to issue Building Permits for the construction, alteration, reconstruction, or demolition of all or part of any building in accordance with the Building Code.

BUILDING PERMIT
An approval signed by the Building Official authorizing the construction, alteration, reconstruction, or demolition of all or part of any building as complying with the Building Code (see Section 8.3.2.D, Building Permit).

BUILD-TO-LINE
The minimum and maximum allowable setback of a building from the abutting street.

BUILT-UPON AREA (BUA)*
That portion of a development project that is covered by impervious or partially impervious surface including, but not limited to, buildings; pavement and gravel areas such as roads, parking lots, and paths; and recreation facilities such as tennis courts. "Built-upon area" does not include a wooden slatted deck, the water area of a swimming pool, or pervious or partially pervious paving material to the extent that the paving material absorbs water or allows water to infiltrate through the paving material. The project site or area must exclude any land adjacent to the area disturbed by the project that has been counted as pervious by any other development regulated under a federal, State or local stormwater regulation.

CALIPER
Diameter measurement of a tree-trunk taken at six inches above ground level for trees up to and including four inches in caliper. For trees larger greater than four inches in caliper, measurement of caliper shall be taken at 12 inches above ground level.

CANOPY
An accessory structure to a nonresidential principal use such as an automobile service station that consists of a rigid horizontal roof-like structure made of fabric, metal, or other material supported by an attached building or columns or posts, is largely open along its sides, and is intended to provide shelter to people or automobiles.

CARPORT
See Garage.

CAR WASH/DETAILING
An establishment providing the exterior washing of vehicles where vehicles are manually driven or pulled by a conveyor through a system of rollers and/or brushes. Interior cleaning and/or drying may be conducted manually by vehicle operator or on-site attendants. Interior cleaning and/or drying may be conducted manually by the vehicle operator or on-site attendants. (Also see the definition of "Mobile Auto Detailing.")

CEMETERY
A placed used for internment of human or animal remains or cremated remains, including a burial park for earth internments, a mausoleum for vault or crypt internments, a columbarium for cinerary internments, or a combination thereof.

CHANGE IN USE
A change in the principal use(s) of a structure or land, or a portion thereof, including a change from one use type to another use type as listed in Section 3.2.4, Principal Use Table. A change in use also occurs when one tenant of flex space in a building takes control of over 50 percent of the total area of the building's flex space.

CLOTHESLINE
A cord, rope, or wire stretched between two points above ground level on which clothes are hung to dry or air.

CLUBS, LODGES, AND BANQUET HALLS
Facilities used for social, intellectual, recreational, ceremonial or athletic purposes. May accommodate private functions such as banquets, weddings, receptions, and anniversaries, and facilities may include kitchens serving food and alcohol for scheduled events.

CLUSTER (OR CLUSTER DEVELOPMENT)
See "Conservation Subdivision."

CODE OF ORDINANCES
The Pittsboro, North Carolina Code of Ordinances.

COLLEGE, UNIVERSITY, OR VOCATIONAL SCHOOL
A post-secondary institution for higher learning that grants associate, bachelor, or higher degrees. This use also includes community colleges and vocational schools that grant associate or bachelor degrees or may offer certificate courses in business and technical fields.

COMMUNITY CENTER
A place, building, area, or other facility used for providing social and recreational programs. The facility may be private or the facility may be open to the general public and designed to accommodate and serve significant segments of the community.

COMMUNITY GARDEN
A private or public facility for cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person, household, or family.

COMPOSTING FACILITY
A facility where organic matter derived primarily from off-site is processed by composting and/or is processed for commercial purposes. Activities of a composting facility may include management, collection, transportation, staging, composting, curing, storage, marketing, or use of compost.

COMPREHENSIVE PLAN
Those plans and policies adopted by the Town Board of Commissioners to address Pittsboro's growth and development—including, but not limited to, the Land Use Plan, the Town Center Plan, and other small area plans that provide guidance on desired development in specific geographic areas and corridors, as well as the Transportation Plan, the Parks and Recreation Master Plan, and other functional plans related to public infrastructure and services.

CONDITIONAL ZONING
See Section 8.3.6.C, Conditional Zoning.

CONGREGATE LIVING FACILITY
A facility that provides housing, shared dining and recreational opportunities, limited medical care, personal services, and significant social facilities to meet the needs of the residents. The use may include facilities for elderly, their spouses, and surviving spouses, as well as facilities for persons who are developmentally disabled or orphaned. For purposes of calculating residential density, each bedroom shall be considered the equivalent of .25 dwelling unit.

CONSERVATION SUBDIVISION
The grouping of buildings in order to conserve land resources and provide for innovative and flexible project design. See Section 5.3.4, Conservation Subdivisions.

CONSTRUCTION
The erection of any building or structure or any preparations (including land disturbing activities) for the same.

CONSTRUCTION TRAILER
A manufactured structure temporarily placed on or adjoining the site of new construction and used during the construction process as an office for construction management and site security.

CONSTRUCTION-RELATED ACTIVITIES
Activities related to the building industry, such as offices for general and special trade building contractors, storage of construction equipment and materials, sales and rentals of heavy equipment, and retail sales of associated merchandise, provided the principal commodity sold is construction material.

CONTINUING CARE RETIREMENT COMMUNITY
A facility that provides housing, shared dining and recreational opportunities for individuals over the age of 62. Facilities may include enhanced medical care, personal services, and significant social facilities to meet the needs of the residents. For purposes of calculating residential density, each bedroom shall be considered the equivalent of .25 dwelling unit.

CONVENIENCE STORE
A retail establishment that offers for sale, primarily, the following types of articles: bottled drinks, candy, canned foods, bread, milk, cheese, tobacco products, beer, wine, papers and magazines, and general hardware articles. Fast food may be offered as a secondary activity of the convenience store. A convenience store use is frequently combined with an automobile service station use and sometimes a restaurant or specialty eating establishment.

CORNICE
The uppermost horizontal molded projection or other uppermost horizontal element located at the top of a building or a portion of a building.

CORPORATE LIMITS
The boundaries of the Town, established and amended from time to time in accordance with Articles 4 and 4A of Chapter 160A of the North Carolina General Statutes.

CORRECTIONAL FACILITY
A prison, jail, penal institutional, or other facility used to confine inmates.

COUNTRY CLUB
A chartered, nonprofit membership club catering primarily to its members, providing, but not limited to, one or more of the following recreational and social activities: golf, swimming, tennis, riding, hunting, camping and boating. May include support facilities such as club houses, dining areas, locker rooms, or pro shops.

COUNTY
Chatham County, North Carolina.

CREMATORIUM
A location containing properly-installed, certified apparatus intended to be used for the act of cremation. Also see Funeral Home.

CROSS ACCESS
Vehicular access provided between the vehicular use areas of two or more adjacent development sites or parcels that is intended to allow travel between the sites without the use of a street.

CROSSWALK
A public pedestrian right-of-way, which cuts across a block to facilitate pedestrian access to adjacent streets and properties.

CUL-DE-SAC
A short street designed to have one end permanently closed; the closed end terminated by a vehicular turnaround.

CULTURAL FACILITY
A public or private nonprofit facility that provides services to the public—including, but not limited to, museums, libraries, interpretive centers, and visitor information kiosks.

DAY CARE CENTER*
A building or structure and associated outdoor area where care, protection and supervision are provided for a fee, on a regular schedule at least twice a week, to more than six children or aging adults at one time.

DBH (DIAMETER AT BREAST HEIGHT)
The diameter of a tree four and a half (4.5) feet above ground level.

DECIDUOUS
Plant material that seasonally drops (loses) its leaf material.

DECK
A roofless outdoor space built as an above ground platform, freestanding or attached, projecting from the wall of a structure and supported by posts or pillars.

DEDICATION
The offer of real property by its owner(s) for a public purpose and its acceptance by a government entity having jurisdiction over the public function for which it will be used. Dedications may be made for streets, recreation areas, parks, greenways, utility easements, etc.

DENSITY, NET
The number of dwelling units on a lot divided by the net lot area of the tract or parcel (see Section 10.4.1.C, Net Density (Dwelling Units per Acre)).

DEVELOPER
Any person, including a governmental agency, undertaking development.

DEVELOPMENT
See Section 1.2.3, Development Subject to Ordinance.

DEVELOPMENT AGREEMENT
See Section 8.3.3.G, Development Agreement.

DEVELOPMENT APPLICATION
The completed form or forms and all accompanying documents, exhibits, and fees required by this Ordinance to be submitted as part of the review of a request for a development approval or permit.

DEVELOPMENT APPROVAL OR PERMIT
Any permit or approval for which there is a procedure in Section 8.3, Application-Specific Review Procedures.

DEVELOPMENT SITE
The lot or parcel within which development exists or is proposed.

DITCH OR CANAL
A man-made channel other than a modified natural stream constructed for drainage purposes that is typically dug through inter-stream divide areas. A ditch or canal may have flows that are perennial, intermittent, or ephemeral, and may exhibit hydrological and biological characteristics similar to perennial or intermittent streams.

DORMITORY
A structure specifically designed for a long-term stay by students of a college, university, sports academy, or nonprofit organization for the purpose of providing rooms for sleeping purposes. One common kitchen and some common gathering rooms for social purposes may also be provided.

DRIVE AISLE
An area within a parking lot or parking deck that provides one- or two-way movement and maneuvering between rows of parking stalls.

DRIVE-THROUGH SERVICE FACILITY
A facility used to provide products or services to customers who remain in their vehicles, whether through a window or door in a building, a machine in a building or detached structure (e.g., ATM), or via a mechanical device (e.g., a pneumatic tube system). In addition to the pick-up window or door, drive-through service facilities also may include remote menu boards and ordering stations. Use types that commonly have drive-through service include banks, restaurants, specialty eating or drinking establishments, and drug stores.

DRIVEWAY
An accessway that functions solely to provide direct and immediate vehicular access between a street and the principal origin and destination points within an abutting development, or part of a large development. It generally handles low vehicular travel speeds and traffic volumes, though may also handle moderate to high traffic volumes within large commercial and mixed-use developments.

DUMPSTER
A container used for the temporary storage of waste.

DWELLING
A building, part of a building, or combination of buildings located on a single lot or development site (in the case of single-family attached dwellings) and used or designed to be used primarily as living quarters for one or more families.

DWELLING UNIT
A room or combination of connected rooms within a dwelling that constitutes a single and separate habitable unit that contains independent living, sleeping, cooking, and sanitation facilities, and that is used or designed to be used for occupancy on a monthly or longer basis by a single family.

DWELLING UNIT, ACCESSORY (ADU)
A dwelling that is accessory to a primary, single family dwelling, with characteristics described below. Use-specific standards for ADU's are provided in Section 3.3.5, Accessory Use-Specific Standards.

A. ADU's have a separate kitchen, bathroom, and bedroom.

B. ADU's are either attached or detached from the primary single family dwelling.

C. ADU's are smaller, and secondary to the primary dwelling.

D. If detached, the ADU's building design and site features are integrated with the primary dwelling so that the lot maintains the function and character of a single family dwelling (as opposed to a duplex dwelling).

E. For purposes of determining maximum density, an ADU shall not count as a dwelling unit.

DWELLING, DUPLEX
A single detached dwelling on a lot that contains two dwelling units. The units may be located side by side in a horizontal configuration or stacked one above the other in a vertical configuration, sharing common vertical walls or horizontal floors and ceilings.

DWELLING, LIVE/WORK
A structure or portion of a structure combining a residential dwelling unit for one or more persons with an integrated work space principally used by one or more of the dwelling unit residents.

DWELLING, MANUFACTURED HOME*
A factory-built structure, transportable in one or more sections, that is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein. This includes any structure with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. § 5401 et seq.), as amended. This does not include travel trailers or recreation vehicles.

DWELLING, MULTIFAMILY
A dwelling containing three or more dwelling units. Units may be located side by side in a horizontal configuration or stacked one above the other in a vertical configuration, sharing common vertical walls or horizontal floors and ceilings. Multifamily dwellings include what are commonly called apartments, or condominium units, but not single-family attached dwellings.

DWELLING, SINGLE-FAMILY ATTACHED
A dwelling containing two or more dwelling units that are attached horizontally through common walls, with each dwelling unit occupying space from the ground to the roof of the building, and located or capable of being located on a separate lot.

DWELLING, SINGLE-FAMILY DETACHED
A single detached dwelling on a lot, other than a manufactured home dwelling, that contains a single dwelling unit (excluding any accessory dwelling unit).

EASEMENT
An interest in land granted by the owner to another party that entitles its holder to a specific use, including a grant by the property owner for use by the public, a utility company, or person(s) of land for specified purposes.

EAVE
The edge or edges of a roof usually projecting beyond the sidewall of a building.

ELECTRONIC GAMING OPERATION*
A businesses where persons utilize electronic machines to conduct games of chance, including sweepstakes, and where cash, merchandise or other items of value are redeemed or otherwise distributed. This does not include: games of chance as part of an amusement center (See Private Recreation/Entertainment Facility); any lottery approved by the State of North Carolina; or any gambling activities prohibited by State law (N.C.G.S. 14-289-14-309).

ELEVATED BUILDING
A non-basement building that has its lowest floor elevated floor above ground level by foundation walls, pilings, columns, posts, piers, or shear walls.

EMERGENCY SERVICES
A government facility for public services such as fire and police protection, Emergency Medical Services (EMS), emergency operation centers, and related administrative services.

ENCROACHMENT
For purposes of floodplain management, the advance or infringement of uses, fill, excavation, buildings, permanent structures, or development into a floodplain, that may impede or alter the flow capacity of a floodplain.

ENGINEER, LICENSED PROFESSIONAL
A professional individual licensed by the State of North Carolina to practice in the field of engineering sciences. Also referred to as a Professional Engineer.

ENGINEERED STORMWATER CONTROL
A physical device designed to trap, settle out, or filter pollutants from stormwater runoff; to alter or reduce stormwater runoff velocity, amount, timing, or other characteristics; to approximate the pre-development hydrology on a developed site; or to achieve any combination of these goals. Engineered stormwater control includes physical practices such as constructed wetlands, vegetative practices, filter strips, grassed swales, and other methods installed or created on real property. "Engineered stormwater control" is synonymous with "structural practice," "stormwater control facility," "stormwater control practice," "stormwater treatment practice," "stormwater management practice," "stormwater control measures," structural stormwater treatment systems," and similar terms used in this ordinance. It is a broad term that may include practices that do not require design by a professionally licensed engineer.

EQUESTRIAN FACILITY
Either of the following:

A. A facility designed and intended for the display of equestrian skills and the hosting of events including, but not limited to, show jumping, dressage, and similar events of other equestrian disciplines; or

B. A use associated with the keeping of horses or ponies as domesticated animals or pets. Such uses include stalls, feeding areas, paddocks, haylofts, corrals, and other similar outdoor exercise/instruction/performance areas.

EVERGREEN
Plant material that retains its leaf material year-round.

EXCAVATION
The mechanical removal of earth material.

EXISTING AND ONGOING USE

For purposes of riparian buffer regulations, existing and ongoing uses are uses or activities consisting of either of the following:

- Any of the following land uses that was present within the riparian buffer on February 14, 2011 and has continued to exist since that time: agriculture, buildings, industrial facilities, commercial areas, transportation facilities, maintained lawns, utility lines and on-site sanitary sewage systems, any of which involve either specific, periodic management of vegetation or displacement of vegetation by structures or regular activity. Change of ownership through purchase or inheritance is not a change of use. Maintenance activities are allowed in accordance with Section 8.3.3.B.2(b).
- Projects or proposed development that are determined by the Town of Pittsboro to meet at least one of the following criteria:
    - Projects requiring a 401 Certification/404 Permit and which was issued prior to February 14, 2011.
    - Projects that require a state permit, such as landfills, NPDES wastewater discharges, land application of residuals and road construction activities, have begun construction or are under contract to begin construction and had received all required state permits and certifications prior to February 14, 2011;
    - Projects reviewed through the Clean Water Act Section 404/National Environmental Policy Act Merger 01 Process (published by the US Army Corps of Engineers and Federal Highway Administration, 2003) or its immediate successor and that reached agreement with DENR on avoidance and minimization by February 14, 2011; or
    - Projects that are not required to be reviewed by the Clean Water Act Section 404/National Environmental Policy Act Merger 01 Process (published by the US Army Corps of Engineers and Federal Highway Administration, 2003) or its immediate successor if a Finding of No Significant Impact has been issued for the project, the project had the written approval of the Town of Pittsboro prior to February 14, 2011, and that approval is still effective.

EXISTING DEVELOPMENT

Development not otherwise exempted by this Ordinance that meets either of the following criteria:

A. It either is built or has established a statutory or common-law vested right as of the effective date of this ordinance; or

B. It occurs after the effective date of this ordinance, but does not result in a net increase in built-upon area and does not decrease the infiltration of precipitation into the soil.

EXISTING MANUFACTURED HOME PARK OR MANUFACTURED HOME SUBDIVISION

For purposes of floodplain management, 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, either final site grading or the pouring of concrete pads, and the construction of streets) was completed before the original effective date of the floodplain management regulations adopted by the community.

EXISTING TREE CANOPY

Tree canopy that existed for at least two years prior to development as evidenced by the aerial photography and/or satellite imagery on file with or approved by the Town of Pittsboro Planning Department.

EXPANSION
An increase in the floor area of an existing structure or building, or the increase of area of a use.

EXTRACTION OF EARTH PRODUCTS
A use involving on-site extraction of surface or subsurface mineral products or natural resources. Typical uses are quarries, borrow pits, sand and gravel operations, mining, and soil mining. Specifically excluded from this use is grading and removal of dirt associated with an approved Site Plan or subdivision or excavations associated with, and for the improvement of, a bona fide farm.

EXTRATERRITORIAL JURISDICTION (ETJ)
That part of the planning jurisdiction of the Town located outside the Town's corporate boundaries, established and amended from time to time in accordance with N.C.G.S. 160A-360.

FACADE
The entire exterior wall of a building facing a lot line measured from the grade to the eave or highest point of a flat or mansard roof. Facades may be on the front, side, or rear elevation of the building.

FAIRGROUNDS
A permanent location for fairs and other large gatherings and celebrations, generally scheduled for a temporary time period.

FAMILY CARE HOME*
A home with support and supervisory personnel that provides room and board, personal care and rehabilitation services in a family environment for not more than six resident persons with disabilities. Persons with disabilities means a person with a temporary or permanent physical, emotional, or mental disability including but not limited to mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances and orthopedic impairments but not including mentally ill persons who are dangerous to others as defined in N.C.G.S. 122C-3(11)b.

FAMILY CHILD CARE HOME
A private residence where care, protection, and supervision are provided for a fee, on a regular schedule, at least twice a week, to no more than six children (including any children of the day care provider).

FARM
A single tract of land, or identifiable portion of a tract, used for the production, and activities relating or incidental to the production, of crops, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agriculture.

FARMERS' MARKET
A public market held in a structure or open area, where farmers sell produce and other farm products they have grown, gathered, or raised directly to consumers. A farmers' market may be a principal use, occurring regularly for all or most of the year, or a temporary use, occurring only occasionally or periodically for only a limited time period during the year.

FENCE OR WALL
An artificially erected freestanding barrier used to enclose (and protect) an area, restrict or prevent access to an area, to conceal or screen an area, and/or for decorative purposes. A fence may be open or solid and generally consists of wood, metal, concrete, or plastic posts connected by boards, rails, panels, wire, or mesh. A wall is generally solid and consists of masonry, stone, brick, tile, concrete, or plaster. Natural growth barriers such as hedges are not considered fences or walls.

FINISHED GRADE
The final elevation of the ground surface after completion of authorized development and associated man-made alterations of the ground surface such as grading, grubbing, fillings, or excavating.

FIRE CHIEF
The Fire Chief for the Town of Pittsboro, North Carolina.

FIXTURE
An assembly that holds the lamp (bulb) in a lighting system. It includes the elements designed to give light output control, such as a reflector (mirror) or refractor (lens), the ballast, housing, and the attachment parts.

FLAG LOT
An irregularly shaped lot where the buildable portion (flag) of the lot is connected to a street by a narrow non-buildable strip (pole) that does not meet the minimum lot width requirement at the minimum setback for that specific zoning district (see Section 10.4.1.F.2.c, Flag Lot).

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
A hazard to land or improvements due to overflow water having sufficient depth or velocity to transport or deposit debris, scour the surface soil, dislodge or damage buildings, or erode the banks of watercourses.

FLOOD INSURANCE
The insurance coverage provided under the National Flood Insurance Program.

FLOOD INSURANCE RATE MAP (FIRM)
An official map of the community, issued by the Federal Emergency Management Agency, on which the Special Flood Hazard Areas, the Future Conditions 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 OR FLOODING
A general and temporary condition of partial or complete inundation of normally dry land areas from:

A. The overflow of inland waters; and/or

B. The unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD PRONE AREA
See Floodplain.

FLOOD ZONE
A geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

FLOODPLAIN
Any land area susceptible to inundation by water from any source.

FLOODPLAIN ADMINISTRATOR
The individual appointed to administer and enforce the floodplain management regulations. See "Planning Director."

FLOODPLAIN DEVELOPMENT PERMIT
See Section 8.3.3.C, Floodplain Development Permit.

FLOODPROOFING
Any combination of structural and nonstructural additions, changes, or adjustments to structures that 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 foot.

FORESTER, REGISTERED
An individual registered by the State of North Carolina as qualified to practice forestry by reason of their special knowledge and training in natural sciences, mathematics, silviculture, forest protection, forest mensuration, forest management, forest economics, and forest utilization.

FORESTRY
A woodland area where all of the following occur:

A. The growing of trees;

B. The harvesting of timber, leaves or seeds;

C. The regeneration by either timely replanting of trees or natural generation in accordance with a forest management plan acceptable to the Division of North Carolina Forest Resources; and

D. The application of "best management practices" including the NC Department of Environment, Health and Natural Resources, "Forestry Practice Guidelines related to Water Quality", and all successor documents.

FREIGHT TERMINAL
An area for storing and switching of short-line and long-haul freight. Also see Warehousing and Distribution.

FRONT OR FRONTAGE*
The "front" or "frontage" is that side of a lot abutting on a street or way, and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side line of a corner lot.

FRONTAGE ROAD
A road that is parallel to any freeway or expressway and provides access to adjacent land.

FUEL PUMP
A machine used to pump gasoline or similar fuels for passenger vehicles, trucks, and commercial vehicles.

FUEL OIL SALES
The sale of fuel for commercial vehicles, and bulk refueling for industrial, commercial, or residential purposes. Storage tanks may be located above-ground. Also see Automobile Service Stations.

FUNERAL HOME
An establishment engaged in undertaking services such as preparing the dead for burial, and arranging and managing funerals. Also see crematorium.

GAMING OPERATION*
See Electronic Gaming Operation.

GARAGE*
A structure used or designed to be used to provide shelter for the parking and storage of motor vehicles or boats. A garage is an enclosed building whereas a carport is a roofed structure open on one or more sides. Garages and carports are commonly attached to and considered part of a dwelling or other principal building, but may also exist as a detached accessory structure.

GARDEN CENTER
The retail handling, sales, and outdoor storage of any article, substance, or commodity related to, but not limited to the planting, maintenance, or harvesting of garden plants, shrubs, or small trees that can be carried by customers without the assistance of equipment or retail personnel.

GAZEBO
A freestanding, roofed, open-aired accessory structure.

GLARE
The effect produced by a light source within the visual field that is sufficiently brighter than the level to which the eyes are adapted, causing annoyance, discomfort or loss of visual performance and ability.

GOLF COURSE
A tract of land laid out with at least nine holes for playing the game of golf and improved with tees, greens, fairways, and hazards. Accessory uses of a golf course may include a clubhouse (with or without eating facilities), shelters, a driving range, putting green, maintenance facilities, an irrigation system, and outdoor storage of materials and equipment.

GOVERNMENT MAINTENANCE, STORAGE, OR DISTRIBUTION FACILITY
A facility housing government shops, maintenance and repair centers, equipment, and outdoor storage yards.

GOVERNMENT SERVICES, ADMINISTRATIVE
A building containing offices of a governmental agency that provides administrative and/or direct services to the public, such as, but not limited to, local or state government agency administration, public assistance, postal services, employment services, or motor vehicle licensing and registration services.

GREEN ROOF
A roof of a structure that is partially or completely covered with vegetation and a growing medium, planted over a waterproofing membrane. Green roofs are sometimes known as rooftop gardens.

GREENHOUSE
A structure, primarily of glass, in which temperature and humidity can be controlled for the cultivation or protection of plants.

GREENHOUSE/NURSERY
A facility where ornamental trees and plants are stored or grown for wholesale or retail sale. This use may include bulk storage of mulch, fertilizer, and other landscaping materials, as well as the sale of tools, equipment, and other materials normally associated with home landscaping or related industries.

GREENWAY
A pedestrian trail or multi-use path constructed of pervious or impervious surfaces and related structures—including, but not limited to, boardwalks, steps, rails, and signage.

GROUND COVER
Low-growing plants other than turf grass that grow in a spreading fashion to form a more or less solid mat of vegetation, generally planted to provide decorative landscaping or permeable cover for bare earth that prevents soil erosion.

GROUND FLOOR (NONRESIDENTIAL)
The first floor level of any building or structure at or above finished grade not including a basement or cellar.

GROUP CARE HOME*
A facility licensed by the State of North Carolina with support and supervisory personnel that provides room and board, personal care or habilitation services in a family environment for not more than 30 people.

HARD SURFACE
As pertaining to driveways, drive aisles, parking, loading areas, and storage for vehicles, recreation vehicles, travel trailers, commercial equipment, trailers, boats, and other similar uses—it is a durable surface constructed of concrete, asphalt, brick pavers, or similar material.

HAZARDOUS WASTE FACILITY
For purposes of floodplain management, and as defined in N.C.G.S. 130A, Article 9, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

HEDGE
A group of shrubs planted in line or in groups that forms a compact, dense, visually opaque living barrier that demarcates and/or screens an area from on-site or off-site views.

HELIPORT
An facility used for helicopter take-off and landing.

HOME OCCUPATION
A business, profession, occupation, or trade that is conducted within a residential dwelling unit for the economic gain or support of a resident of the dwelling, is incidental and secondary to the residential use of the lot and does not adversely and/or perceptively affect the character of the lot or surrounding area.

HOSPITAL
An institution licensed by the state that provides primary health services and medical or surgical care to humans, primarily inpatients, who are sick or injured, and including as an integral part of the institution, related facilities such as clinical laboratories, outpatient facilities, training facilities, central services facilities, staff offices, pharmacies and gift shops. Hospitals offer facilities and beds for use beyond 24 hours by persons needing medical treatment or service. This use type does not include urgent care facilities, nursing homes, or medical/dental offices.

HOTEL/MOTEL
A building or group of buildings used, kept, maintained, advertised as, or held out to the public as a place where at least ten guest rooms are offered for rental for occupancy by transient or permanent guests or tenants, most commonly on an overnight basis. Such uses may include kitchenettes, microwaves, and refrigerators for each guest unit. Accessory uses may include restaurants, bars or lounges, conference and meeting rooms, business centers, newsstands, gift shops, exercise or fitness facilities, swimming pools, etc.

INDUSTRIAL ASSEMBLY, HEAVY
The fitting or joining of parts of a mechanism by means of fasteners, nuts and bolts, screws, glue, welding, or other similar technique—but not including the construction, stamping, or reshaping of any of the component parts. Heavy industrial assembly uses are distinguished from light industrial assembly uses by their potential for off-site impacts, not necessarily being entirely within an enclosed building, and not being limited in the extent of outdoor storage involved.

INDUSTRIAL ASSEMBLY, LIGHT
The fitting or joining of parts of a mechanism by means of fasteners, nuts and bolts, screws, glue, welding, or other similar technique that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the lot on which the use is located—but not including the construction, stamping, or reshaping of any of the component parts. Light industrial assembly uses are conducted entirely within enclosed buildings, but may include areas used for outdoor storage of goods and materials that do not exceed 25 percent of the combined floor area of all buildings on the lot.

INDUSTRIAL AND LARGE EQUIPMENT SALES AND RENTAL
An establishment primarily engaged in the sale and rental of tools, trucks, tractors, recreational vehicles (RV's), boats, construction equipment, agricultural implements, boats, manufactured homes, and similar large-format equipment and products, and related rental storage. For personal storage, see Mini-Storage.

INDUSTRIAL PARK
A development containing three or more separate buildings used for industrial purposes that is designed, constructed, and operated on an integrated and coordinated basis.

INTERPRETATION*
See Section 8.3.5.F, Interpretation

INTERSECTION SIGHT DISTANCE AREA
An area of unobstructed sight distance along the approaches of a street or driveway to an intersection.

JORDAN LAKE
The surface water impoundment operated by the US Army Corps of Engineers and named B. Everett Jordan Reservoir, as further delineated for purposes of the Jordan nutrient strategy in 15A NCAC 2B .0262(4).

JORDAN LAKE WATERSHED
All lands and waters draining to B. Everett Jordan Reservoir.

JORDAN NUTRIENT STRATEGY OR JORDAN WATER SUPPLY NUTRIENT STRATEGY
The set of rules in 15A NCAC 2B .0262 through .0273 and .0311(p).

JUNKYARD OR RECYCLING FACILITY*
Any land or buildings used, in whole or in part, for the commercial collection, storage, and sale of waste paper, rags, scrap metal, bottles, or other discarded materials, and including the storage and dismantling of motor vehicles or machinery for parts; or for the collection and storage of recyclable materials (e.g., scrap metal, glass, tires) and the sorting and processing of such materials in preparation for shipment to others for use in manufacturing new products.

KENNEL
A commercial establishment where six or more domestic pets are kept, boarded, bred, or trained.

LAND
The earth, water, and air, above, below, or on the surface, and including any mineral resources and natural resources and any improvements or structures customarily regarded as land.

LAND DISTURBING ACTIVITY
Any use of the land that results in a change in the natural cover or topography that may cause or contribute to sedimentation.

LANDFILL, DEBRIS
A landfill that is limited to receiving stumps, limbs, leaves, concrete, brick, wood, uncontaminated earth, or other uncontaminated solid waste from land clearing and construction activities. Also see Composting Facility.

LANDFILL, SANITARY / TRANSFER STATION*
A landfill where trash, garbage, construction debris, stumps, limbs, leaves and other solid waste is placed in trenches and covered with earth under permit and regulation by the North Carolina Division of Waste Management. Also includes transfer stations, where solid waste is collected and then distributed to another off-site facility.

LANDOWNER
Any owner of a legal or equitable interest in real property, including the heirs, devisees, successors, assigns, and agent or personal representative of the owner.

LANDSCAPE ARCHITECT, REGISTERED
An individual registered by the State of North Carolina as qualified to practice landscape architecture by reason on their special knowledge of natural, physical, and mathematical sciences, and the principles and methodology of landscape architecture and landscape architectural design.

LANDSCAPING
Shall be defined as any living plant material such as trees, shrubs, ground cover, and grass used in spaces void of impervious material or building structure.

LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN (LEED)
Verification by the U.S. Green Building Council of a building or development that is designed and constructed using strategies aimed at improving environmental performance including, but not limited to, energy savings, water efficiency, C02 emissions reduction, and indoor environmental quality in the form of LEED certification.

LIBRARY
See Cultural Facility.

LOADING AREAS
A portion of the vehicle use area where merchandise and/or supplies are delivered and unloaded.

LOADING DOCK
The area where trucks maneuver in order to back up against the loading and unloading platform.

LOCAL RESIDENTIAL STREET
Street that is used primarily for access to the abutting residential properties.

LOT*
A portion of a subdivision or any other parcel of land, intended as a unit of ownership, the transfer of ownership, or development.

LOT AREA
The amount of horizontal land area contained within the lot lines of a lot or site.

LOT AREA, NET*
The amount of horizontal land area contained within the lot lines of a lot or site, excluding public street rights-of-way and private street easements.

LOT, CORNER*
A lot abutting two or more streets at their intersection.

LOT COVERAGE
See Section 10.4.1.D.

LOT LINE
A line forming a boundary of a lot.

LOW IMPACT DEVELOPMENT
A manner of land development that seeks to protect waterways, habitat, baseflow, and groundwater recharge. Low Impact Development also protects water quality by minimizing the pollutant loading to waterways from developed areas.

MANUFACTURED HOME PARK
A parcel (or contiguous parcels) of land divided into two or more manufactured home lots.

MANUFACTURING, CUSTOM
The manual or mechanical making of finished articles in small quantities by a tradesperson, with all activities in an enclosed building and with no outdoor storage.

MANUFACTURING, HEAVY
An establishment engaged in manufacturing or other industrial processing of products primarily from extracted or raw materials or bulk storage and handling of such products and materials, or an industrial establishment having potential to produce noise, dust, glare, odors, or vibration beyond the property line. Heavy manufacturing is distinguished from light and medium manufacturing by its potential for off-site impacts, not necessarily being entirely within an enclosed building, and not being limited in the extent of outdoor storage it involves. This does not include uses constituting a heavy industrial assembly use.

MANUFACTURING, LIGHT
The manufacture and other industrial processing of goods and materials entirely within an enclosed building, using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the lot on which the facility is located. Light manufacturing may include the outdoor storage of goods and materials, but is distinguished form medium manufacturing in that areas used for outdoor storage area do not exceed 25 percent of the combined floor area of all buildings on the lot. Examples include, but are not limited to: production or repair of small machines or electronic parts and equipment; computer design and development; apparel production; sign making; manufacture of electric, electronic, or optical instruments or devices; manufacture of artificial limbs, dentures, hearing aids, and surgical instruments; manufacture of cosmetics; and manufacturing of components, jewelry, clothing, trimming decorations, and any similar item. This does not include uses constituting a light industrial assembly use.

MANUFACTURING, MEDIUM
The manufacture and other industrial processing of goods and materials entirely within an enclosed building, using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the lot or parcel on which the facility is located. Medium manufacturing may include the outdoor storage of goods and materials, but is distinguished from light manufacturing in that areas used for outdoor storage area may exceed 25 percent of the combined floor area of all buildings on the lot. This does not include uses constituting a light industrial assembly use.

MARQUEE
A permanent canopy, often constructed of metal and glass, that projects over the entrance of a building, generally a place of assembly such as a cinema, theater, auditorium, or arena.

MAXIMUM EXTENT PRACTICAL
The degree to which a project meets an adopted standard in which all possible efforts to comply with the standards or regulation or minimize harmful or adverse effects have been undertaken by an applicant, but full compliance cannot be obtained, and no feasible or practical alternative exists.

MECHANIC'S OR MATERIALMAN'S LIEN
A security interest in the title to real or personal property for the benefit of those who have supplied labor or materials that improve the property, as authorized and regulated in accordance with Article 2 of Chapter 44A of the North Carolina General Statutes.

MECHANICAL EQUIPMENT
Includes, but is not be limited to, heating, venting and air conditioning equipment, water tanks and their supporting structures, stair and elevator bulkheads, screens, baffles and other accessory installations but shall not include telecommunication equipment and conventional television antennas.

MICRO-BREWERY
An establishment primarily engaged in the brewing ale, beer, malt liquors, and nonalcoholic beer that is licensed to do so in accordance with N.C.G.S. 18B-1104 and regulations of the Alcoholic Beverage Control Commission, with a capacity less than 15,000 barrels per year, and with 75 percent or more of its ale, beer, and malt liquors sold off-site. A restaurant/brewery where more than 25 percent of produced ale, beer, and malt liquors are sold on-site is classified as a restaurant (with the brewery as an accessory use). Accessory uses include a restaurant, a public tasting room, and the retail sales of ale or beer, or related products.

MINI-STORAGE
A building or group of buildings divided into separate self-contained units or areas offered for rent for self-service storage of household and personal property. The storage units or areas are designed to allow private access by the tenant for storing and removing personal property. Accessory uses may include leasing offices, incidental sales or rental of moving supplies and equipment, and living quarters for a resident manager or security guard. The rental of trucks or trailers is a separate principal use and not considered accessory to this use. For RV or boat storage, see Industrial and Large Equipment Sales and Rental.

MIXED USE PLANNED DEVELOPMENT*
See Section 8.3.6.D, Mixed Use Planned Development.

MOBILE AUTO DETAILING
A business engaged in traveling to and thoroughly cleaning and refurbishing of automobiles, inside and out, at the site where the automobile is parked.

MOBILE CLASSROOMS
Temporary building installed on the grounds of a school or church to provide additional classroom space where there is a shortage of capacity.

MOTOR FREIGHT TERMINAL
A business operation with the primary purpose of the transfer, storage, and distribution of goods and materials and the distribution of goods and materials to another location for the purpose of resale or use at the place distributed to. Involves use of tractor-trailer or tandem truck vehicles for the movement of goods. If the motor freight terminal contains no more than 15,000 square feet of floor area and has no more than seven loading areas, it is classified as a small motor freight terminal. All other motor freight terminals are classified as large motor freight terminals.

MUSEUM
See Cultural Facility.

NET DENSITY
See Section 10.4.1.C, Net Density (Dwelling Units per Acre).

NEW DEVELOPMENT
Development of a site that was previously unimproved (with no existing principal structures or uses) or that has been or will be cleared of structures. New development is distinguished from existing development and the expansion or alteration of existing development.

NONCONFORMING LOT*
A lot that was lawfully created before the effective date of this Ordinance, or a subsequent amendment thereto, that does not conform to the lot area standards of this Ordinance or subsequent amendment.

NONCONFORMING SIGN
A sign that was lawfully established before the effective date of this Ordinance, or a subsequent amendment thereto, that does not conform to the signage standards of this Ordinance.

NONCONFORMING SITE FEATURE*
Off-street parking or landscaping that lawfully existed before adoption of this Ordinance, or a subsequent amendment thereto, that does not comply with the off-street parking or landscaping standards of this Ordinance, or a subsequent amendment.

NONCONFORMING STRUCTURE*
A structure other than a sign or site feature that was lawfully established before the effective date of this Ordinance, or subsequent amendment thereto, that does not comply with the lot area, setback, dimensional, elevation, location, material or other standards of this Ordinance or a subsequent amendment.

NONCONFORMING USE*
A use of land, buildings, and/or structures that was lawfully established before the effective date of this Ordinance, or a subsequent amendment thereto, but does not comply with the use standards of this Ordinance or a subsequent amendment.

NONCONFORMITY
A nonconforming lot, use, structure, sign, or site feature.

NOTICE OF VIOLATION
An initial notice indicating a violation of this Ordinance (see Section 9.3.4.A, Notice of Violation and Opportunity for Correction).

NURSING HOME
A facility maintained for the purpose of providing nursing or convalescent care for three or more persons unrelated to the licensee. A nursing home is a home for chronic or convalescent patients, who on admission are not acutely ill and who do not usually require specialized medical facilities. Accessory uses may include dining rooms and recreation and physical therapy facilities for residents, and offices and storage facilities for professional and supervisory staff. This use type does not include congregate living facilities, where the focus is on providing personal care rather than medical care, or hospitals, where more acute and specialized medical care is provided.

OFFICE BUILDING
A building primarily consisting of offices used for conducting the affairs of various businesses. Accessory uses may include uses intended to serve the daily needs of office employees, such as restaurant, coffee shop, newspaper, or candy stand.

OFFICE PARK, MEDICAL/ DENTAL
A development containing a number of separate buildings used for medical/dental offices that is designed, constructed, and operated on an integrated and coordinated basis. A medical/dental office park may include an urgent care facility or a hospital.

OFFICE, MEDICAL/DENTAL
A facility operated by one or more physicians, dentists, chiropractors, or other licensed practitioners of the healing arts for the examination and treatment of persons solely on an outpatient basis.

OPACITY
A measurement indicating the degree of obscuration of light or visibility.

ORDINANCE
A legislative enactment of the Town.

ORDINARY MAINTENANCE AND REPAIR
The painting of a structure, the replacement of damaged or worn finishes or building materials, or other work done on a structure to correct any deterioration or decay of, or damage to, the structure, or any part thereof, and restore the structure as nearly as practical to its condition before the deterioration, decay, or damage.

OUTDOOR DISPLAY OF MERCHANDISE
The placement of products or materials for sale or rental outside the entrance of a retail or wholesale sales establishment.

OUTDOOR SALES, SEASONAL
A temporary outdoor business enterprise that is conducted primarily outdoors and offers for retail sale items that are, by their nature, in particular demand during a relatively short peak season—including, but not limited to, Christmas trees, pumpkins, produce, flowers, and fireworks.

OUTDOOR SEATING (AS ACCESSORY TO AN EATING OR DRINKING ESTABLISHMENT)
The provision of on-site outdoor seating areas by an eating and drinking establishment where food or beverages are served for consumption. The accessory use also may include outdoor seating areas on public sidewalks in front of the establishment.

OUTDOOR STORAGE
The keeping, in an unroofed area, of any goods or materials, particularly goods and materials that have a large size, mass, or volume and are either not easily moved or carried or require a mechanical lifting devise (e.g., non-bagged mulch and lumber). This use does not include a junkyard or recycling facility, vehicle fleet storage, or the display and storage of vehicles as part of an automobile sales or rental use.

OWNER OR LANDOWNER
The legal or beneficial owner of land, including but not limited to a mortgagee or vendee in possession, receiver, executor, trustee, or long-term or commercial lessee, or any other person or entity holding proprietary rights in the property or having legal power of management and control of the land. "Owner" shall include long-term commercial tenants; management entities, such as those charged with or engaged in the management of properties for profit; and every person or entity having joint ownership of the property. A secured lender not in possession of the property does not constitute an owner, unless the secured lender is included within the meaning of "owner" under another description in this definition, such as a management entity.

PARAPET WALL
The portion of a façade wall that extends above the roof line.

PARK AND RIDE TERMINAL
An off-street parking facility designed or intended to provide peripheral collection and storage of motor vehicles to accommodate commuter traffic into or out of the community. Accessory structure may include passenger shelters.

PARKING DECK
A structure, or a portion of a structure, composed of one or more levels or floors used exclusively for the temporary storage of motor vehicles. A parking deck may be totally below grade or partially or totally above grade, with levels either being open to the sides (deck) or enclosed (garage). A parking deck may be a principal use of a lot or accessory to the principal use of the lot.

PARKING LOT
An off-street, hard-surfaced, ground level area approved for the temporary storage of motor vehicles. A parking lot may be a principal use of a lot or accessory to the principal use of the lot.

PASSIVE SOLAR
The use of the sun's energy for the heating and cooling of living spaces, where the building itself or some element of it takes advantage of natural energy characteristics in materials and air created by exposure to the sun. Buildings designed to maximize passive solar exposure have most of their windows located on a south-facing wall.

PERSON
Any individual, corporation, government agency, business trust, partnership, two or more persons having joint intent, or any other legal entity.

PILASTER
A rectangular column with a capital and base that is attached or affixed to a wall as an ornamental design feature.

PLACE OF WORSHIP
A structure, together with its accessory buildings and uses, where people regularly assemble to conduct religious worship, ceremonies, rituals, and related education. The structure and its accessory buildings and uses are maintained and controlled by a religious body. Places of worship include chapels, churches, mosques, shrines, synagogues, tabernacles, temples, and other similar religious places of assembly. Accessory uses may include administrative offices, classrooms, meeting rooms, and cooking and eating facilities. A place of worship may include other uses that generally exist as principal uses—e.g., day care center, school, cemetery, or recreational facility. Such uses are treated as principal uses and subject to the standards and limitations applicable to such uses.

PLANNED DEVELOPMENT
See Section 2.5, Planned Development Districts. For Mixed Use Planned Development Districts (MUPD), see Section 8.3.6.D, Mixed Use Planned Development. For Planned Development Districts (PDD), see Section 8.3.6.B.3, Zoning Map Amendment Procedure.

PLANNING BOARD
See Section 7.4, Planning Board.

PLANNING DIRECTOR
The Director of the Pittsboro, North Carolina Planning Department. See Section 7.2.1, Planning Director.

PLAT
A map or plan of a parcel of land which is subdivided in accordance with Section 8.3.4, Subdivision.

POCKET NEIGHBORHOOD
See Section 5.3.5, Pocket Neighborhoods.

PORCH
A projection from an outside wall of a dwelling covered by a roof and/or sidewalls (other than the sides of the building to which the porch is attached) not more than two feet in height. A porch that projects beyond a setback or building restriction line may be screened, but may not be enclosed with glass, jalousies, canvas, plastic or any solid material to a height exceeding two feet.

PRIMARY ENTRANCE
The place of pedestrian ingress and egress to a building, parcel, or development used most frequently by the public.

PRINCIPAL BUILDING
A building that is occupied by or devoted to a principal use of the lot on which it is located. There may be more than one principal building on a lot.

PRIVATE RECREATION/ENTERTAINMENT FACILITY, INDOOR
A facility providing sports, theatrical productions, game-playing, or similar amusements to the general public within a completely enclosed building or buildings. Indoor recreation/entertainment facilities may be operated as nonprofit or for profit, and include, but are not limited to, arcades, indoor arenas, billiard parlors, bowling alleys, miniature golf courses, movie theaters, indoor tennis courts or swimming pools, or roller or ice skating, and instruction. This use does include facilities that are part of public parks or recreation facilities or public cultural facilities.

PRIVATE RECREATION/ENTERTAINMENT FACILITY, OUTDOOR
A facility offering sports, theatrical productions, game-playing, or similar amusements to the general public, but not solely within a fully enclosed building. Outdoor recreation/entertainment facilities may be operated for nonprofit or profit, and include, but are not limited to, amusement parks, outdoor theatres, outdoor tennis courts or swimming pools, miniature golf, batting cages, driving ranges, and instruction, and may require substantial space, generate noise or require outdoor lighting. This use does include facilities that are part of public parks or recreation facilities or cultural facilities.

PRODUCE STAND (AS ACCESSORY TO A FARM OF COMMUNITY GARDEN)
A building or structure used for the retail sales of fresh fruits, vegetables, flowers, herbs or plants grown on the same parcel of land where the stand is located. Such use may also involve the accessory sales of other products made from produce and plants grown on the premises, such as jams, jellies, pickles, sauces or baked goods.

PUBLIC FACILITIES
Any buildings, recreation areas, utility systems and roads which are owned, leased, operated or maintained by a public entity including water systems, wastewater systems, reclaimed water systems, stormwater management systems, existing and proposed major roads, bicycle, transit, and pedestrian systems, greenways, public open spaces, recreation areas, and facilities for police service, fire service, and public schools.

PUBLIC PARK OR RECREATION FACILITY
A natural or landscaped area, buildings, or structures such as restrooms, playground equipment, shelters, concession stands, maintenance buildings, athletic courts and fields, and educational centers, provided by a unit of government to meet the active or the passive recreational needs of people.

PUBLIC SQUARE OR PLAZA
A community space generally open and readily accessible to the public and used by pedestrians for passive recreation and as an outdoor meeting or gathering place. Such uses may be provided with amenities such as shelters, seating, fountains, art, and landscaping.

RAILROAD YARD
A series of railroad tracks for storing, sorting, or loading/unloading railroad cars and/or locomotives.

RAINWATER CISTERN
A catchment device to capture rain water from a roof or other surface before it reaches the ground, which may be either above or below ground level.

REAL ESTATE SALES OFFICE, TEMPORARY
The temporary use of a dwelling unit or manufactured home as an office for the purpose of selling real estate during development.

RECLAIMED WATER
Clean water produced from the advanced treatment of wastewater.

RECREATION FACILITY, RESIDENTIAL SUPPORT
A private recreational facility for use solely by the residents and guests of a particular residential development, including residential subdivisions, multifamily, and mixed use developments.

RECREATIONAL VEHICLE (RV)
A vehicle that is (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

RECREATIONAL VEHICLE RENTAL AND SERVICE
An establishment engaged in the rental and service of recreational vehicles such as motor homes, travel trailers, boats, and campers.

RECYCLING CENTER
A central location where recyclable materials are received, sorted, stored, and transferred onto freight for delivery to a secondary processing facility.

RECYCLING DROP-OFF STATION
A container or set of containers used for the collection and temporary storage of recyclable materials generated on-site.

REGISTERED FORESTER
A person who by reason of special knowledge and training in natural sciences, mathematics, silviculture, forest protection, forest mensuration, forest management, forest economics, and forest utilization is qualified to engage in the practice of forestry.

REHABILITATION CENTER
A living facility for up to 9 people that specializes in treatment of conditions such as alcoholism, drug abuse, mental illness, or antisocial or criminal conduct.

RESEARCH LABORATORY
A facility that is designed or equipped for basic or applied research of experimental study, testing, or analysis in the natural and medical sciences or engineering, including any educational activities associated with and accessory to such research.

RESERVATION
The setting aside of real property for a specified use, purpose, or activity. Compare to "dedication." which generally involves the conveyance of real property to a government entity for a public purpose.

RESTAURANT
An establishment where meals or prepared food, including beverages and confections, are served to customers. Accessory uses may include bars, banquet rooms, catering services, pick-up facilities for take-out orders, windows for walk-up service, outdoor seating, and where specifically allowed, drive-through service facilities. An establishment that sells both alcoholic beverages and food is classified as a bar or lounge if it derives no more than 30 percent of its gross revenue from the sale of food and nonalcoholic beverages consumed on the premises.

RETAIL STORE*
A building, property, or activity, the principal use or purpose of which is the sale of goods, products, or materials directly to the consumer. This use includes, but is not limited to, clothing stores, appliance stores, food stores, grocers, pharmacies, bookstores, florists, furniture stores, hardware stores, and pet stores. This use does not include convenience stores, automobile service stations, service establishments, restaurants, or adult establishments.

REZONING, CONDITIONAL
See Section 8.3.6.C, Conditional Zoning.

REZONING, GENERAL
See Section 8.3.6.B.3, Zoning Map Amendment Procedure.

RIPARIAN
Of, or pertaining to, a stream.

RIPARIAN BUFFER AUTHORIZATION CERTIFICATE
See Section 8.3.3.B, Riparian Buffer Development.

ROOF FORM
The shape of a roof, of which there are many variations. The most common roof forms are sloped roofs (roofs constructed of flat sections that are sloped) and flat roofs. Sloped roofs may be side gable roofs or end gable roofs (based on whether the gable ends are on the sides or front and back of the building), and may have dormers. The edges of flat roofs (particularly along the front of a building) are commonly defined by parapets and/or cornices.

ROOFLINE
The highest point of a flat roof and mansard roof and the lowest point of a pitched roof excluding any cupolas, chimneys, or other minor projection.

ROOMING HOUSE*
A building, or portion thereof, that contains three or more sleeping rooms used or designed to provide rental lodging for five to nine individuals for compensation, whether the compensation be paid directly or indirectly. Rooming houses may provide meals to guests.

RURAL FAMILY OCCUPATION
A business, profession, occupation, or trade that is associated with a residential dwelling unit in rural zoning districts for the economic gain or support of a resident of the dwelling, is incidental and secondary to the residential use of the property, and does not adversely and/or perceptively affect the character of the surrounding area (see Section 3.3.5.B.19, Rural Family Occupation).

SALVAGE YARD
See "Junkyard or Recycling Facility."

SATELLITE DISH
A round or parabolic antenna and its supporting structure used to send or receive radio or electromagnetic signals.

SAWMILL
A facility where logs are cut into lumber.

SCHOOL, ELEMENTARY
A school that includes all or part of the first through eighth grade and that may have a kindergarten or other early childhood program.

SCHOOL, HIGH
A school that includes all or part of grades nine to twelve.

SCHOOL, MIDDLE
A school that includes all or part of grades six through eight.

SERVICE ESTABLISHMENT
Locations for rendering specialized professional services such as travel and insurance agencies, legal, engineering, architectural, surveying, accounting services, real estate offices, utility offices, banks, insurance, training centers, studios, and similar services whose primary function does not involve retail trade or stocking merchandise for sale. This use also includes businesses that provide services to customers at another location, such as a caterer, locksmith, exterminator, or contractor.

SERVICE ESTABLISHMENT, PERSONAL
A business primarily engaged in the provision of frequent or recurrent needed services of a personal nature that are not medically related. This use includes, but is not limited to, dry cleaners, laundries, tailors, hair stylists, cosmeticians, toning or tanning salons, tattoo parlors, nail care stores, clothing rental establishments, package delivery centers, print, photo, and copy shops, shoe repair shops, interior design studios, gyms and fitness centers, and dance and martial art studios. A personal care establishment does not include an adult establishment.

SETBACK
The shortest horizontal distance from a lot line of a lot to the nearest point of a structure on the lot.

SHOPPING CENTER*
A building or a group of connected or freestanding buildings under single or multiple ownership that contains retail goods and service uses serving the needs of a neighborhood, community, and regional customer base.

SHRUB
A woody plant, smaller than a tree, consisting of several small stems emerging from the ground, or small branches near the ground. Shrubs may be deciduous or evergreen.

SIDEWALK
A hard-surfaced, all-weather pedestrian walkway within a street right-of-way or easement.

SIGN
Any device designed to inform or attract the attention of persons not on the premises on which the device is located.

SIGN AREA/SURFACE AREA
The entire area shall be measured by the square, rectangle, semicircle, or parallelogram thereof, and comprise the entire sign inclusive of any border or trim and all the elements of the matter displayed, but excluding the base or apron, supports and other structural members. In the case of three-dimensional letters or painted letters directly on a building wall surface, the surface area shall be defined as that area encompassing the area of the letters including any trim or border.

SIGN PERMIT
See Section 8.3.3.D, Sign Permit.

SITE PLAN (MAJOR AND MINOR)
See Section 8.3.2.A, Site Plan.

SITE-SPECIFIC DEVELOPMENT PLAN
A plan submitted to the Town as part of an application for a Special Use Permit, Site Plan (Major or Minor), or Subdivision in accordance with the provisions of N.C.G.S. 160A-385.1 for local designation of site-specific development plans for the purposes of establishing vesting (see Section 8.3.3.F, Site-Specific Development Plan Designation).

SMALL WIND ENERGY SYSTEM
A wind energy conversion system consisting of a rotating wind turbine and related control or conversion equipment that converts the kinetic energy in wind into mechanical energy, has a rated capacity of not more than 100 kilowatts (kW), and is intended to primarily reduce on-site consumption of utility power for homes or businesses.

SOLAR ENERGY COLLECTION SYSTEM
A system consisting of solar panels, modules, and related equipment (e.g., heat exchanger, pipes, inverter, wiring, storage) that collects solar radiation and transfers it as heat to a carrier fluid for use in hot water heating or space heating and cooling, and/or that collects solar energy and converts it into electricity. As an accessory use, a solar energy collection system is designed to primarily meet on-site demands (but may include transfer of excess electricity to an electric utility grid) and components are typically mounted on the roof(s) of principal or accessory structures, but may be mounted on other parts of structures, or on the ground.

SOLID WASTE DISPOSAL FACILITY
As defined in N.C.G.S. 130A-290(a)(35), any facility involved in the disposal of solid waste.

SOLID WASTE DISPOSAL SITE
As defined in N.C, Gen. Stat. 130A-290(a)(36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.

SPECIAL EVENTS
Temporary activities or events conducted by civic, philanthropic, educational, or religious organizations, or activities of a business or organization that is not part of its daily activities and are open to the public. Such activities include, but are not limited to, closeout sales, grand openings, fundraising or membership drives, carnivals, fairs, circuses, and tent revivals (see Section 3.4.5.B.7, Special Event).

SPECIAL USE PERMIT*
See Section 8.3.3.A, Special Use Permit.

SPECIALTY FOOD SERVICE
Smaller-scale food and beverage service such as ice cream and coffee shops, juice bars, retail bakeries, and related uses that do not provide full restaurant meal service. Accessory uses may include pick-up facilities for take-out orders, windows for walk-up service, outdoor seating, and where permitted, drive-through service facilities.

STABLE
A building in which animals other than cats, dogs, and other small domesticated animals are sheltered and fed.

STACKING LANE
That part of an accessway that accommodates temporary queuing of motor vehicles waiting to enter a parking lot.

STATE
The State of North Carolina.

STORAGE OF PETROLEUM PRODUCTS
The use of tanks, both above and underground, to store petroleum based products.

STORMWATER MANAGEMENT PERMIT
See Section 4.7, Stormwater Management.

STORMWATER SYSTEM
All engineered stormwater controls owned or controlled by a person that drains to the same outfall, along with the conveyances between those controls. A system may be made up of one or more stormwater controls.

STREET*
Any public or private accessway used primarily for vehicular access and circulation, including the roadway and the right-of-way or access easement within which the roadway is located.

STREET VENDOR
Any person or persons selling or offering for sale products on a street, sidewalk or alley.

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, fountains, art, and similar accessory construction. It also includes a gas, liquid, or liquefied gas storage tank that is principally above ground.

STRUCTURE HEIGHT
The vertical distance from the finished grade at the base of the structure up to the highest point of the structure—except that structure height for buildings is measured from the finished grade at the front of the building up to the deck of a flat roof, the deck line of a mansard roof, and the mean height level between the eaves and ridge of a gable, hip, cone, gambrel, or shed roof. See Section 10.4.1.E, Structure Height.

SUBDIVIDER
Any person who subdivides or develops any land deemed to be a subdivision as herein defined.

SUBDIVISION
See Section 8.3.4, Subdivision.

SURFACE WATERS
All waters of the state as defined in N.C.G.S. 143-212 except underground waters.

TANDEM PARKING
An arrangement of vehicle parking spaces such that one or more spaces must be driven across in order to access another space or spaces.

TELECOMMUNICATIONS FACILITY
A facility used to transmit and/or receive radio, cellular, or wireless telecommunications. Usually consists of an antenna or group of antennas, feed cables, equipment cabinets or shelter, generator, towers (concealed and non-concealed), and attached wireless telecommunications facilities.

TEMPORARY OFFICE STRUCTURE
A building which may be used to house an office use for a limited period of time.

TEMPORARY PORTABLE STORAGE UNIT
A transportable unit designed and used primarily for temporary storage of building materials, household goods, personal items, and other materials for use on a limited basis.

TEMPORARY USE*
A use established for a temporary period of time with the intent to discontinue such use on the expiration of the time period (see Section 3.4, Temporary Uses and Structures).

TEMPORARY USE PERMIT*
See Section 8.3.3.E, Temporary Use Permit.

TEXT AMENDMENT
See Section 8.3.6.A, Text Amendment.

THOROUGHFARE
A thoroughfare shall mean and include all streets on the adopted thoroughfare plan. "Thoroughfare" is also synonymous with the term "Arterial" as used in ASHTO and NCDOT publications.

TIRE CAPPING AND RETREADING
Any business where tires are collected, stored, or maintained for the purpose of capping or retreading.

TOWN
Town of Pittsboro, North Carolina.

TOWN CLERK
The Town Clerk of the Town of Pittsboro, North Carolina.

TOWN BOARD OF COMMISSIONERS OR BOARD OF COMMISSIONERS
The elected legislative governing body of the Town of Pittsboro.

TOWN ENGINEER
See Section 7.2.2, Town Engineer.

TRANSIT STATION
Any structure or transit facility that is primarily used as part of a transit system for the purpose of loading, unloading, or transferring of passengers or accommodating the movement of passengers from one mode of transportation to another.

TRANSPORTATION DEMAND MANAGEMENT (TDM)
A strategy for reducing demand on the street system by reducing the number of vehicles using the streets and/or increasing the number of persons per vehicle. TDM attempts to reduce the number of persons who drive alone on the roadway during the commute period and to increase the number in carpools, vanpools, buses, and trains, or walking and biking.

TREE
A woody plant with a DBH equal to or exceeding five inches or a stump diameter exceeding six inches.

TREE CANOPY
The layer of leaves, branches, and stems of trees that cover the ground when viewed from above (excluding small openings in the tree crown). Such area may also be defined as the area within the drip line of a tree or group of trees.

TREE, SHADE
A self-supporting woody perennial plant, usually with one vertical stem or main trunk, that naturally develops a more or less distinct and elevated crown and that, at maturity, provides shade to an area at least 35 feet in diameter. A shade tree may have two or more trunks, which is a natural characteristic of some species.

TREE, STREET
Any shade tree placed in a street right-of-way.

TREE, UNDERSTORY
An evergreen or deciduous tree whose mature height for its species can be expected to not exceed 25 feet. These are ideal for planting in streetscapes where overhead power lines would necessitate unsightly pruning.

TRIP
A single travel movement with either the origin or destination of the trip inside the study area of the Transportation Impact Analysis.

TURF (OR TURF GRASS)
Any of various spreading grasses grown to form a continuous carpet of grass whose roots tightly bind the layer of soil beneath it. Turf grass endures and typically requires regular mowing.

URBAN AGRICULTURE
Urban Agriculture includes the growing of fruits, herbs, and vegetables, and/or the keeping of chickens, rabbits, and bees as an accessory use on a residential property (see Section 3.3.5.B.25, Urban Agriculture).

URGENT CARE FACILITY
A facility that provides urgent care medical service outside normal physician office hours or before a physician appointment is available, but with no provision for overnight or continuing care on an inpatient basis. This use does not include hospitals or medical/dental offices.

UTILITY FACILITY, MAJOR
A structure or facility that is a relatively major component of an infrastructure system providing community- or region-wide utility services. Examples of major utility facilities include potable water treatment plants, water towers, wastewater treatment plants, solid waste facilities, gas compressor stations, and electrical substations. This use does not include telecommunications facilities or towers.

UTILITY FACILITY, MINOR
A structure or facility that by itself is a relatively minor component of an infrastructure system providing community- or region-wide utility services and that needs to be in or near the neighborhood or use type where the service is provided. Examples of minor utility facilities include water and sewage pipes and pump stations, stormwater pipes and retention/detention facilities, telephone lines and local exchanges, electric lines and transformers, gas transmission pipes and valves, and CATV lines.

VALET PARKING
Parking of vehicles by an attendant provided by the establishment for which the parking is provided.

VARIANCE (RIPARIAN BUFFER)*
See Section 8.3.5.D, Variance (Riparian Buffer).

VARIANCE (STORMWATER)*
See Section 8.3.5.C, Variance (Stormwater).

VARIANCE (ZONING AND FLOOD DAMAGE PREVENTION)*
See Section 8.3.5.B, Variance (Zoning and Flood Damage Prevention).

VEHICLE DISPLAY AREA
An area of a development site where motor vehicles, recreational vehicles, trailers, boats, or other vehicles are displayed for sale or lease.

VEHICLE USE AREA
Any area of the site where motor vehicles (including trucks, buses, cars, and motorcycles) are driven or stored. This includes parking spaces, drive aisles, loading docks, service drives, and entrance and internal drives.

VETERINARY CLINIC/HOSPITAL
A facility used for the care, diagnosis, and treatment of sick, ailing, infirm, or injured animals and preventive care for healthy animals. Accessory uses may include animal grooming services, short-term boarding that is incidental to medical care or treatment, and limited retail sales of pet-related merchandise.

WALKWAY
Any improved pedestrian accessway that is separate from vehicular accessways and traffic. Walkways include sidewalks alongside streets and off-street paved walkways and graded trails with durable surfacing.

WALL
See Fence or Wall.

WAREHOUSING AND DISTRIBUTION*
A facility primarily engaged in the storage and distribution of manufactured products, supplies, and equipment, excluding bulk storage of petroleum products or other materials that are flammable or explosive or that present hazards or conditions commonly recognized as offensive.

WATERCOURSE
A lake, river, creek, stream, wash, channel, or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

WELLNESS CENTER
An establishment containing customized health services that may include fitness, personal training, and nutrition consulting, and that incorporates an individualized program with specific goals. Clients are generally under the supervision of licensed staff, which may include health care providers, nutritionists, personal trainers, and practitioners of medical and other specialties such as chiropractic, acupuncture, and biofeedback. Clients may be enrolled in an individualized nutritional and fitness program and may exercise independently or in small group settings. Amenities often include limited weights and cardio machines.

WHOLESALE ESTABLISHMENT*
The sale of goods and materials in large quantities for resale to retail customers. Typically generates freight traffic and requires large indoor or outdoor storage space. Direct sales to customers shall not exceed twenty percent of the gross floor area of the wholesale structure. This use does not include heavy manufacturing or junkyard or recycling facilities.

WHOLESALE FOOD PREPARATION
An establishment or place of business primarily engaged in the preparing, selling, or distributing food and animal products to retailers, businesses, or other wholesalers.

WINERY
An establishment primarily engaged in the manufacture of unfortified or fortified wine that is permitted to do in accordance with N.C.G.S. 18B-1100 and regulations of the Alcoholic Beverage Control Commission. Accessory uses include a public tasting room and retail sales of wine and related products.

XERISCAPING
A landscaping technique that utilizes water conservation practices such as the planting of drought tolerant plants, mulching, and the instillation of efficient irrigation systems.

YARD*
An area within a lot that lies between the principal structure(s) on the lot and the nearest lot lines. Yards are further classified as front yards, corner side yards, side yards, and rear yards.

YARD, CORNER SIDE*
The yard between the side facade of the principal structure(s) on a lot and the nearest corner side lot line, and extending between the front yard and rear yard of the lot.

YARD, FRONT*
The yard between the front facade of the principal structure(s) on a lot and the front lot line, and extending the full width of a lot.

YARD, REAR*
The yard between the rear facade of the principal structure(s) on a lot and the rear lot line, and extending the full width of the lot.

YARD, REQUIRED
The area within a lot that extends inward from front, corner side, side, and rear lot lines for the minimum front, corner side, side, and rear setbacks required for the zoning district in which the lot is located, and that is required to remain unoccupied and unobstructed from the ground upward except as may be specifically provided otherwise in this Code.

YARD, SIDE*
The yard between the side facade of the principal structure(s) on a lot and the nearest side lot line, and extending between the front yard and rear yard of the lot.

ZONING COMPLIANCE CERTIFICATE
See Section 8.3.2.C, Zoning Compliance Certificate.

ZONING DISTRICT
An area delineated on the Official Zoning Map within which a prescribed set of use regulations and development standards are applied to various types of development.

ZONING DISTRICT, BASE
A zoning district within which a single set of use, intensity, dimensional, and development standards are applied (see 2.1.2.A, Base Zoning Districts).

ZONING DISTRICT, OVERLAY
A zoning district superimposed over one or more underlying base zoning districts that imposes standards and requirements in addition to those required by the underlying base zoning district (see Section 2.6, Overlay Districts).

ZONING MAP, OFFICIAL
The Official Zoning Map on which the boundaries of various zoning districts are drawn and that is an integral part of this Ordinance.

ZONING MAP AMENDMENT
See Section 8.3.6.B, Zoning Map Amendment.