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ARTICLE 1: GENERAL PROVISIONS

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**ARTICLE 1
GENERAL PROVISIONS**

1-1 SHORT TITLE

This Ordinance shall be known and may be cited as the *City of Mebane Unified Development Ordinance*, except as referred to herein, where it shall be known as 'this Ordinance'.

1-2 REPEALS AND ENACTMENT

A. Repeal of Inconsistency

All ordinances, or portions thereof, of the City of Mebane that relate to zoning, subdivision, and land use which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

B. Enactment

This Ordinance is hereby enacted and shall be the Unified Development Ordinance for the City of Mebane.

C. Effective Date

This Ordinance shall become effective on February 4, 2008, as adopted by the City of Mebane City Council.

1-3 PURPOSE

A. General Purpose

It is the purpose of this Ordinance to promote the health, safety, and general welfare of the residents of the City of Mebane and the city's municipal extraterritorial planning jurisdiction (ETJ) to serve the public health, safety, and general welfare, and to provide the economic, social, and aesthetic advantages resulting from an orderly, planned use of land resources. This Ordinance shall govern the development and use of land and structures within the Mebane corporate limits and the city's ETJ.

In particular, this Ordinance is designed to address the following objectives:

1. Provide for the orderly growth and development of the area of the City of Mebane and the municipal extraterritorial planning jurisdiction;
2. Minimize land use conflicts and encourage the most appropriate use of land throughout the city;
3. Conserve the value of buildings and property;
4. Preserve the desirable features of the city's appearance and character;
5. Protect public investments and facilitate the adequate provision of schools, sewer, water, transportation, parks, open space, and other public requirements;

6. Protect the natural environment and other valuable resources;
7. Promote the overall economic welfare of the city;
8. Protect designated public water supply watersheds from activities which could degrade water quality; and
9. Minimize public and private losses due to flooding by permitting only that development within the floodplain which is appropriate in light of the probability of flood damage and which represents a reasonable social and economic use of land in relation to the hazards involved.

B. Specific Purposes

More specific purposes concerning zoning, land subdivision, signs, landscaping and buffering, watershed protection, and flood damage prevention are delineated in the individual articles of this Ordinance that include provisions relating to these particular subjects.

1-4 JURISDICTION

This Ordinance shall govern the use and development of land within the City of Mebane and the Mebane extraterritorial jurisdiction. The City of Mebane zoning jurisdictional area comprises the area which is delineated on the official zoning map described in Section 3-2. The City's planning jurisdictional area may be modified from time to time in accordance with Section 160D of the North Carolina General Statutes (NCGS).

Amended June 7, 2021

1-5 AUTHORITY

The provisions of this Ordinance are adopted under authority granted by the General Assembly to North Carolina cities (NCGS Chapter 160D). This Ordinance may be amended from time to time as required or allowed by subsequent legislature enactments. This Ordinance shall in no way regulate, restrict, prohibit, or otherwise deter any bona fide farm and its related uses, except that commercial feeder/breeder operations and any use of property for nonfarm purposes shall be subject to the provisions of this Ordinance. Chapter 4 of the City of Mebane City Code regulates the keeping of animals within the corporate limits of the City of Mebane. Consequently, some animal operations may not be permissible within zoning districts that are located within the Mebane corporate limits.

Amended June 7, 2021

1-6 ABROGATION

This Ordinance is not intended to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, or permits previously adopted or issued pursuant to law.

1-7 COMPLIANCE

No building, premises, or structure shall be constructed, erected, modified, converted, occupied, placed, maintained or moved, and no land use shall be commenced, maintained, or modified, except as authorized by this Ordinance. Development which was approved prior to the effective date of this Ordinance and which does not comply with the provisions of this Ordinance shall be considered legally nonconforming. Modifications to and conversion of nonconforming uses shall be allowed pursuant to the requirements of Article 10, Nonconforming Situations. Nothing in this Section shall be deemed to preclude voluntary compliance with the provisions of this Ordinance for development approved prior to the effective date of this Ordinance.

1-8 RELATIONSHIP TO PLANNING POLICIES AND DOCUMENTS

It is the intention of the City Council that this Ordinance implement the planning policies adopted by the City Council for the City of Mebane planning jurisdiction, as reflected in land development plans, master plans, and other pertinent planning documents. In reviewing map or text amendments to this Ordinance, plan consistency statements are required for the Planning Board [Section 9-3, A] and the City Council [Section 9-4, A]. While the City Council reaffirms its commitment that this Ordinance and any amendment to it be in conformity with adopted planning policies, the City Council hereby expresses its intent that neither this Ordinance nor any amendment to it may be challenged on the basis of any alleged nonconformity with any planning document.

1-9 FEES

Reasonable fees sufficient to cover the costs of administration, inspection, publication of notice and similar matters may be charged to applicants for zoning permits, sign permits, conditional use permits, special use permits, certificates of appropriateness, subdivision plat approval, zoning amendments, variances and other administrative relief. The amount of the fees charged shall be set forth in the city's budget or as established by resolution of the City Council and filed in the offices of the City of Mebane Planning and Zoning Department. Fees established as outlined above shall be paid upon submission of a signed application.

1-10 SEVERABILITY

A. Invalidation

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

B. Prejudicial Application

If any section, sentence, clause, phrase, or word of this Ordinance be held invalid or unconstitutional in its application to a particular case, such decision shall not affect or prejudice its application to other cases.

C. Lawful Presumption

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

**ARTICLE 2
ADMINISTRATION, DEVELOPMENT REVIEW,
AND PERMITTING PROCEDURES**

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ARTICLE 2
ADMINISTRATION, DEVELOPMENT REVIEW, AND PERMITTING PROCEDURES

2-1 City Council

As an elected, legislative body, the City Council performs planning and development functions as authorized by various enabling provisions of the North Carolina General Statutes.

A. Duties and Responsibilities

The City Council performs the following duties:

1. Appoints the Planning Board and the Board of Adjustment;

Upon recommendation by the Planning Board, adopts, implements, and amends a comprehensive land use plan which establishes long-range goals and objectives regarding future development of the city;
2. Adopts, amends, and implements more-detailed area plans for smaller geographic areas, as well as policies related to special land use issues;
3. Adopts, amends, and implements other specialized plans, programs, and policies for functional topics like transportation, recreation, open space, and capital improvements;
4. By ordinance, adopts and amends regulations relating to zoning, subdivision of land, and other private development activities;
5. Reviews and decides on applications for special use permits in accordance with the provisions of Sections 2-18 through 2-20. The City Council, in considering special use permit applications, acts in a quasi-judicial capacity and, accordingly, is required to observe the procedural requirements set forth in Section 2-18 of this Ordinance.
6. In considering proposed changes in the text of this Ordinance or to the zoning map, the City Council acts in its legislative capacity and shall review requests for amendments in accordance with the requirements of Article 9, Amendments;
7. Reviews and decides on the approval of site specific development plans (as defined in Section 2-28, Vested Rights), following the procedural requirements set forth in Section 2-28 of this Ordinance for the issuance of a special use permit;
8. As provided in Sections 7-3, the City Council is authorized to decide upon the approval of minor subdivision plats in cases where the applicant has been denied plat approval by the Planning Director and to review and decide upon the approval of preliminary and final major subdivision plats, in accordance with the provisions of Section 7-4-4;

9. Reviews and decides upon requests for waivers to the provisions of Section 7-6 in accordance with the standards delineated in Section 7-9; and
10. Establishes rules and procedures for the enforcement and administration of this Ordinance.

B. Right to an Impartial Decision Maker

Pursuant to the requirements of NCGS 160D-109(a) regarding a development regulation adopted where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. A governing board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.

Amended June 7, 2021

2-2 Planning Board

The City of Mebane Planning Board is established pursuant to NCGS 160D-30, to be known as the City of Mebane Planning Board and referred to herein as the Planning Board. As an appointed, advisory body, the Planning Board makes recommendations to the City Council as generally authorized by Chapter 160D-301, of the North Carolina General Statutes.

Amended June 7, 2021

A. Appointment and Terms of Planning Board Members

1. The City of Mebane Planning Board shall consist of nine members, six of whom shall be residents of the City of Mebane, appointed by the City Council, and three members shall be residents of the portion of the city's planning and zoning jurisdictional area which is located outside of the corporate limits of the City (two from Alamance County and one from Orange County). Reduction from the current numbers shall be accomplished as terms expire; no sitting member shall be removed prior to the end of his or her existing term.
2. Extraterritorial Planning Board members shall be appointed by the Board of County Commissioners from the applicable county. If a larger number of extraterritorial members is needed to comply with the proportional representation requirements of NCGS 160D-307, the City Council shall submit to the applicable Board of County Commissioners a resolution requesting that an additional member or members, as appropriate, be appointed. Proportional representation shall be determined by calculating the proportional relationship of the extraterritorial area population to the municipal population and applying that proportional relationship to the total membership of the Planning Board. An additional member must be appointed to the Planning Board to achieve proportional representation only when the population of the entire extraterritorial area constitutes a full fraction of the city's population divided by the total membership of the Planning Board. Once the City of Mebane

provides proportional representation, no power available to it under NCGS 160D-301 shall be ineffective in its extraterritorial area solely because county appointments have not yet been made. If the Board of County Commissioners fails to make appointments within 90 days after receiving a resolution from the City Council requesting that they be made, the City Council may make the appointments.

Amended June 7, 2021

3. Each member of the Planning Board shall be appointed for a term of four years. Vacancies occurring otherwise shall be for the remaining term and shall be made by the City Council. Members shall serve until they are duly replaced.
4. Any member of the Planning Board shall be removed for cause (including, but not limited to, neglect of duty, malfeasance, misconduct or failure to faithfully attend meetings) by the City Council upon written charge and after a public hearing.

B. Duties and Responsibilities

In general, the Planning Board performs the following duties:

1. Initiates studies to identify and analyze land use issues of importance to the City of Mebane;
2. Prepares and recommends to the City Council a comprehensive land use plan and other plans, programs, and policies to achieve community goals and objectives;
3. Develops and recommends regulatory ordinances, text amendments, and administrative procedures to implement adopted land use plans and policies;
4. Makes recommendations to the City Council concerning requests for amendments to the text of this Ordinance and rezoning requests in accordance with the provisions of Section 9-3;
5. Informs and advises the general public regarding planning and zoning matters through meetings, hearings, advertisements, publications, and other appropriate methods of communication;
6. Coordinates planning activities with other jurisdictions' planning boards and commissions;
7. Makes recommendations to the City Council and Board of Adjustment concerning requests for special use permits in accordance with the provisions of Section 2-17;
8. Makes recommendations to the City Council concerning requests for major subdivision preliminary plat approval in accordance with the provisions of Section 7-4; and
9. Performs any other duties assigned by the City Council.

C. Advisory Committees

From time to time, the City Council may appoint one or more individuals to assist the Planning Board to carry out its planning responsibilities with respect to a particular subject area. Members of such advisory committees shall sit as nonvoting members of the Planning Board when such issues are being considered and lend their talents, energies, and expertise to the Planning Board. However, all formal recommendations to the City Council shall be made by the Planning Board. Nothing in this section shall prevent the City Council from establishing independent advisory groups, committees, or boards to make recommendations on any issue directly to the City Council.

D. Meetings of the Planning Board

1. The Planning Board shall establish a regular meeting schedule and shall meet frequently enough so that it can take action in conformity with the review procedures delineated in this Ordinance and in accordance with the adopted *Bylaws and Rules of Procedure of the City of Mebane Planning Board*.
2. The Planning Board need not conduct its meetings strictly in accordance with the quasi-judicial procedures established for the Board of Adjustment. However, it shall conduct its meetings so as to obtain necessary information and to promote the full and free exchange of ideas.
3. All Planning Board meetings shall be open to the public, and whenever feasible the agenda for each board meeting shall be made available in advance of the meeting.

E. Quorum and Voting

1. A quorum for the Planning Board shall consist of a majority of the board membership (excluding vacant seats). A quorum is necessary for the Planning Board to take official action.
2. All actions of the Planning Board shall be taken by majority vote, a quorum being present.
3. A roll call vote shall be taken upon the request of any member. Once a member is physically present at a Planning Board meeting, any subsequent failure to vote shall be recorded as an affirmative vote unless the member has been excused in accordance with subsection 4. or has been allowed to withdraw from the meeting in accordance with subsection 5.
4. A member may be excused from voting on a particular issue by majority vote of the remaining members present under the following circumstances:
 - (a) If the member has a direct, substantial, and readily identifiable financial interest in the outcome of the matter at issue; or

- (b) If the matter at issue involves the member's own official conduct; or
- (c) If participation in the matter might violate the letter or spirit of a member's code of professional responsibility; or
- (d) If the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.

Amended June 7, 2021

- 5. A member may be allowed to withdraw from the entire remainder of a meeting by majority vote of the remaining members present for any good and sufficient reason other than the member's desire to avoid voting on matters to be considered at that meeting.

F. Right to an Impartial Decision Maker

Pursuant to the requirements of NCGS 160D-109, a member of the Planning Board shall not vote on any advisory or legislative decision regarding a development regulation adopted pursuant to this Chapter where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. An appointed board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship. 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.

Amended June 7, 2021

2-3 Board of Adjustment

A. Authority

As an appointed, quasi-judicial body, the Board of Adjustment hears and decides appeals, variance requests, and requests for interpretations from this Ordinance as authorized by NCGS 160D-302. The Board of Adjustment may subpoena witnesses and compel the production of evidence. If a person fails or refuses to obey a subpoena issued by the Board of Adjustment, the Board of Adjustment may apply to the General Court of Justice for an order requiring that its order be obeyed, and the court shall have jurisdiction to issue these orders after notice to all proper parties.

Amended June 7, 2021

B. Duties and Responsibilities

The Board of Adjustment shall carry out the duties outlined in Article 8, Appeals, Variances, and Interpretations of this Ordinance. Specifically, the Board of Adjustment shall hear and decide:

1. Appeals from any order, decision, requirement, or interpretation made by the Zoning Administrator or other City employee, as provided in Section 8-1;
2. Applications for general variances, as provided in Section 8-2, A; applications for variances from flood hazard overlay district requirements as provided in Section 8-2, B; and applications for variances from watershed overlay district requirements as provided in Section 8-2, C;
3. Questions involving interpretations of the zoning map, including disputed district boundary lines and lot lines, as provided in Section 12-3.2;
4. Requests for a special use permit as provided in Section 2-18 through 2-20; and
5. Any other matter the Board is required to act upon by statewide statute or any other city ordinance.

Amended June 7, 2021

C. Composition

The Board shall consist of eight members. Five members shall be represented by the City Council; one shall be the Mayor; two members shall be citizens and residents of the area lying outside the corporate limits, appointed by the boards of county commissioners of Alamance and Orange counties respectively. The members of the Board of Adjustment shall receive no compensation for their services. The City Council and the boards of county commissioners may, at their discretion, appoint an equal number of alternates to the Board of Adjustment. The Mayor shall serve as the Chairperson unless he exhibits a conflict of interest in the matter before the Board; or should the Board choose to elect another as their Chairperson.

Amended June 7, 2021; August 2, 2021

D. Terms

The terms of office of the city members of the Board of Adjustment shall be for overlapping terms of three years. Since the Mebane City Council has appointed itself as the Mebane Board of Adjustment, newly sworn-in members of the Council become immediately eligible to be appointed to the Board of Adjustment. Such appointments shall be for three year terms and a reappointment of one year to complete the four year term to which the City Council was elected. Extraterritorial members shall initially be appointed for terms of office to coincide with municipal elections - that is, one representative would be appointed for no more than two years and the other for no more than three years. Thereafter, as terms expire, all new appointments shall for three year terms. Nothing herein shall be construed as to forbid any member from being reappointed.

Vacancies occurring for any reason other than expiration of term shall be filled as soon as is reasonably possible after the vacancy occurs by the proper board making the appointment, and such appointment shall only be for the period of the unexpired term. Any member of the Board of

Adjustment shall be removed for cause (including, but not limited to, neglect of duty, malfeasance, misconduct or failure to faithfully attend meetings) by the City Council upon written charge and after a public hearing.

E. Meetings and Procedures

The Board of Adjustment shall adopt rules and regulations governing its procedures and operations consistent with the provisions of this Ordinance and NCGS 160D. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. The Chair or, in the Chair's absence, the Vice-Chair may administer any oaths and compel the attendance of witnesses by subpoena. All meetings shall be open to the public. Evidentiary hearings shall be conducted in compliance with the requirements of Section 2-18 and notice of the hearings shall be provided in accordance with Section 2-18, B and Section 8-7. The Board of Adjustment shall keep a written public record of member attendance, findings, and decisions.

Amended June 7, 2021

F. Quorum

A quorum for the Board of Adjustment shall consist of the number of members equal to four-fifths of the regular Board membership (excluding vacant seats). A quorum is necessary for the Board to take official action. A member who has withdrawn from the meeting without being excused as provided in subsection G shall be counted as present for purposes of determining whether a quorum is present.

G. Voting

The concurring vote of four-fifths of the regular Board membership (excluding vacant seats) shall be necessary to grant any variance. A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari. All other actions of the Board shall be taken by majority vote, a quorum being present. For the purposes of this subsection, vacant positions on the Board and members who are disqualified from voting on a quasi-judicial matter shall not be considered 'members of the board' for calculation of the requisite supermajority if there are no qualified alternates available to take the place of such members.

Amended June 7, 2021

The two members appointed to the Board of Adjustment by the Alamance and Orange County commissioners as representatives of the extraterritorial area outside the city shall have equal rights, privileges and duties with other members of the Board on all matters pertaining to the regulation of the extraterritorial area. On all matters pertaining to the regulation of the area within the corporate limits, only those board members appointed by the City Council to represent that area shall vote.

1. Once a member is physically present at a Board meeting, any subsequent failure to vote shall be recorded as an affirmative vote unless the member has been excused in accordance with subsection G, 2 or has been allowed to withdraw from the meeting in accordance with subsection G, 3

2. A member may be excused from voting on a particular issue by majority vote of the remaining members present under the following circumstances:
 - (a) If the member has a direct, substantial, and readily identifiable financial interest in the outcome of the matter at issue; or
 - (b) If the matter at issue involves the member's own official conduct; or
 - (c) If participation in the matter might violate the letter or spirit of a member's code of professional responsibility; or
 - (d) If the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.

Amended June 7, 2021

3. A member may be allowed to withdraw from the entire remainder of a meeting by majority vote of the remaining members present for any good and sufficient reason other than the member's desire to avoid voting on matters to be considered at that meeting.
4. A motion to allow a member to be excused from voting or excused from the remainder of the meeting is in order only if made by or at the initiative of the member directly affected.
5. A roll call vote shall be taken for each motion.

H. Board of Adjustment Officers

The Board of Adjustment shall, by majority vote of its membership (excluding vacant seats) elect one of its members to serve as chair and preside over the Board's meetings and one member to serve as vice-chair. The persons so designated shall serve in these capacities for terms of one year or until their successors are elected. Nothing herein shall be interpreted so as to forbid the officers from being elected to succeed themselves. Officer vacancies may be filled for the unexpired terms only by a majority vote of the Board membership (excluding vacant seats). The chair or any member temporarily acting as chair may administer oaths to witnesses coming before the Board. The chair of the Board of Adjustment shall administer the meetings and vote only when needed to decide a split vote; the vice-chair of the Board of Adjustment may take part in all deliberations and may vote on all issues. The Board shall appoint a Secretary, who may an employee of the City or a member of the Board.

Amended August 2, 2021

I. Right to an Impartial Decision Maker

Pursuant to the requirements of NCGS 160D-109, a member of the Board of Adjustment shall not vote on any advisory or legislative decision regarding a development regulation adopted pursuant to this Chapter

where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. An appointed board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship. 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.

Amended June 7, 2021

J. Fact Determination

Quasi-judicial decisions:

1. shall be based upon competent, material, and substantial evidence in the record; and
2. shall be reduced to writing (signed by the chair or other duly authorized member of the board), reflecting the board's determination of contested facts and their application to the applicable standards; and
3. is effective upon filing the written decision with the clerk to the board (or such other office or official as specified in the ordinance).

2-4 Planning and Zoning Department

A. Duties and Responsibilities

The Planning and Zoning Department serves as the lead agency for the overall administration of this Ordinance and serves as the primary professional staff of the Planning Board and Board of Adjustment.

1. **Planning Director.** The Planning Director or designee performs the following duties:
 - (a) Supervises the various activities of the department;
 - (b) Develops and maintains the comprehensive plan, area plans, other specialized plans, policies, and regulations for plan implementation;
 - (c) Provides recommendations to the Planning Board, Board of Adjustment, City Council, and City Manager;
 - (d) Provides administrative assistance to special boards, committees, and commissions;
 - (e) Serves as Executive Secretary to the Planning Board;
 - (f) Renders, after consultation with the TRC, a decision on requests for minor subdivision plat approval in accordance with the provisions of Section 7-3; and
 - (g) Performs other functions as may be necessary to effectively administer the city's overall planning program.

- 2. Zoning Administrator.** Except as otherwise specifically provided, primary responsibility for administering and enforcing this Ordinance may be assigned to one or more individuals by the Planning Director. The person or persons to whom these functions are assigned shall be referred to in this Ordinance as the 'Zoning Administrator'. The Zoning Administrator or designee shall be responsible for the following duties:
- (a) Establish and publish application procedures for permits, appeals, and actions pursuant to this Ordinance and forms implementing the same;
 - (b) Issue permits and certificates pursuant to this Ordinance;
 - (c) Review all development plans and permits to assure that the permit requirements of this Ordinance have been satisfied;
 - (d) Interpret the applicability of the provisions of this Ordinance in matters where the text does not clearly provide guidance;
 - (e) Maintain all records pertaining to the provisions of this Ordinance in his office(s) and make said records open for public inspection;
 - (f) Periodically inspect properties and activities for which permits have been issued to determine whether the use(s) is being conducted in accordance with the provisions of this Ordinance;
 - (g) Cause to be investigated violations of this Ordinance;
 - (h) Enforce the provisions of this Ordinance;
 - (i) Serve as Executive Secretary to the Board of Adjustment;
 - (j) Issue notice of corrective action(s) when required;
 - (k) Use the remedies provided in this Ordinance to gain compliance;
 - (l) Gather evidence in support of said activities;
 - (m) Receive applications for appeals and waivers and forward the case to the appropriate Board;
 - (n) Perform the specific flood damage prevention duties delineated in Section 5-7; and
 - (o) Perform other necessary functions to effectively administer this Ordinance.

2-5 Technical Review Committee

A. Establishment

There is hereby created a technical advisory committee known as the Technical Review Committee (TRC) consisting of representatives from city departments and agencies as appointed by the City Manager. Ex officio TRC members may, at the discretion of the City Manager, also include representatives of other local, state, and federal agencies as well as representatives of privately-owned utility providers.

B. Duties and Responsibilities

The TRC shall have the following duties:

1. Review and provide recommendations to the Planning Director, Planning Board, and City Council regarding the approval of minor and major subdivision plats in accordance with the provisions of Sections 7-3 and 7-4;
2. Review and comment on the technical aspects of all applications for approval of major site plans and master development plans; and
3. Perform any other related duties that this Ordinance may authorize or that the City Council may direct.

C. Officers

The Planning Director or designee shall serve as Chairman and shall have the authority to invite representatives of additional agencies or city departments for assistance. The Planning Director shall also serve as the recording secretary to the TRC.

D. Meetings

1. The TRC shall establish a regular meeting schedule and shall meet frequently enough so that it can take action in conformance with the review procedures delineated in this Ordinance.
2. The TRC may adopt rules and regulations governing its procedures and operations not inconsistent with the provisions of this Ordinance.

2-6 City Engineer

A. Designation of City Engineer

The City Engineer shall be the person, persons, or consulting firm authorized by the City Council to undertake engineering studies and analyses and to provide recommendations concerning utilities, streets, stormwater management, and floodplain management.

B. Duties and Responsibilities

As provided in Article 7, the City Engineer is authorized to approve proposed water and sewer systems, stormwater management systems, and street layouts and to perform other duties as authorized by this Ordinance.

2-7 Permit Required

No person shall undertake any development activity subject to this Ordinance except in accordance with and pursuant to one of the following permits:

- A. A zoning permit or sign permit issued by the Zoning Administrator; or
- B. A special use permit issued by the City Council or Board of Adjustment.

2-8 Permit Application Review and Approval

Zoning permits, sign permits, and special use permits are issued under this Ordinance only when a review of the application submitted, including the site plans contained therein, indicates that the development will comply with the provisions of this Ordinance if completed as proposed. Such plans and applications as are finally approved are incorporated into any permit issued, and except as otherwise provided herein, all development shall occur strictly in accordance with such approved plans and applications.

2-9 Permit Exemptions

- A. The following are exempt from zoning permit requirements:
 - 1. Farm buildings (other than residences, buildings used for non-farm purposes, and swine farm buildings) used for bona fide farm purposes;
 - 2. Any accessory building with any building dimension that does not exceed 12 feet as well as such accessory uses and structures as flagpoles and mailboxes; landscaping features such as trees and shrubs, terraces, gazebos, and similar items; recreational improvements such as swing sets and playgrounds; and wells and pumphouses;
 - 3. Facilities (other than buildings) of a public utility or an electric or telephone membership corporation; and
- B. The following are exempt from sign permit requirements:
 - 1. Signs specifically exempted by Section 6-6.5.

2-10 Permit Applications and Plans

- A. Submission.** Unless otherwise specified, all applications for permits under this Ordinance shall be submitted by the owner of the property or the authorized agent of such owner to the Zoning Administrator. The Zoning Administrator may require reasonable proof of agency from any person submitting an application as an agent.
- B. Form of Submission.** An application for any permit under this Ordinance shall be submitted in such form, number of copies and format as required by Appendix A, together with such fees as required.
- C. Waiver of Submission Requirements.** The Zoning Administrator may waive submission of required elements of information when, in his or her opinion, such information is otherwise available or is not necessary to review the application. The Zoning Administrator may refuse to process an incomplete application.

- D. **Processing.** All applications for permits shall be submitted, reviewed and processed in accordance with the requirements of this Ordinance.
- E. **Approved Plans.** A copy of required plans or information submitted with the application shall be returned to the applicant after the Zoning Administrator has marked the copy either approved or disapproved and attested to same. A similarly marked copy shall be retained by the Zoning Administrator.
- F. **Health Department Construction Permit Required.** A permit for any building or use for which a State or County Health Department permit for installation of a well or a sewage disposal system is required or for which approval by the State or County Health Department of an existing well or sewage disposal system is required, shall not be issued until such permit or approval has been issued by the State or County Health Department.
- G. **Compliance with Development Standards.** Certain land uses (designated with a 'D' or 'S' in Table 4-1-1, Table of Permitted Uses) are required to comply with development standards that are delineated in Section 4-7, Development Standards for Individual Uses. Permit applications and site plans for such uses shall demonstrate how compliance with the applicable development standards will be achieved.

2-11 Plot Plan and Site Plan Procedures

- A. **Plot Plan Required.** No zoning permit for a ~~single-family or two-family residential~~ dwelling on a single lot shall be issued until a plot plan, prepared in accordance with Appendix A, has been approved.
- B. **Site Plan Required.** No other zoning or special use permit shall be issued on a lot until a site plan, prepared in accordance with Appendix A, has been approved for the development. Neither a new nor amended site plan shall be required if an adequate site plan is already on file, there is no change in the parking requirements, ~~or~~ there is no increase in impervious surface area, ~~or there is no change or reduction in pedestrian access/egress, circulation, dimensions for walkways, hallways, common areas, parking lot aisles, curb ramps, landings, lighting, and/or landscaping.~~
- C. **Exception.** The Zoning Administrator may waive the requirement for a site plan or a plot plan if, in the Zoning Administrator's judgment, it is determined that it is not necessary to complete the review of the permit application.
- D. **Timing.** Site plans shall be submitted to the Zoning Administrator in conjunction with a permit application.
- E. **Coordination with Other Procedures.** To lessen the time required to obtain all necessary approvals, the site plan approval process may run concurrently with building plan review or other applications for approvals required for the particular project.

Commented [CS1]: Provides for broader application, as practiced and appropriate

Commented [CS2]: Per City's Bike & Ped Plan

2-12 Site Plan and Plot Plan Approval

- A. **Approval of Site/Plot Plan.** The site plan or plot plan shall be approved when it meets all requirements of this Ordinance or proper waivers and/or variances are obtained.
- B. **Approval Authority.**
 - 1. Site plans or plot plans submitted with zoning permit applications shall be approved by the Zoning Administrator.
 - 2. Site plans submitted with special use permit applications shall be approved by the City Council or Board of Adjustment.
- C. **Conditional Approvals.** If the site plan is granted conditional approval, the applicant shall revise and resubmit the site plan. The Zoning Administrator shall review the revised site plan and, if it meets all the approval conditions and is otherwise substantially unaltered, shall signify on the plan the change from conditional approval to approval. If the site plan is not revised within sixty days from the date of conditional approval, or the applicant notifies the Zoning Administrator that he is unwilling to revise the site plan, it shall be deemed denied.

2-13 Authorization to Commence Work

The issuance of a zoning, sign, or special use permit authorizes the recipient to commence the activity resulting in a change in use of the land or, (subject to obtaining a building permit), to commence work designed to construct, erect, move, or substantially alter buildings or other substantial structures. However, except as provided in Sections 2-21 and 2-22, the intended use may not be commenced and no building may be occupied until all of the requirements of this Ordinance and all additional requirements imposed pursuant to the issuance of a special use permit have been complied with.

2-14 Inspections and Investigations

- A. **Periodic Inspections.** The Zoning Administrator shall have the right, upon presentation of proper credentials, or inspection warrant, if necessary, to enter on any premises within the city's zoning jurisdiction at any reasonable hour for the purposes of inspection, determination of plan compliance or other enforcement action.
- B. **Investigations.** The Zoning Administrator shall have the power to conduct such investigation as he may reasonably deem necessary to carry out his duties as prescribed in this Ordinance, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigating and inspecting the sites of any complaints or alleged violations of this Ordinance.
- C. **Written Statements.** The City Council or its agent shall also have the power to require written statements, certificates and certifications or the filing of reports under oath, with respect to pertinent questions relating to complaints or alleged violations of this Ordinance.

2-15 Zoning and Sign Permits

- A. Submission.** Requests for a zoning or sign permit shall be submitted to the Zoning Administrator by filing an application form with the Zoning Administrator. Applications for a zoning or sign permit may be a separate form or may be combined.
- B. Zoning Permit Review and Approval.** The Zoning Administrator shall issue the zoning permit unless the Administrator determines, after reviewing the application and consulting with the applicant, that:
1. The requested permit is not within the authority of the Zoning Administrator according to Section 4-1-1, Table of Permitted Uses; or
 2. The application is incomplete; or
 3. If completed as proposed in the application, the development will not comply with one or more requirements of this Ordinance.
- C. Sign Permit Review and Approval.** The Zoning Administrator shall issue the sign permit unless the Administrator determines, after reviewing the application and consulting with the applicant, that:
1. The requested permit is not in compliance with the requirements of Section 6-6, Signs; or
 2. The application is incomplete.

2-16 Special Use Permits

- A. Special Use Permit Submission.** An application for a special use permit shall be submitted to the City Council or the Board of Adjustment by filing a copy of the application with the Zoning Administrator in the Planning and Zoning Department 20 working days prior to the Planning Board meeting at which the special use permit request will be reviewed. The appropriate permit-issuing authority (either the City Council or the Board of Adjustment) for special use permits is determined in Table 4-1-1, Table of Permitted Uses.
- B. Special Use Permit Review and Approval.** The review process for a special use permit request shall include:
1. Planning and Zoning Department and TRC review in accordance with Section 2-17;
 2. Planning Board Review and recommendation to the City Council or Board of Adjustment;
 3. Evidentiary hearing held by the City Council or Board of Adjustment in accordance with the provisions of Sections 2-18 through 2-20; and
 4. Review and action by the City Council or Board of Adjustment.

2-17 Recommendations on Special Use Permits

- A.** When presented to the appropriate permit-issuing authority at the evidentiary hearing, the application for a special use permit shall be accompanied by a recommendation from the Planning Board and a report setting forth the Planning and Zoning Department's proposed findings concerning the application's compliance with Section 2-10 and the other requirements of this Ordinance, as well as any staff or TRC recommendations for additional requirements to be imposed by the appropriate permit-issuing authority.
- B.** If the Zoning Administrator proposes a finding or conclusion that the application fails to comply with Section 2-10 or any other requirement of this Ordinance, the Zoning Administrator shall identify the requirement in question and specifically state supporting reasons for the proposed findings or conclusions.

2-18 Evidentiary Hearing Requirements and Procedures for Special Use Permit Applications

- A.** No special use permit shall be approved until an evidentiary hearing has been held by the appropriate permit-issuing authority in accordance with the provisions of this Section. The purpose of the evidentiary hearing is to gather facts, not to solicit citizen opinion. Consequently, the hearing procedures differ from those of the typical public hearing. In an evidentiary hearing, testimony may be provided only by sworn witnesses and written findings of fact are required.

Amended April 7, 2008

- B.** Notice of evidentiary hearings conducted pursuant to a special use permit shall be mailed to the person or entity whose appeal, application, or request is the subject of the hearing; to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing; and to any other persons within a 300-foot radius of the subject property. In the absence of evidence to the contrary, the local government may rely on the county tax listing to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least 10 days, but not more than 25 days, prior to the date of the hearing. Within that same time period, the local government shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way. The board may continue an evidentiary hearing that has been convened without further advertisement. If an evidentiary hearing is set for a given date and a quorum of the board is not then present, the hearing shall be continued until the next regular board meeting without further advertisement.
- C.** The Zoning Administrator shall also post notices of evidentiary hearings conducted pursuant to a special use permit shall be mailed to the person or entity whose appeal, application, or request is the subject of the hearing; to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing; and to any other persons within a 300-foot radius of the subject property. In the absence of evidence

- to the contrary, the local government may rely on the county tax listing to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least 10 days, but not more than 25 days, prior to the date of the hearing. Within that same time period, the local government shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way. The board may continue an evidentiary hearing that has been convened without further advertisement. If an evidentiary hearing is set for a given date and a quorum of the board is not then present, the hearing shall be continued until the next regular board meeting without further advertisement.
- D.** The Zoning Administrator shall make every reasonable effort to comply with the notice provisions set forth in this Section. However, it is the permit-issuing authority's intention that no failure to comply with any of the notice provisions [except those set forth in Section 2-18, B] shall render any permit request invalid.
- E.** Subject to subsection I below, the permit-issuing authority shall approve the requested special use permit unless it concludes, based upon the information submitted at the hearing, that:
1. The requested special use permit is not within its jurisdiction according to Section 4-1-1, Table of Permitted Uses; or
 2. The application is incomplete; or
 3. If completed as proposed in the application, the development will not comply with one or more requirements of this Ordinance.
- F.** Even if the permit-issuing authority finds that the application complies with all other provisions of this Ordinance, it may still deny the special use permit request if it concludes, based upon the information submitted at the hearing, that if completed as proposed, the development, more probably than not:
1. Will materially endanger the public health or safety; or
 2. Will substantially injure the value of adjoining or abutting property; or
 3. Will not be in harmony with the area in which it is to be located; or
 4. Will not be in general conformity with the land use plan or other plans and policies officially adopted by the City Council.
- G.** **(Reserved)** [amended April 7, 2008]
- H.** The decision of the board shall be delivered within a reasonable time by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and any person who has submitted a written request for a copy prior to the date the decision becomes effective. The person required to provide notice shall certify to the local government that proper notice has been made, and the certificate shall be deemed conclusive in the absence of fraud.

- I. Without limiting the foregoing, the permit-issuing authority may attach to a special use approval a condition limiting the approval to a specified duration.
- J. All additional conditions or requirements shall be specified in the letter of approval issued to the applicant by the Zoning Administrator.
- K. All additional conditions or requirements authorized by this Section are enforceable in the same manner and to the same extent as any other applicable requirement of this Ordinance.
- L. A vote may be taken on application conditions or requirements before consideration of whether the special use request should be denied for any of the reasons set forth in Sections 2-18, H or 2-18, F.
- M. **Right to an Impartial Decision Maker.** Pursuant to the requirements of NCGS 160D-109 a member of the City Council or Board of Adjustment shall not vote on any advisory or legislative decision regarding a development regulation adopted pursuant to this Chapter where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. An appointed board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship. 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.

Amended June 7, 2021

2-19 Authorizing Use or Occupancy before Completion of Development under Zoning and Special Use Permits

- A. In cases when, because of weather conditions or other factors beyond the control of the zoning or special use permit recipient (exclusive of financial hardship) it would be unreasonable to require the permit recipient to comply with all of the requirements of this Ordinance before commencing the intended use of the property or occupying any buildings, the permit-issuing authority may authorize the commencement of the intended use or the occupancy of buildings (insofar as the requirements of this Ordinance are concerned) if the permit recipient provides an adequately secured performance bond or other security satisfactory to the permit-issuing authority to ensure that all of these requirements will be fulfilled within a reasonable period (not to exceed twelve months). The proposed performance bond and security shall be reviewed and approved by the city attorney, however, prior to the permit-issuing authority authorizing the intended use or occupancy. The procedure and requirements for bonding shall be in strict accordance with the provisions of Article 5, Section 8.
- B. When the permit-issuing authority imposes additional requirements upon the special use permit recipient in accordance with this Article or when the developer proposes in the plans submitted to install amenities beyond those required by this Ordinance, the permit-issuing authority may authorize the permittee to commence the intended use of the property or

to occupy any building before the additional requirements are fulfilled or the amenities installed if it specifies a date by which or a schedule according to which such requirements must be met or each amenity installed and if it concludes that compliance will be ensured as the result of any one or more of the following:

1. A performance bond and security satisfactory to the city attorney is furnished, as stated above;
2. A condition is imposed establishing an automatic expiration date on the permit, thereby ensuring that the permit recipient's compliance will be reviewed when application for renewal is made; or
3. The nature of the requirements or amenities is such that sufficient assurance of compliance is given by Section 11-4, Penalties and Remedies for Violations, and Section 11-6, Permit Revocation.

2-20 Completing Development in Phases

- A. If a development is constructed in phases or stages in accordance with this Section, then, subject to subsection C., the provisions of Section 2-13 and Section 2-21 shall apply to each phase as if it were the entire development.
- B. As a prerequisite to taking advantage of the provisions of subsection A., the developer shall submit plans that clearly show the various phases or stages of the proposed development and the requirements of this Ordinance that will be satisfied with respect to each phase or stage.
- C. If a development that is to be built in phases or stages includes improvements that are designed to relate to, benefit, or be used by the entire development (such as a swimming pool or tennis courts in a residential development) then, as part of his application for development approval, the developer shall submit a proposed schedule for completion of such improvements. The schedule shall relate completion of such improvements to completion of one or more phases or stages of the entire development. Once a schedule has been approved and made part of the permit by the permit-issuing authority, no land may be used, no buildings may be occupied except in accordance with the schedule approved as part of the permit, provided that:
 1. If the improvement is one required by this Ordinance then the developer may utilize the provisions of Section 2-19, A; or
 2. If the improvement is an amenity not required by this Ordinance or is provided in response to a condition imposed by the permit-issuing authority, then the developer may utilize the provisions of Section 2-19, B.

2-21 Expiration of Approved Permits and Site Plans

- A. Except as provided in subsection F., zoning, sign, and special use permits (including approved site or plot plans) shall expire automatically if, within six months after the issuance of such permits:

1. The use authorized by such permits has not commenced, in circumstances where no substantial construction, erection, alteration, excavation, demolition, or similar work is necessary before commencement of such use; or
 2. Less than ten percent of the total cost of all construction, erection, alteration, excavation, demolition, or similar work on any development authorized by such permits has been completed on the site. With respect to phased development (see Section 2-20), this requirement shall apply only to the first phase.
- B.** If, after some physical alteration to land or structures begins to take place, such work is discontinued for a period of one year, then the zoning or special use permit authorizing such work shall immediately expire. However, expiration of the permit shall not affect the provisions of Section 2-22.
- C.** The permit-issuing authority (Zoning Administrator, City Council, or Board of Adjustment, as applicable) may extend for a period up to six months the date when a zoning, sign or special use permit would otherwise expire pursuant to subsections A or B above if it concludes that (i) the permit has not yet expired, (ii) the permit recipient has proceeded with due diligence and in good faith, and (iii) conditions have not changed so substantially as to warrant a new application. Successive extensions may be granted for periods up to six months upon the same findings. All such extensions may be granted without resort to the formal processes and fees required for a new permit.
- D.** For purposes of this Section, the permit within the jurisdiction of the City Council or the Board of Adjustment is issued when the applicable permit-issuing authority votes to approve the application and issue the permit. A zoning permit within the jurisdiction of the Zoning Administrator is issued when the earlier of the following takes place:
1. A copy of the fully executed permit is delivered to the permit recipient, and delivery is accomplished when the permit is delivered to the permit applicant; or
 2. The Zoning Administrator notifies the permit applicant that the application has been approved and that all that remains before a fully executed permit can be delivered is for the applicant to take certain specified actions, such as having the permit executed by the property owner so it can be recorded, if required under Section 2-22, B.
- E.** Notwithstanding any of the provisions of Article 10, Nonconformities, this Section shall be applicable to permits issued prior to the date this Ordinance becomes effective.
- F.** Special use permits with a vested right established in accordance with Section 2-26, Zoning Vested Rights, shall expire at the end of the two-year vesting period established pursuant to Section 2-26.

2-22 Effect of Permit on Successors and Assigns

- A.** Zoning, sign and special use permits authorize the permittee to make use of land and structures in a particular way. Such permits are transferable. However, so long as the land or structures or any portion thereof covered under a permit continues to be used for the purposes for which the permit was granted, then:
 - 1. No person (including successors or assigns of the person who obtained the permit) may make use of the land or structures covered under such permit for the purposes authorized in the permit except in accordance with all the terms and requirements of that permit; and
 - 2. The terms and requirements of the permit apply to and restrict the use of land or structures covered under the permit, not only with respect to all persons having any interest in the property at the time the permit was obtained, but also with respect to persons who subsequently obtain any interest in all or part of the covered property and wish to use it for or in connection with purposes other than those for which the permit was originally issued.

2-23 Amendments to and Modifications of Permits and Plans

- A.** Insignificant deviations from the permit (including approved site plans) approved by the City Council, Board of Adjustment, or the Zoning Administrator are permissible and the Zoning Administrator may authorize such insignificant deviations. A deviation is insignificant if it has no discernible impact on neighboring properties, the general public, or those intended to occupy or use the proposed development.
- B.** Minor design modifications or changes in permits (including approved site plans) are permissible with the approval of the permit-issuing authority. Such permission may be obtained without a formal application, evidentiary hearing, or payment of any additional fee. For purposes of this Section, minor design modifications or changes are those that have no substantial impact on neighboring properties, the general public, or those intended to occupy or use the proposed development.
- C.** All other requests for changes in approved site plans will be processed as a modification to the original application. If such requests are to be acted upon by the City Council or Board of Adjustment, new conditions may be imposed only on the specific site or area requested to be modified in accordance with Section 2-18, but the applicant retains the right to reject such additional conditions by withdrawing his request for an amendment and may then proceed in accordance with the previously issued permit.
- D.** The Zoning Administrator shall determine whether amendments to and modifications of permits fall within the categories set forth above in subsections A through C.
- E.** A property owner requesting approval of changes shall submit a written request for such approval to the Zoning Administrator, which request shall identify the changes. Approval of all changes must be provided to the property owner in writing.

- F. A vested right established in accordance with Section 2-26 shall not be extended by any amendments or modifications to an approved site specific development plan unless expressly provided for by the City Council.

2-24 Reconsideration of Action on Special Use Permits

- A. Whenever the City Council or Board of Adjustment disapproves a special use permit application, on any basis other than the failure of the applicant to submit a complete application, such action may not be reconsidered by the permit-issuing authority at a later time unless the applicant clearly demonstrates that:
 - 1. Circumstances affecting the property that is the subject of the application have substantially changed; or
 - 2. New information is available that could not with reasonable diligence have been presented at a previous hearing. A request to be heard on this basis must be filed with the Zoning Administrator within the time period for an appeal to superior court (see Section 11-7, B). However, such a request does not extend the 30-day period within which an appeal must be taken.
- B. The permit-issuing authority may, however, at any time consider a new application affecting the same property as an application previously denied. A new application is one that differs in some substantial way from the one previously considered.
- C. The permit-issuing authority shall, by a majority vote, make the determination as to whether or not an amended application meets the criteria delineated in subsection A for a rehearing or qualifies as a new application pursuant to subsection B.

2-25 Maintenance of Common Areas, Improvements, and Facilities.

The recipient or the recipient's successor of any zoning or special use, shall be responsible for maintaining all common areas, improvements or facilities required by this Ordinance or any permit issued in accordance with its provisions, except those areas, improvements or facilities with respect to which an offer of dedication to the public has been accepted by the appropriate public authority. As illustrations, and without limiting the generality of the foregoing, this means that private streets and parking areas, water and sewer lines, stormwater facilities, common open space, and recreational facilities must be properly maintained so that they can be used in the manner intended, and that required vegetation and trees used for screening, landscaping, or shading must be replaced if they die or are destroyed.

2-XX Development Agreements

To better structure and manage development approvals for large-scale, multiple-phase developments and to ensure their proper integration into local capital facilities programs, the City Council may enter into development agreements with developers, subject to the procedures and requirements of Chapter 160D, Article 10. A development agreement may specify that the developer furnish certain public facilities, but it must also provide that the delivery date of these public facilities will be tied to successful performance by the developer in completing the private

Commented [CS3]: No change in language – relocation recommended to be in better context to other major subdivision requirements.

portion of the development. A development agreement may specify that the project be commenced or completed within a certain period of time. A development must provide a

- A. A description of the property subject to the Agreement and the names of its legal and equitable property owners;
- B. The duration of the Agreement;
- C. The development use permitted on the property, including population densities and building types, intensities, placement on the site, and design;
- D. A description of public facilities that will serve the development, including who provides the facilities, the date any new facilities, if needed, will be connected, and a schedule to assure public facilities are available concurrent with the impacts of the development. If the Development Agreement provides that the City 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);
- E. A description where appropriate, of any reservation or dedication of land for public purposes and any provisions agreed to by the Developer that exceed existing laws related to protection of environmentally sensitive features;
- F. A description of any conditions, terms, restrictions, or other requirements for the protection of public health, safety or welfare; and
- G. A description, where appropriate, of any provisions for the preservation and restoration of historic properties;

The term of the development agreement may not exceed 20 years. A development agreement must be approved by the City Council by ordinance. Before entering into a development agreement, the City Council shall conduct a public hearing following the same public hearing procedures and requirements delineated in Section 9-5 for zoning text amendments. The public hearing notice shall specify (i) the location of the property subject to the development agreement, (ii) the development uses proposed on the property, and (iii) a place where a copy of the proposed development agreement can be obtained. Once executed by the City and the developer, the development agreement must be recorded with the register of deeds in the county where the property is located. 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.

2-26 Zoning And Other Vested Rights

- A. A person claiming a statutory or common law vested right petition as the owner of the property to the Development Director or designee, who shall make an initiated determination of a vested right. This decision may be appealed to the Board of Adjustment, as provided in N.C.G.S. 160D-108(c). The requirements set forth in 160D-108(c) are applicable to any such determination. A right which has been vested as provided for in this Section shall, as a general rule, is not a personal right, but shall attach and run with

the applicable property. A vested right shall remain valid set forth in 160D-108 of the North Carolina General Statutes. After approval of a site specific development plan, all successors to the original landowner shall be entitled to exercise such vested rights. The City shall not require a landowner to waive his or her vested rights as a condition of developmental approval.

Amended June 7, 2021

- B.** Unless otherwise specifically provided, or unless clearly required by the context, the words and phrases defined in this Section shall have the meaning indicated when used in this Section.
1. **Landowner.** Any owner of a legal or equitable interest in real property, including the heirs, devisees, successors, assigns, and personal representative of such owner. The landowner may allow a person holding a valid option to purchase to act as his agent or representative for purposes of submitting a proposed site specific development plan.
 2. **Property.** All real property subject to the regulations and restrictions of this Ordinance as well as the zoning district boundaries established by this Ordinance and depicted on the official zoning map.
 3. **Site specific development plan.** A plan which has been submitted to the City of Mebane by a landowner describing in detail the type and intensity of use for a specific parcel or parcels of property. Such plan shall be in the form of a site plan required to obtain a special use permit. The information required by Section 2-10 and Appendix A, as applicable, shall be included. All site specific development plans shall be approved by the City Council.
 4. **Vested right.** The right to undertake and complete the development and use of property under the terms and conditions of an approved site specific development plan, or under common law.
- C.** A vested right shall be deemed established, following the receipt of a petition from the property owner, upon the effective date of approval by the City Council of a site specific development plan. Following the approval of a site specific development plan, the Zoning Administrator shall issue a vested right certificate to the landowner which indicates the duration of the vesting period, the conditions, if any, imposed on the approval of the site specific development plan, and any other information determined by the Zoning Administrator to be necessary to administer the vested right.
- D.** A vested right shall confer upon the landowner the right to undertake and complete the development and use of the property as delineated in the approved site specific development plan. The City Council may approve a site specific development plan upon such terms and conditions, as may be determined necessary to protect the public health, safety, and welfare. Failure to comply with the approved terms and conditions shall result in a forfeiture of vested rights.
- E.** Approval by the City Council of a site specific development plan shall follow the procedural requirements for the issuance of a special use permit as outlined in Section 2-18. Changes in or modifications to an approved site

specific development plan shall be made only with the concurrence of the City Council in accordance with the provisions of Section 2-23.

Amended June 7, 2021

- F.** A vested right obtained under this section runs with the land and is valid for the time periods set forth in N.C.G.S 160D-108(d) from the effective date of approval by the City Council of a site specific development plan. A vested right shall not be extended by any amendments or modifications to an approved site-specific development plan unless expressly provided for by the City Council. A vested right shall expire at the end of the time periods set forth in N.C.G.S 160D-108(d) if no building permit applications have been filed with the City of Mebane to construct the use or uses proposed in the approved site specific development plan. If building permits are issued, the provisions of NCGS 160D shall apply, except that a building permit shall not expire or be revoked because of the lack of progress during the vesting period.

Amended June 7, 2021

- G.** A vested right, once established or provided for in this section, precludes any zoning action by the City of Mebane which would change, alter, impair, prevent, diminish, or otherwise delay the development or use of the property as set forth in the approved site specific development plan, except:
1. With the written consent of the affected landowner;
 2. Upon findings, by ordinance after notice and a public hearing, that natural or man-made hazards in the immediate vicinity of the property, if uncorrected, would pose a serious threat to the public health, safety, and welfare if the project were to proceed as contemplated in the site specific development plan;
 3. To the extent that the affected landowner receives 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 city, together with interest thereon at the legal rate until paid. Compensation shall not include any diminution in the value of the property, which is caused by such action;
 4. Upon findings, by ordinance after notice and a public hearing, that the landowner or his representative intentionally supplied inaccurate information or made material misrepresentations which made a difference in the approval by the city of the site specific development plan; or
 5. Upon the enactment or promulgation of a state or federal law or regulation which precludes development as contemplated in the site specific development plan, in which case the city may modify the affected provisions, upon a finding that the change in state or federal law has a fundamental effect on the plan, by ordinance after notice and a public hearing.

- H. The establishment of a vested right shall not preclude the application of overlay zoning which imposes additional requirements but does not affect the allowable type or intensity of use, or ordinances or regulations which are general in nature and are applicable to all property subject to land use regulation by the city, including, but not limited to, building, fire, plumbing, electrical, and mechanical codes.
- I. Notwithstanding any provisions of this Section, the establishment of a vested right shall not preclude, change, or impair the authority of the City to enforce provisions of this Ordinance governing nonconforming situations or uses.
- J. A vested right obtained under this section is not a personal right, but shall attach to and run with the applicable property. After approval of a site specific development plan, all successors to the original landowner shall be entitled to exercise such vested rights.
- K. The city shall not require a landowner to waive his or her vested rights as a condition of developmental approval.

2-27 Certificate of Zoning Compliance

- A. Except as otherwise specifically exempted elsewhere in this Ordinance, no building shall be occupied, no land shall be used, and the use of any land shall not be changed until a certificate of zoning compliance has been issued by the Zoning Administrator.
- B. The certificate of zoning compliance shall state that the building and/or proposed use of land complies with the provisions of this Ordinance.
- C. The certificate of zoning compliance shall be presented by the applicant to the City of Mebane Building Inspector prior to the city's issuance of a certificate of occupancy.
- D. A temporary certificate of zoning compliance may be issued by the Zoning Administrator, for a period not to exceed six months, during alteration or construction for partial occupancy of a building pending completion. Such temporary certificate shall bear the dates of issuance and expiration on the certificate, shall be clearly marked, 'Temporary', and shall stipulate such conditions and safeguards as will protect the safety of the occupants and the public.

2-28 Compliance with Overlay District Provisions, Environmental Regulations, and Development Standards

Additional requirements that are applicable to properties within overlay zoning districts and requirements for stormwater management, soil erosion and sedimentation control, watershed protection, flood damage prevention, and coordination with the Army Corps of Engineers regarding wetlands are delineated in Article 5. Use-specific standards that are applicable to those uses designated in Table 4-1-1, Table of Permitted Uses as 'D' or 'S' are provided in Article 4.

2-29 Revocation of Zoning, Sign, and Special Use Permits

See Section 11-6, Permit Revocation.

2-30—Development Agreements

~~To better structure and manage development approvals for large-scale, multiple-phase developments and to ensure their proper integration into local capital facilities programs, the City Council may enter into development agreements with developers, subject to the procedures and requirements of Chapter 160D, Article 10. A development agreement may specify that the developer furnish certain public facilities, but it must also provide that the delivery date of these public facilities will be tied to successful performance by the developer in completing the private portion of the development. A development agreement may specify that the project be commenced or completed within a certain period of time. A development must provide a~~

- ~~A. A description of the property subject to the Agreement and the names of its legal and equitable property owners;~~
- ~~B. The duration of the Agreement;~~
- ~~C. The development use permitted on the property, including population densities and building types, intensities, placement on the site, and design;~~
- ~~D. A description of public facilities that will serve the development, including who provides the facilities, the date any new facilities, if needed, will be connected, and a schedule to assure public facilities are available concurrent with the impacts of the development. If the Development Agreement provides that the City 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);~~
- ~~E. A description where appropriate, of any reservation or dedication of land for public purposes and any provisions agreed to by the Developer that exceed existing laws related to protection of environmentally sensitive features;~~
- ~~F. A description of any conditions, terms, restrictions, or other requirements for the protection of public health, safety or welfare; and~~
- ~~G. A description, where appropriate, of any provisions for the preservation and restoration of historic properties;~~

~~The term of the development agreement may not exceed 20 years. A development agreement must be approved by the City Council by ordinance. Before entering into a development agreement, the City Council shall conduct a public hearing following the same public hearing procedures and requirements delineated in Section 9-5 for zoning text amendments. The public hearing notice shall specify (i) the location of the property subject to the development agreement, (ii) the development uses proposed on the property, and (iii) a place where a copy of the proposed development agreement can be obtained. Once executed by the City and the developer, the development agreement must be recorded with the register of deeds in the county where the property is located. 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.~~

Amended June 7, 2021

**ARTICLE 3
ZONING DISTRICTS AND ZONING MAP**

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**ARTICLE 3
ZONING DISTRICTS AND ZONING MAP**

3-1 Establishment of Zoning Districts

In order to achieve the purposes of this Ordinance as set forth, all property within the jurisdiction of the City of Mebane is divided into zoning districts with the designations and purposes listed in Section 3-1, subsections A through C as a comprehensive plan. The minimum lot size specified for each residential zoning district in the descriptions below is the general requirement. The specific minimum lot sizes and dimensional requirements for each zoning district are provided in Article 4, Table 4-2-1, Table of Density and Dimensional Requirements. See also Article 5, Section 4 for additional density and built-upon requirements for properties located within a watershed protection overlay district.

Property located in the City's extraterritorial jurisdiction, the use of which is for a *bona fide* farm purpose, shall be exempt from this ordinance. See N.C.G.S. 160D-903(c).

Amended June 7, 2021

A. General Use Zoning Districts

1. ~~RA-20 Residential Agricultural District. The RA-20 Residential Agricultural District designates properties used for mixed agricultural and residential purposes and some mixed compatible business uses such as day care. This district is generally in the city's extra territorial zoning area. Rezoning within this district should be accomplished with the intent of seeking compatibility with nearby uses within the city. Water and/or sewer may or may not be available in this district. In areas where there is no public water and/or sewer, lot size is determined by the applicable County Health Department. The overall gross density is typically 2.17 units per acre or less.~~
2. **R-20 Residential District.** The R-20 Residential District is established for low-density residential and agricultural purposes with some limited public, semi-public and recreational uses permitted when they are compatible with low density residential development. Water and/or sewer may or may not be available in this district. In areas where there is no public water and/or sewer, lot size is determined by the applicable County Health Department. The overall gross density is typically 2.17 units per acre or less.
3. **R-15 Residential District.** The R-15 Residential District is established for moderate density residential uses in areas with public water and sewer with some limited agricultural, public, semi-public, and recreational activities that are compatible with residential development. The overall gross density is typically 2.9 units per acre or less.

Commented [CS4]: Only one of these zoning districts in City. UDO allows bona fide farm operations exemptions from nearly all City standards and many of the goals of the RA-20 district can be accomplished with other standards, as reflected in additional amendments

4. **R-12 Residential District.** The R-12 Residential District is established for moderate density residential uses with some limited agricultural, public, semi-public, and recreational activities that are compatible with residential development. The overall gross density is typically 3.63 units per acre or less.
5. **R-10 Residential District.** The R-10 Residential District is established for moderate to high residential use; limited public, semi-public and commercial uses permitted when they are compatible with residential development. The overall gross density is typically 4.35 units per acre or less.
6. **R-8 Residential District.** The R-8 Residential District is established for moderate to high density two-family and multi-family residences with limited public, semi-public, and commercial uses, permitted when they are compatible with high density residential development. The overall gross density is typically 5.44 units per acre or less for single family residences and approximately 10 units per acre for multi-family residences.
7. **R-6 Residential District.** The R-6 Residential District is established for high density two-family and multi-family residences with limited public, semi-public, and commercial uses, permitted when they are compatible with high density residential development. The overall gross density is typically 7.26 units per acre or less for single family residences and approximately 14 units per acre for multi-family residences and is intended to make efficient use of available land.
8. **O&I Office and Institutional District.** The Office and Institutional District is established to provide for business and professional office use, service occupations and light commercial uses, **as well as higher density residential uses**. Because the Office and Institutional uses are subject to the public view, developers and operators of offices and business shall provide an appropriate appearance, ample parking and design of entrances, and exists to offices and businesses in a manner to minimize the traffic congestion. Residential densities range from 5.44 units per acre for single family residences to 8.71 units per acre for multi-family residences.
9. **B-1 Central Business District.** The B-1 Central Business District is established as the centrally located trade and commercial service area to provide for retailing goods and services to the passing motorists and residents living in the area, **as well as to allow for higher density residential dwellings consistent with the denser development type of an urban center**. Because the business uses are subject to the public view, developers and operators of businesses should provide an appropriate appearance, **pedestrian accessibility**, ample parking, and design of entrances and exists to businesses in a manner to minimize traffic congestion. The regulations of this district are designed to permit a concentrated development of permitted uses while maintaining a substantial relationship between the intensity of land uses and the capacity of utilities and streets.

Commented [CS5]: Reflects allowed permitted residential uses.

Commented [CS6]: Reflects allowed permitted residential uses.

10. **B-2 General Business District.** The B-2 General Business District is established to provide for a compact neighborhood shopping district which provides convenience goods such as groceries and drugs and some types of personal services to the surrounding residential area. They are generally located on major thoroughfares and collector streets in the Mebane planning area. The regulations are designed to protect the surrounding residential districts and provide an appropriate community appearance. Ample parking and design of entrances and exists to businesses must be established in a manner to minimize traffic congestion.
11. **B-3 Neighborhood Business District.** The B-3 Neighborhood Business District is established as a district in which the principal use of land is for the retailing of goods and services to the adjacent residential neighborhoods. The regulations of this district are indented to provide for smaller scale retail trades and services in designated shopping areas, with standards designed to protect abutting residential areas **and accessibility to pedestrians and cyclists.**
12. **M-1 2 Light Manufacturing District.** The M-1 2 Light Manufacturing District is established for industry assembly, fabrication and warehousing located on planned sites with access to major highways and streets and with adequate utility facilities. This district is intended to allow a lower density of manufacturing and warehousing operations which create a more desirable appearance and less environmental pollution than a more dense manufacturing zone. These uses by their nature may create some nuisance which is not properly associated with residential institutional, commercial, and/or service establishments. These uses normally seek outlying locations on large tracts of land where the operations involved do not detract from the development potential of nearby development property. The purpose of these regulations is to control building and traffic congestion and to provide an appropriate community appearance.
13. **M-2 4 Heavy Manufacturing District.** The M-2 4 Heavy Manufacturing District is established for those areas of the community where the principle use of land is for manufacturing, industrial, and warehousing uses. These uses, by their nature, may create some nuisances which are not properly associated with residential, institutional, commercial and/or service establishments. These uses normally seek outlying locations on large tracts of land where the operations involved do not detract from the development potential of nearby undeveloped properties.

Commented [CS7]: Per City's adopted Bike/Ped Plan

Commented [CS8]: Current use of M-1 as "Heavy" and M-2 as "Light" is confusing and inconsistent with zoning elsewhere; the higher number ("M-2") should suggest more intensive uses ("Heavy").

B. Conditional Zoning Districts

1. In addition to the general use zoning districts established in Section 3-1, A, a corresponding conditional zoning district, bearing the designation 'CD', may be established in accordance with the provisions of Section 9-7. Accordingly, the following conditional zoning districts may be designated upon approval by the City Council of a petition by the property owners to establish a conditional zoning district:

~~(a) RA-20(CD) Residential Agricultural Conditional Zoning District~~

- (b) R-20(CD) Residential Conditional Zoning District
- (c) R-15(CD) Residential Conditional Zoning District
- (d) R-12(CD) Residential Conditional Zoning District
- (e) R-10(CD) Residential Conditional Zoning District
- (f) R-8(CD) Residential Conditional Zoning District
- (g) R-6(CD) Residential Conditional Zoning District
- (h) O&I(CD) Office and Institutional Conditional Zoning District
- (i) B-1(CD) Central Business Conditional Zoning District
- (j) B-2(CD) General Business Conditional Zoning District
- (k) B-3(CD) Neighborhood Business Conditional Zoning District
- (l) M-1(CD) ~~Heavy~~ Light Manufacturing Conditional Zoning District
- (m) M-2(CD) ~~Light~~ Heavy Manufacturing Conditional Zoning District

2. The development and use of property within a conditional zoning district is subject to specific, stated rules, regulations, and conditions imposed as part of the legislative decision creating the district. All descriptions and definitions which apply to a general use zoning district also apply to the corresponding conditional zoning district, and modification of specific general use zoning district provisions may be permitted through the legislative decisions of City Council. Conditional zones are not intended to avoid site conditions that are appropriately addressed by a variance. All other rules, regulations, and conditions which may be offered by the property owner and approved by the City Council as part of the rezoning process shall also apply. Property may be placed in a conditional zoning district only in response to a petition by the owners of all of the property proposed to be included in the conditional zoning district. Requirements for conditional zoning districts are delineated in Section 9-7.

Amended November 5, 2018; June 7, 2021

C. Overlay Zoning Districts

1. Overlay districts establish certain regulations that are in addition to those of the underlying general use or conditional zoning districts. Property within a designated overlay district may be used in a manner

permitted in the underlying general use or conditional zoning districts only if and to the extent such use is also permitted in the applicable overlay district.

2. The following overlay districts are established:

- (a) **MH Manufactured Housing Overlay District.** ~~The MH Manufactured Housing Overlay District is established to provide regulations governing the development of manufactured housing on individual lots in certain areas of the city.~~

The Manufactured Housing Overlay District is intended to provide for alternative housing opportunities by allowing the placement of manufactured homes on individual lots within specific defined areas which overlay the R-10, Residential general zoning districts. The Manufactured Housing Overlay District is established pursuant to Article 9, Section 160D of the North Carolina General Statutes and this Ordinance. These regulations are specified in Article 5, Section 5-4.4, Section 7-3.A.

- (b) **WCA Watershed Critical Area Overlay District.** The WCA Watershed Critical Area Overlay District, establishes regulations for protecting the Critical Area portion of the Graham-Mebane Lake Public Water Supply Watershed as designated by the NC Environmental Management Commission. These regulations are specified in Article 5, Section 4.

Amended June 7, 2021

- (c) **GWA General Watershed Area Overlay District.** The GWA General Watershed Area Overlay District establishes regulations for protecting the portion of the Graham-Mebane Lake Public Water Supply Watershed outside of the watershed Critical Area (also known as the Balance of Watershed Area) as designated by the NC Environmental Management Commission. These regulations are specified in Article 5, Section 4.

Amended June 7, 2021

- (d) **FHO Flood Hazard Overlay District.** The FHO Flood Hazard Overlay District sets forth regulations that will protect people and property from the hazards of flooding. The FHO shall include the land in the floodplain within the zoning jurisdictional area of the City of Mebane that is subject to a one percent or greater chance of flooding in any given year. As used in this Ordinance, the term refers to that area designated as subject to flood from the one hundred year flood on the Flood Insurance Rate Maps prepared by the Federal Emergency Management Agency; copies of which are on file in the City of Mebane Planning and Zoning

Commented [CS9]: No new changes in text but relocating text from Article 5 in an effort to focus that article exclusively on environmental regulations. The description is placed here and development standards in 4-7.3, where cross-references to Article 5 had previously been made.

Department. The regulations applicable to the Flood Hazard Overlay District are specified in Article 5, Section 7.

Amended June 7, 2021

- (e) **HCO, Highway Corridor Overlay District.** The Highway Corridor Overlay District is established to provide specific appearance and operational standards for major highway corridors and other gateway entrances into the City of Mebane while accommodating development along the corridors. The manner in which land uses impact interchanges, intersections, and feeder roads is of particular concern in this overlay district.

The Highway Corridor Overlay District boundaries shall encompass land located within a buffer extending five hundred feet in depth on either side of the designated highway right-of-way or as specifically delineated on the official zoning map. Designated thoroughfare corridors include the following:

- (1) **(Reserved)** [*deleted April 7, 2008*]

Reduction of the depth of district boundaries may be granted, at the discretion of the City Council, when:

- a. Intervening topography or other permanent natural features preclude adjacent development from being visible from the designated highway corridor; or
- b. The adjacent underlying zoning is classified as residential and existing or approved residential development has already defined or substantially altered the natural character of the adjacent land.

Within the HCO, specific standards have been developed regarding buffers between incompatible uses, landscaping, unified architectural design, maximum building height, pedestrian access, traffic impact analyses, signage, outdoor lighting, and vehicular access/driveways. Supplementary Highway Corridor Overlay District standards are delineated in Section [6-7.14.F.](#)

Commented [CS10]: See corresponding note

Amended June 7, 2021

3. Any general use or conditional district may also be zoned one of the overlay districts. In such case, the land is subject to not only the requirements of the underlying general use or conditional district but also the additional requirements of the overlay district. In all such cases, the most restrictive requirements shall prevail.

3-2 Establishment of Official Zoning Map

A. Official Zoning Map

The City of Mebane planning and zoning jurisdiction is hereby divided into zones, or districts, as established in Section 3-1, subsections A through C. The official zoning map is the most recent copy of the electronic zoning map as produced and maintained by the Planning and Zoning Department.

Commented [CS11]: New Zoning Map reflects the elimination of Conditional Use districts ("CU") by NCGS 160D and updates the City's map to use nationally recognized zoning symbols and colors

B. Map Changes

If changes are made in district boundaries or other matters portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map. Amendments to the Official Zoning Map shall be made utilizing the same procedures that apply to text amendments, as set forth in Article 9. Specific public hearing notice requirements are, however, delineated in Section 9-5, F for zoning map amendments.

C. Unauthorized Changes

No changes in zoning district boundaries shall be made on the Official Zoning Map, except in conformance with the procedures set forth in this Ordinance. Any unauthorized change shall be considered a violation of this Ordinance.

D. Map Location

Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map, which shall be located in the City of Mebane Planning and Zoning Department, shall be the final authority as to the current zoning of property within the city's planning and zoning jurisdiction.

E. Replacement of Official Zoning Map

The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The replacement Official Zoning Map shall be identified by the signature of the Mayor, be attested by the City Clerk, and bear the seal of the City of Mebane.

F. Interpretation of Zoning District Boundaries

Guidelines regarding the interpretation of zoning district boundaries are provided in Section 12-3. The Board of Adjustment, in accordance with the provisions of Section 12-3.2, is authorized to make interpretations regarding the zoning map and to pass upon disputed questions of zoning district boundaries.

Amended June 7, 2021

**ARTICLE 4
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ARTICLE 4
USE REGULATIONS, DENSITY AND DIMENSIONAL STANDARDS, AND
DEVELOPMENT STANDARDS FOR INDIVIDUAL USES

4-1 Permitted Uses

A. Table of Permitted Uses

1. Within each zoning district indicated on the Official Zoning Map and subject to all requirements and conditions specified in this Ordinance, land, buildings, and structures shall only be used and buildings and structures shall only be erected which are intended or designed to be used for uses listed in the Table of Permitted Uses, Table 4-1-1.
2. In the appropriate columns of Table 4-1-1 uses permitted by right with a zoning permit in the various districts are indicated by a 'Z'; 'P'; uses permitted by right with a zoning permit subject to meeting additional development standards (as set forth in Section 4-7, Development Standards for Individual Uses) are indicated with a 'D'; uses requiring a special use permit from the Board of Adjustment are indicated by an 'BA'; and uses requiring a special use permit from the City Council are indicated by a 'CC' 'S'. Special uses must also comply with the development standards delineated in Section 4-7 as well as any additional standards or conditions required by the permit-issuing board. Permit applications and site plans for the uses designated in Table 4-1-1 with a 'D', 'BA', or 'CC' 'S' shall demonstrate how compliance with the applicable development standards will be achieved.
3. A blank space in the table indicates that a particular use is not permitted. Should there be a discrepancy between the Table of Permitted Uses and any other section of this Ordinance as to a use being permissible, the Table of Permitted Uses shall prevail.
4. Exempt uses are indicated by an 'E' in Table 4-1-1.

B. Formulation of Permitted Use Table

1. The Standard Industrial Classification (SIC) Manual - 1987 was utilized in the preparation of this table and shall be referred to as a guide for purposes of interpretation by the Zoning Administrator. SIC codes are used to refer to SIC Classifications. Entries with '0000' in the Reference SIC column do not correspond to any classification in the SIC Manual.

Commented [CS12]: Proposed changes to key are to make table more accessible to the general public and consistent with what most other communities use.

4-1-1 Table of Permitted Uses															
02/04/08; amended 04/07/08, 05/03/10, 07/11/11, 08/05/13, 04/07/14, 10/06/14; 07/09/18; 11/05/18; 03/04/19; 10/17/19; 06/01/20															
SIC	Ref.	Development Standards	Zoning Districts												
			RA20	R20	R15	R12	R10	R8	R6	OI	B1	B2	B3	M1	M2
RESIDENTIAL USES															
Single Unit Residential															
			P	P	P	P	P	P	P						
			P	P	P	P	P	P	P						
							S								
								D	D						
Multiple Unit Residential															
								D	D		D				
								D	D		D				
							S								
								D	D		D				
								D	D		D				
								D	D		D				
								D	D		D				
								P	P						
Group Residential															
			D								D	D			
			D	D	D	D	D	D	D						
										D		D			
			D	D	D	D	D	D	D	D	D	D	D	D	D
Nontraditional Innovative Residential Developments															
								D	D	D	D	D	D		
				D	D	D	D	D	D	D	D				
				D	D	D	D	D	D						
				D	D	D	D	D	D						
ACCESSORY USES AND STRUCTURES															
			D	D	D	D	D	D	D						
										BA	D	P	D		
			P	P	P	P	P	P	P	P	P	P	P	P	P
			D	D	D	D	D	D	D	D	D	D	D	D	D
			D	D	D	D	D	D	D		P	P	P	P	P
			P	P	P	P	P	P	P	P	P	P	P	P	P

P = Permitted by right
D = Development standards must be met
E = Exempt from UDO regulation

BA = Special Use request, Board of Adjustment
S = Special Use request, City Council

4-1-1 Table of Permitted Uses															
02/04/08; amended 04/07/08, 05/03/10, 07/11/11, 08/05/13, 04/07/14, 10/06/14; 07/09/18; 11/05/18; 03/04/19; 10/17/19; 06/01/20	Ref.	Development Standards	Zoning Districts												
	SIC		RA20	R20	R15	R12	R10	R8	R6	OI	B1	B2	B3	M1	M2
Home Occupation	0000	Sec. 4-7.4 E	D	D	D	D	D	D	D		D				
Satellite Dish Antenna	0000	Sec. 4-7.4 F	D	D	D	D	D	D	D	P	P	P	P	P	P
Signs	0000	Sec. 6-6	P	P	P	P	P	P	P	P	P	P	P	P	P
Swimming Pool	0000	Sec. 4-2-B	P	P	P	P	P	P	P		P	P	P	P	P
RECREATIONAL USES															
Amusement or Water Parks, Fairgrounds	7996														
Athletic Fields	0000	Sec. 4-7.5 A	S	S	S	S	S	S	S			S		S	S
Auditorium, Coliseum or Stadium	0000	Sec. 4-7.5 B									S	S		S	S
Batting Cages, Outdoor	7999	Sec. 4-7.5 C	D									D		D	
Batting Cages, Indoor	7999											P			
Billiard Parlor, Pool Hall	7999										P	P	P		
Bingo Parlor	7999										P	P			
Bowling Center	7933											P		P	P
Campground/RV Park	7033	Sec. 4-7.5 D		BA										BA	BA
Civic, Social and Fraternal Clubs and Lodges	8641	Sec. 4-7.5 E	BA	BA	BA	BA	BA	BA	BA	BA	D	D	D		
Indoor Recreation featuring Coin-Operated Amusements and similar entertainment, except Adult Arcade & Video Gaming Arcade	7993										P	P	P		
Community Center	7999	Sec. 4-7.5 F	BA	BA	BA	BA	BA	BA	BA	BA					
Country Club with Golf Course	7997	Sec. 4-7.5 G	BA	BA	BA	BA	BA	BA	BA	BA		BA	BA		
Dance School, Music Instruction, School for the Arts	7911										P	P	P		
Fishing Lake	7999													P	P
Fortune Tellers, Astrologers	7999										P	P	P		
Go-Cart Raceway	7999														P
Golf Course, Outdoor	7992	Sec. 4-7.5 H	BA	BA	BA	BA	BA	BA	BA			BA	BA	BA	BA
Golf Course, Miniature	7999											P	P	P	
Golf Driving Range	7999											P		P	
Physical Fitness Center, Training Center Health Club or Gym	7991									P	P	P	P	P	P
Private Club or Recreational Facility, Other Outdoor	7997	Sec. 4-7.5 I	D	D	D	D	D	D	D	P-D	P-D	P	P-D	P	P
Public Park or Recreational Facility, Other	7990	Sec. 4-7.5 I	D	D-P	D-P	D-P	D-P	D-P	D-P	D-P	D-P	D-P	D-P	D-P	D-P
Race Track Operation	7948	Sec. 4-7.5 J													S
Riding Academy, Riding Stables, Equestrian Facility	7999	Sec. 4-7.5 H	S	S	S										S
Shooting Range, Indoor	7999	Sec. 4-7.5 L												D	D
Skating Rink	7999											P		P	

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SIC	Ref.	Development Standards	Zoning Districts												
			RA20	R20	R15	R12	R10	R8	R6	OI	B1	B2	B3	M1	M2
	7997										P	P	P	P	P
	7997	Sec. 4-7.5 N	BA	BA	BA	BA	BA	BA	BA		P	D	P	P	P
EDUCATIONAL AND INSTITUTIONAL USES															
	4119										P	P	P	P	P
	0000	Sec. 4-7.6 A	S	S	S	S	S						D		P
	0000	Sec. 4-7.6 B	D	D	D	D	D	D	D	D	D	D	D	D	P
	8661	Sec. 4-7.6 C	D	D	D	D	D	D	D	D	D				S
	8220	Sec. 4-7.6 D									S	S	S		D
													S		P
	8322	Sec. 4-7.6 F	D	D	D	D	D	D	D	D	P	P	P	P	P
	8322	Sec. 4-7.6 G	S	S	S	S	S	S	S	S	P	P	P	P	P
	8322	Sec. 4-7.6 G.1	S	S	S						D	D	P	D	S
	8211	Sec. 4-7.6 H	BA	BA	BA	BA	BA	BA	BA	BA			BA	BA	
	9224	Sec. 4-7.6 I	D	D	D	D	D	D	D	D	P	P	P	P	P
	9000										P	P	P	P	P
	8062										P				
	8231	Sec. 4-7.6 J	D	D	D	D	D	D	D	D	P	P	P	P	P
	8412										P	P	P	P	
	0000										P	P			P
	8050	Sec. 4-7.6 K	D	D	D	D	D	D	D	D	P	P	P	P	
	8364	Sec. 4-7.6 L	D	D	D	D	D	D	D	D	P		P		
	9221										P	P	P	P	P
	0000										P	P	P	P	P
	0000	Sec. 4-7.6 M	D								P	P	P		D
	9411										P	P			P
	8093										P	P			P
	8240										P	P			P
	8052										P	BA	P	BA	P
BUSINESS, PROFESSIONAL and PERSONAL SERVICES															
	7312											P	P	P	P
	7521										P	P	P	P	P

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			RA20	R20	R15	R12	R10	R8	R6	OI	B1	B2	B3	M1	M2
Automobile Rental or Leasing	7510										P-S	P		P	P
Automobile, ATV, and Motorcycle Repair Services, Minor	0000	Sec. 4-7.7 A									S	P-D	S	P-D	P
Automobile Repair Services, Major	0000	Sec. 4-7.7 A												S	S
Automobile Towing and Storage Services	7549													P	P
Bank, Savings and Loan, or Credit Union, inc. ATMs	6000									P	P	P	P		
Barber Shop, Beauty Shop, Cosmetic Tattoos	7241	Sec. 4-1.G								P	P	P	P		
Bed and Breakfast or Tourist Home	7011	Sec. 4-7.7 B	E	D	D	D	D			P	D	P	P-D		
Bicycle, Motorcycle Repair	3751										P	P	P	P	
Blacksmith	7699											P		P	
Boat Repair	3730													P	P
Car Wash, Auto Detailing	7542											P	P		P
Clothing Alteration or Repair	0000										P	P	P		
Contractor Office with Outside Storage Yard	0000	Sec. 4-7.7 C												D	D
Computer Maintenance and Repair	7378										P	P	P	P	
Craft Studio											P	P	S	P	
Equipment Rental and Leasing (no outside storage)	7350											P		P	P
Equipment Rental and Leasing (with outside storage)	7350	Sec. 4-7.7 D												D	D
Equipment Repair	7690													P	
Funeral Home, Crematorium	7261									P	P	P			
Furniture Refinishing and Repair, Upholstery Shops	7641													P	P
Furniture Display and Showrooms	0000									P		P			
Hotel or Motel, except Adult Motel**	7011									P	P	P			
Insurance Agency, no On-site Claims Inspections	6411									P	P	P	P		
Insurance Agency, with On-site Claims Inspections	6411											P		P	
Kennels, with Outside Runs	0752			S	S									S	S
Kennels, with No Outside Runs	0752	Sec. 4-7.7 E		S	S							P		P	P
Landscape and Horticultural Services	0780											P		P	
Laundromat, Coin-Operated	7215										P	P	P		
Laundry or Dry Cleaning Plant	7211														P
Laundry or Dry Cleaning, Retail Facility	7212									P	P	P	P		P
Locksmiths, Gunsmiths	7699										P	P	P		
Makerspace											P	P	S	P	
Martial Arts Instructional School	7999									P	P	P	P		
Medical or Dental Laboratory	8071										P	P	P	P	
Medical or Dental Offices	8021									P	P	P	P		

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			RA29	R20	R15	R12	R10	R8	R6	OI	B1	B2	B3	M1	M2		
Medical Office Park	8011										P		P			P	
Offices, General	0000										P	P	P	P			
Office Uses Not Listed Elsewhere	0000										P	P	P				
Pest or Termite Control Services	7342												P			P	
Photocopying and Duplicating Services	7334										P	P	P	P		P	
Photofinishing Laboratory	7384												P			P	P
Photography, Commercial Studio	7335										P	P	P	P			
Refrigerator or Large Appliance Repair	7623															P	P
Research, Development or Testing Services	8730															P	P
Roofing Shop	4764															P	
Services, Miscellaneous Not Listed Elsewhere	7699										BA		P			P	
Shoe Repair or Shoeshine Shop	7251											P	P	P	P		
Stock, Security, and Commodity Brokers	62											P	P	P	P		
Tattoo Parlor & Body Piercing													P	P	S		
Television, Radio or Electronics Repair	7620													P	P	P	P
Theater (indoor), except Adult Theater**	7832											P	P	P			
Theater (outdoor)	7833											P		P			
Tire Recapping	7534															P	P
Truck Driving School	8249															P	P
Truck and Utility Trailer Rental and Leasing	0000															P	P
Truck Washing	7542																S
Veterinary Clinic	0742											P		P		P	
Vocational, Business or Secretarial School	8240											P		P		P	
Watch, Clock, and Jewelry Repair	7631											P	P	P	P		
Welding Shop	0000																P
RETAIL TRADE																	
ABC Store (packaged liquor)	5921												P	P			
Antique Store	5932												P	P	P		
Apparel and Accessory Store	5600												P	P	P		
Appliance Store	5722												P	P	P		
Arts and Crafts	0000												P	P	P		
Auto Supply Sales	5531												P	P			
Bakery	5461												P	P	P		
Bar, Night Club, Tavern, Brewpub	5813	Sec. 4-7.8 A											P	P-D	D		
Bicycle, Motorcycle Sales	5571												P	P		P	

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SIC	Ref.	Development Standards	Zoning Districts													
			RA20	R20	R15	R12	R10	R8	R6	OI	B1	B2	B3	M1	M2	
Boat Sales	5551												P		P	P
Bookstore, except Adult Bookstore**	5942									P	P	P	P			
Building Supply Sales	5211	Sec. 4-7.8 B										D			D	D
Convenience Store, no Gas Pumps	5411										P	P	P	P	P	P
Convenience Store, with Gas Pumps	5411	Sec. 4-7.8 C									BA	P	BA	P	P	
Department, Variety or General Merchandise	5300										P	P				
Drugstore or Pharmacy	5912									P	P	P	P			
Farm Supplies and Equipment	0000	Sec. 4-7.8 H										D			P	P
Floor Covering, Drapery or Upholstery Interior Decorating	5710										P	P	P	P		
Florist	5992									P	P	P	P			
Food Stores	54	Sec. 4-7.8 D									P	D	P	P	P	
Fuel Oil Sales	5980														P	P
Furniture Sales	5712									P	P	P				
Garden Center or Retail Nursery	5261											P	P	P	P	
Hardware Store	5251										P	P	P	P		
Home Furnishings, Miscellaneous	5719										P	P	P			
Manufactured Home Sales	5271	Sec. 4-7.8 E										S			S	
Miscellaneous Shopping Goods Stores, not listed elsewhere	594										P	P	P			
Motor Vehicle Sales (new and used)	5511										P	BA	P		P	P
Newsstand	5994										P	P	P	P		
Office Supplies and Equipment	5999									P	P	P	P	P		
Optical Goods Sales	5995									P	P	P	P			
Paint and Wallpaper Sales	5231										P	P	P	P		
Pawnshop or Used Merchandise Store	5932										P	P	P			
Pet Store	5999										P	P	P			
Radio, Television, Consumer Electronics, and Music Stores	5731										P	P	P			
Retail Sales, Miscellaneous not listed elsewhere	5999										P	P	P			
Recreational Vehicle Sales	5561											P			P	P
Restaurant (drive-in or take out window only)	5812	Sec. 4-7.8 F									D	D	D	P	P	
Restaurant (with drive-through)	5812	Sec. 4-7.8 G									D	D	D	P	P	
Restaurant (without drive-through)	5812									S	P	P	P	S	P	P
Service Station, Gasoline Sales	5541	Sec. 4-7.8 I									BA	P	BA	P	P	
Shopping Center	0000	Sec. 4-7.8 J										D				
Superstore	0000	Sec. 4-7.8 K										D			D	

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	Ref.	Development Standards	Zoning Districts													
			RA20	R20	R15	R12	R10	R8	R6	OI	B1	B2	B3	M1	M2	
Tire Sales	5531												S		P	P
Truck Stop, Travel Plazas	5541	Sec. 4-7.8 L														S
Video Tape Rental and Sales, except Adult Video Store**	7841												P	P	P	
Retail Stores <3,000 square feet (s.f.)													P	P	P	
Retail Stores 3,000 s.f. - 20,000 s.f.													P	P		
Retail Stores 20,000 s.f. - 50,000 s.f.														P		
WHOLESALE TRADE																
Farm Product Raw Materials	515															P
Hardware	5072									S			P		P	P
Petroleum and Petroleum Products, Bulk Storage	517	Sec. 4-7.9 B													BA	BA
Other Hazardous Materials Trade and Storage	4953															BA
Wholesale Trade, not listed elsewhere	0000														P	P
TRANSPORTATION, WAREHOUSING AND UTILITIES																
Airport or Air Transportation Facility	4500	Sec. 4-7.9 A													S	S
Bulk Mail and Packaging	4212														P	P
Bus Terminal	4100									S					P	P
Broadcast Station	4800												P		P	P
Communication or Broadcasting Studio Facility	4800												P	P	P	P
Communications Tower, Public Safety	0000	Sec. 4-7.9 C	D	D	D	D	D	D	D	D	D	D	D	D	D	D
Communications Tower and All Other Radio, Television Towers Over 50' In Height	0000	Sec. 4-7.9 D	S												S	S
Composting Facility																
Courier Service	4215												P		P	P
Data Center															S	P
Distribution Center	4220														P	P
Farm Product Warehousing and Storage	4221														P	P
Junkyard or Recycling Facility	5093															
Landfill, Construction & Demolition Debris	5093															
Landfill, Municipal Waste																
Landfill, Land Clearing & Inert Debris	4953															
Moving and Storage Service	4214												S		P	P
Outside Storage	0000												S		P	P
Public Works and Public Utility Facilities Essential to the Immediate Area	0000	Sec. 4-7.9 H	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Railroad Station	4010									S	S	S			P	P

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	SIC	Standards	RA20	R20	R15	R12	R10	R8	R6	OI	B1	B2	B3	M1	M2
Railyard														S	P
Recycling Collection Station or Point	0000													P	P
Sewage Wastewater Treatment Plant (Water Resource Recovery Facility)	4952	Sec. 4-7.9 I												S	S
Small Wireless Facility	23713	Sec. 4-7.9.F	D	D	D	D	D	D	D	D	D	D	D	D	D
Solar Farms		Sec. 4-7.9 G	S											S	S
Taxi Terminal	4121										P	P			
Telephone Exchange, Transformer Stations	0000	Sec. 4-7.9 K	BA	BA	BA	BA	BA	BA	BA		BA	BA		BA	BA
Transfer Station, Municipal Solid Waste	4953														BA
Transformer Stations	0000	Sec. 4-7.9 K	BA	BA	BA	BA	BA	BA	BA	BA		BA		BA	BA
Trucking or Freight Terminal	4213														P
Warehousing & Distribution (general-storage, enclosed)	4220														P
Indoor Warehouse (self-storage)	4225											D		P	P
Water Treatment Plant	0000	Sec. 4-7.9 L												S	S
Wireless Communications Facility	23713	Sec. 4-7.9 E	D	D	D	D	D	D	D	D	D	D	D	D	D
MANUFACTURING and INDUSTRIAL USES															
Apparel and Finished Fabric Products	2300													P	P
Bakery Products	2050											S		P	P
Batteries	3691														P S
Beverage Products	2086											P		P	P
Cabinet and Woodworking Shops	2434											S		P	P
Carpets, Bedding	0000													S	P
Chemicals, Paints and Allied Products	2800														P S
Computer and Office Equipment	3570														P
Asphalt, Concrete, Cut Stone and Clay Products	3200														P S
Dairy Products	2020														P
Drugs and Pharmaceuticals	283														P
Electronic and Other Electrical Equipment	36														P
Food Preparation and Related Products, Miscellaneous	209														P
Furniture and Fixtures	2500														S
Glass	3200														P
Hardware and Housewares	0000														S
Heating, Equipment and Plumbing Fixtures	3430														P
Ice	2097											P			P
Industrial and Commercial Machinery	3500														P

P = Permitted by right
D = Development standards must be met
E = Exempt from UDO regulation

BA = Special Use request, Board of Adjustment
S = Special Use request, City Council

4-1-1 Table of Permitted Uses

02/04/08; amended 04/07/08, 05/03/10, 07/11/11, 08/05/13, 04/07/14, 10/06/14; 07/09/18; 11/05/18; 03/04/19; 10/17/19; 06/01/20															
SIC	Ref. Development Standards	Zoning Districts													
		RA20	R20	R15	R12	R10	R8	R6	OI	B1	B2	B3	M1	M2	
Jewelry and Silverware Fabrication, No Plating	3915										P	P		P	
Machine Shop	3599											S		P	P
Manufactured Housing and Wood Buildings	2450													P	S
Metal Fabricating	0000														P
Microbrewery/Microdistillery											S	S		P	P
Millwork, Plywood and Veneer	2430														P
Paper Products	2670													S	P
Printing and Publishing	2700											S		P	P
Printing and Publishing, Incidental to a Newspaper Office	2700										P	P			
Research & Development or Testing Services	8730										S	S		P	P
Rubber and Plastics, Miscellaneous	3000														P
Sheet Metal Shop	0000													P	P
Signs	3993											P		P	P
Soaps and Cosmetics	2840														P
Sporting Goods and Toys	3940													P	P
Textiles	2200														P
Tobacco Products	2110														P
Industry, Light	0000													S	P
Industry, Heavy	0000														S
Manufacturing or Industrial, not listed elsewhere-	0000														P
AGRICULTURAL USES															
Bona fide farm operation except commercial feeder/breeder operation	0000	Sec. 1-5	E	E	E	E	E	E	E	E	E	E	E	E	E
Commercial Feeder/Breeder Operation*	0000	Sec. 4-7.11 A	S												
MINING USES															
Mining, Quarrying, Sand Pits, Clay and Mineral Extraction	1000	Sec. 4-7.12 A													S
TEMPORARY USES															
Arts and Crafts Show	0000										P	P	P	P	
Carnivals and Fairs	7999	Sec. 4-7.13 A	S								S	S	S-D		S-D
Farm Products, Christmas Tree, Pumpkin, Seafood, Firework Stand and Similar Outdoor Seasonal Sales	0000	Sec. 4-7.13 D									P-D	P-D	P-D	P-D	P
Concerts, Stage Show	7920	Sec. 4-7.13 B										D	S-D		
Convention, Trade Show	0000											P	P	P	P
Corn Maze, Hay Rides, and Similar Temporary Uses Associated with a Bona Fide Farm Operation Agritourism	0000	Sec. 4-7.13 C	D	D											

P = Permitted by right
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4-1-1 Table of Permitted Uses																	
02/04/08; amended 04/07/08, 05/03/10, 07/11/11, 08/05/13, 04/07/14, 10/06/14; 07/09/18; 11/05/18; 03/04/19; 10/17/19; 06/01/20	Ref.	Development Standards	Zoning Districts														
			RA20	R20	R15	R12	R10	R8	R6	OI	B1	B2	B3	M1	M2		
Fireworks Stand	0000	Sec. 4-7.13 D											D	D	D	P	P
Health Care Structure		Sec. 4-7.13 F		D	D	D	D	D	D								
Horse Show, Rodeo	7999			S												P	P
Outdoor Fruit and Vegetable Market, Seasonal Farmers Market	5431	Sec. 4-7.13 E	D	D	D							D	D	D	D		
Outdoor Religious Event	0000	Sec. 4-7.13 G		S						S	S D	S D			S D	S D	
Temporary Debris Storage and Reduction Sites		Sec. 4-7.13 L		D						D	D	D	D	D	D	D	
Temporary Construction, Storage or Office; Real Estate Sales or Rental Office (with concurrent building permit for permanent building)	0000		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Temporary Construction Office or Security Residence	0000	Sec. 4-7.13 H	D	D	D	D	D	D	D	D	D	D	D	D	D	P	P
Temporary Portable Storage Containers	0000	Sec. 4-7.13 K	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D
Temporary and Special Events not Listed Elsewhere	0000	Sec. 4-7.13 I								D	D	D	D	D	D	D	D
Turkey Shoot	0000	Sec. 4-7.13 J														D	D
Yard Sale	0000		P	P	P	P	P	P	P								
MISCELLANEOUS USES																	
Adult Establishment**	0000	Sec. 4-7.14 B															S
Animal Shelter	0752															P	P
Billboard, Outdoor Advertising Sign	0000	Sec. 4-7.14 A														D	D
Planned Multiple Occupancy Group (Commercial, Office or Industrial)	0000	Sec. 4-7.14 C								S	S	S	S	S	S	S	S
Video Gaming Arcade	0000	Sec. 4-7.14 D										S					
<p>* Chapter 4 of the City of Mebane Ordinances regulates the keeping of certain animals within the corporate limits of the City of Mebane. Consequently, some animal operations may not be permissible within Zoning districts that are located within the corporate limits.</p> <p>** Adult Establishment includes adult arcade, adult bookstore, adult video store, adult cabaret, adult motel, massage parlor, adult motion picture theater, adult theater, escort agency, sexual encounter studio, or any combination of the foregoing. See Definition in Article 12</p>																	

P = Permitted by right
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2. When a use is not listed in the Permitted Use Table, the Zoning Administrator shall classify it with that use in the table most similar to it. The SIC Manual shall serve as a guide in classifying any unlisted use. If the Zoning Administrator should determine that a use is not listed and is not similar to a use in the Permitted Use Table, then said use is prohibited.
3. Rental and leasing of any commodity shall be permitted under the same classification and in the same districts, as are sales of that commodity, unless rental or leasing of that commodity is listed separately in the Permitted Use Table.

C. Permissible Uses Not Requiring Permits

Notwithstanding any other provisions of this Ordinance, neither a zoning nor a special use permit is necessary for the following uses:

1. Streets.
2. Electric power, telephone, telegraph, cable television, gas, water, and sewer lines, wires or pipes, together with supporting poles or structures, located within a public right of way.
3. Any accessory building with a building dimension of 12 feet or less.
4. Farm buildings except for buildings on a *bona fide* farm used for nonfarm purposes and buildings used for feeder/breeder operations.

D. Change in Use

1. A substantial change in use of property occurs whenever the essential character or nature of the activity conducted on a lot changes. This occurs whenever:
 - (a) The change involves a change from one principal use category to another.
 - (b) If the original use is a combination use, the relative proportion of space devoted to the individual principal uses that comprise the combination use changes to such an extent that the parking requirements for the overall use are altered.
 - (c) If the original use is a combination use, the mixture of types of individual principal uses that comprise the combination use changes.
 - (d) If there is only one business or enterprise conducted on the lot (regardless of whether that business or enterprise consists of one individual principal use or a combination use), that

business or enterprise moves out and a different type of enterprise moves in (even though the new business or enterprise may be classified under the same principal use or combination use category as the previous type of business). For example, if there is only one building on a lot and a florist shop that is the sole tenant of that building moves out and is replaced by a clothing store, that constitutes a change in use. However, if the florist shop were replaced by another florist shop, that would not constitute a change in use since the type of business or enterprise would not have changed. Moreover, if the florist shop moved out of a rented space in a shopping center and was replaced by a clothing store, that would not constitute a change in use since there is more than one business on the lot and the essential character of the activity conducted on that lot (shopping center-combination use) has not changed.

2. A mere change in the status of property from unoccupied to occupied or vice-versa does not constitute a change in use. Whether a change in use occurs shall be determined by comparing the two active uses of the property without regard to any intervening period during which the property may have been unoccupied, unless the property has remained unoccupied for more than 180 consecutive days or has been abandoned.
3. A mere change in ownership of a business or enterprise or a change in the name shall not be regarded as a change in use.

E. Combination Uses

1. When a combination use comprises two or more principal uses that require different types of permits (zoning or special use), then the permit authorizing the combination use shall be:
 - (a) A special use permit if any of the principal uses combined requires a special use permit.
 - (b) A zoning permit in all other cases.

F. Mixed Uses

Two or more permitted uses may occupy the same principal building.

G. Accessory Uses

1. Whenever an activity is conducted in conjunction with another principal use and the former use (i) constitutes only an incidental or insubstantial part of the total activity that takes place on a lot, or (ii) is customarily associated with the principal use and integrally related to it, then the former use may be regarded as accessory to the

principal use and may be carried on underneath the umbrella of the permit issued for the principal use.

2. For purposes of interpreting subsection 1 above:
 - (a) A use may be regarded as incidental or insubstantial if it is incidental or insubstantial in and of itself or in relation to the principal use;
 - (b) To be 'customarily associated' with a principal use it is not necessary for an accessory use to be connected with such principal use more times than not, but only that the association of such accessory use with such principal use takes place with sufficient frequency that there is common acceptance of their relatedness.
3. Without limiting the generality of subsections 1 and 2 above, the following activities are specifically regarded as accessory to residential principal uses so long as they satisfy the general criteria set forth above:
 - (a) Offices or studios within an enclosed building and used by an occupant of a residence located on the same lot as such building to carry on administrative or artistic activities of a commercial nature, so long as such activities do not fall within the definition of a home occupation.
 - (b) Hobbies or recreational activities of a non-commercial nature.
4. Table 4-1-1, Table of Permitted Uses outlines the zoning districts in which specific accessory uses are allowed. See also Section 4-2 B for dimensional standards for accessory structures.
5. Application of cosmetic tattoos, also known as permanent makeup, dermagraphics, or micropigmentation shall be permitted as an accessory use within an otherwise lawful beauty shop, spa, or salon located in an O&I or Business zone provided such use constitutes less than fifty per cent (50%) of the total revenues of such establishment. (Amended July 11, 2011)

H Temporary Uses

Temporary uses are established for a limited duration with the intent to discontinue such use upon the expiration of the time period. Table 4-1-1, Table of Permitted Uses outlines the zoning districts in which temporary uses are allowed. See also Sections 4-7.13, A-J for specific standards and requirements for certain temporary uses.

I. Prohibited Uses

Within certain overlay districts some uses are specifically prohibited. The following uses are prohibited in the overlay districts listed.

1. WCA Watershed Critical Area Overlay District: The following uses are prohibited:
 - (a) New sites for land application of sludge/residual or petroleum-contaminated soils;
 - (b) New landfills;
 - (c) New land uses which use, store, or manufacture hazardous or toxic materials;
 - (d) New land uses which are first permitted in the M-1 or M-2 zoning districts; and
 - (e) New underground fuel or chemical storage tanks.
2. GWA General Watershed Area Overlay District: The following uses are prohibited:
 - (a) New discharging landfills.
3. FHO Flood Hazard Overlay District: The following uses are prohibited in designated floodways and non-encroachment areas:
 - (a) Buildings, including manufactured homes; and
 - (b) Any use that would cause any increase in base flood levels.
4. Open Storage in Business and Manufacturing Zoning Districts: In the B-1, B-2, B-3, and M-2 zoning districts, open storage is not permitted. In M-1 zoning districts, outdoor storage is permitted for uses such as building materials sales, plumbing and heating supply houses, contractor offices and storage yards, industrial supplies and equipment sales. However, all outdoor storage must be enclosed by a solid fence at least six feet in height and landscaped in accordance with the provisions of Section 6-3.

4-2 Density and Dimensional Requirements

A. Table of Density and Dimensional Requirements

The density and dimensional requirements for all general zoning districts are found in Table 4-2-1, Table of Density and Dimensional Requirements. No lot created after the effective date of this Ordinance that is less than the lot width required in Table 4-2-1 shall be entitled to a variance from any building setback requirement.

**Table 4-2-1 Table of Density and Dimensional Requirements
(Amended September 10, 2018; October 4, 2021)**

Zoning District	Minimum Lot Area (Sq Ft.)	Minimum Lot Width (Ft.)	Front Yard Setback (Ft.)	Side Yard Setback (Ft.)	Rear Yard Setback (Ft.)	Maximum Building Height (Ft.)	Maximum Lot Coverage **	Development Standards
RA-20 and R-20								
Single-family dwelling	20,000*	85	30	10 a	25 g	40	40%	
R-15								
Single-family dwelling	15,000	75 85	30	10 a	25 g	35	30% 40%	
R-12								
Single-family dwelling	12,000	65 80	25 30	10 a	25 g	35	30% 40%	
R-10								
Single-family dwelling	10,000	65 70	25 30	10 a	25 g	35	30% 40%	
R-8								
Single-family dwelling	8,000	50 85	25 30	10 a	20 g	40	40%	
Two-family dwelling	10,000	65 85	25 30	10 a	20 g	40	40%	
Multi-family dwelling k	--	85	30	10 a	20 g	50	40%	Sec.4-7.3, E
—1 st two dwelling units	10,000							
—Each additional dwelling unit	4,350							
R-6								
Single-family dwelling	6,000	50 85	25 30	10 a	20 g	40	40%	
Two-family dwelling	8,000	65 85	25 30	10 a	20 g	40	40%	
Multi-family dwelling k	--	85	30	10 a	20 g	50	40%	Sec.4-7.3, E
—1 st two dwelling units	8,000							
—Each additional dwelling unit	3,100							
Other Types of Residential Development (see referenced Development Standards Section)								
Patio homes								Sec.4-7.3, B
Condominiums								Sec.4-7.3, C
Manufactured home parks								Sec.4-7.3, D
Townhouses								Sec.4-7.3, F
Live/Work units								Sec.4-7.3, M
Planned Unit Developments								Sec.4-7.3, N
Residential Cluster Developments								Sec.4-7.3, O
Traditional Neighborhood Developments								Sec.4-7.3, P

Zoning District	Minimum Lot Area (Sq. Ft.)	Minimum Lot Width (Ft)**	Front Yard Setback (Ft.)	Side Yard Setback (Ft.)	Rear Yard Setback (Ft.)	Maximum Building Height (Ft.)	Maximum Lot Coverage***	Development Standards
Manufactured home on individual lot (in MH Overlay District only)								Sec.4-7.3, A
O&I Office & Institutional	10,000 8,000	70	25 30	10	20	40		
Commercial Zoning Districts								
B-1 Central Business *	N/A	N/A	0	c, d	0 c	50 h		
B-2 General Business	12,000 6,000	50	25 40 b	c, d	30 c	70 (amended 04/07/08)		
B-3 Neighborhood Business	5,000	50 N/A	20	20 c, d, i	20	40 35		
Industrial Zoning Districts								
M-1 Heavy Manufacturing	35,000 N/A	100 50	50 30	50 25	20	150 (amended 01/12/15)		
M-2 Light Manufacturing	20,000 N/A	75 50	50 e	35 20 a	20	150 (amended 01/12/15)		

* A minimum of 20,000 sq. ft. is required for lots with public water but not public sewer and 30,000 sq. ft. is required for lots with neither public water nor public sewer or the minimum lot area as determined by the health department to be necessary for an on-site septic system and/or well system, whichever is larger.

** In all zoning districts, the frontage of an individual lot on a public street shall not be reduced below 40 feet.

*** Maximum lot coverage includes principal and accessory buildings

* Structures in the B-1 district shall not intrude into the sight triangles

N/A Not applicable.

a Corner lots add 8 feet to the street side setback.

b The minimum required front yard setback shall be developed for sidewalk, grass, and/or landscape plantings and necessary driveway entrances.

c Side or rear property lines that abut a residential zoning district shall contain a buffer strip in compliance with the standards of Section 6-3.

d Structures may be built on the property line or a minimum of 5 feet from the property line. Any structure built on the property line must have fire walls that comply with the NC State Building Code.

e Except for necessary driveways, the front yard shall not have off-street parking except for visitors and office employees. Parking for non-office employees shall be behind or beside the structure.

f (Reserved)

g Setbacks of detached accessory buildings from rear and side lot lines are governed by Section 4-2, B, 1.

h In the B-1 Central Business Zoning District, every building erected or structurally altered to exceed 50 feet shall be set back from the front line at the ratio of 1 foot for 2 feet rise above said 50 feet but in no case shall the required setback exceed 10 feet. Where lots comprising more than half of the frontage on one side of a block are zoned residential and the lots comprising the remainder of said frontage are zoned business, the height regulations for the residential district shall apply to the lots zoned business.

i In the B-3 Neighborhood Business Zoning District, no side yard shall be required except that (1) buildings erected for dwelling and business purposes shall comply with the side yard regulations of the adjoining residential district and (2) where a lot abuts upon a side of a lot zoned less than 10 feet in width.

j (Reserved)

k Includes condominiums and townhouses.

Notes:

- Setback distances shall be measured from the street right-of-way line or property line to a point on the lot that is the nearest extension of any part of the building that is substantially a part of the building itself and not a mere appendage to it nor a building part allowed to encroach into a setback (see Section 4-3, C).
- Whenever a greater building setback is required by the NC Building Code, such greater setback shall be provided.

Commented [CS13]: Proposed changes made following survey of 12 peer communities and aggregating their development standards. Current lot width and front setbacks for residential purposes are unreasonably large and do not reflect the higher densities and change in development character of more intensive residential districts. The elimination of front setbacks and minimum lot area for multifamily reflects the desire to have apartments and condominiums be in walkable areas and that the development footprint will be driven by open space, parking, and landscaping needs.

Commented [CS14]: Proposed changes also reflect the peer community survey conducted. These amendments will more clearly identify the appropriate locations for business and office uses, as well as bringing business uses closer to the road and sidewalk. The current standards create a requirement for large parking areas in front of buildings. The amendments for Manufacturing districts are reflective of concerns about the impact of such projects on surrounding residences and businesses, and are consistent with common practices in other communities.

Commented [CS15]: B-3 landscaping requirements will require buffering in all situations that will be protective in this situation. The current language is both redundant with other UDO standards and confusing.

3. See Section 4-3, H for calculating setback distance from private streets and for situations where no road private street right-of-way or easement exists.
4. See Section 10-2, D for setbacks on nonconforming lots of record.

B. Accessory Uses, Buildings and Structures

The following requirements are for customary accessory buildings and structures. Other accessory buildings and structures containing specific accessory uses may have additional development requirements found in Section 4-7, Development Standards for Individual Uses.

1. Setback and Location Requirements

- (a) Accessory structures no larger than 144 square feet may be located within three feet of a side or rear yard (*amended August 11, 2008*).
- (b) Garages and carports serving not more than two vehicles may be placed in side yards, provided they meet the zoning district setbacks.
- (c) All other accessory structures shall be located in rear yards and shall be no closer than 10 feet to rear or side yard lines except that permanent swimming pools must comply with the principal building rear and side yard setbacks for the zoning district in which located.
- (d) No accessory structure or building except utility substations and similar appurtenances shall be erected in any easements.

Commented [CS16]: Creates a class of accessory land uses allowed in a side yard

2. Number

- (a) In the R-20, R-15, R-12, R-10, R-8 and R-6 zoning districts, the total of all detached accessory structures shall not exceed two on a single lot.

(i) Requests for additional accessory structures may be considered by the Board of Adjustment.

Commented [CS17]: Allows for BOA discretion to permit more accessory structures on larger lots.

~~(b) In the R-20A zoning district, tracts of land greater than one acre and not recorded as subdivisions may have more than two detached accessory structures.~~

3. Lot Coverage

- (a) The land coverage of principal and accessory buildings shall not exceed the maximum lot coverage shown in Table 4-2-1.

4. Building Materials

- (a) No accessory building shall have an exterior façade constructed of metal materials unless such accessory building (i) is located on a parcel containing at least two 1.5 acres. The materials used must be those allowed by Article 6-2.F.4. (ii) is located within a RA-20 zoning district, and (iii) contains no more than 2,400 square feet of building area (*amended August 11, 2008*).

Commented [CS18]: Metal building materials have come a long way in their appearance and quality since 2008. There are many commonly-used materials that can elevate property values when used. There are materials that would devalue a property and its neighbors and some of those are identified in Article 6 as continuing to be prohibited.

5. Maximum Height
 - (a) The height of all accessory structures and buildings shall comply with maximum height requirements of the zoning district in which located. However, all accessory building setbacks shall increase one foot for every foot in height over 15 feet.
6. Accessory Use Area
 - (a) The area set aside for a home occupation shall occupy no more than 25 percent of the floor area of the residential dwelling unit whether within the residential structure or in an accessory building.
 - (b) Any other nonresidential accessory use in a residential zoning district shall not exceed twenty-five percent of any of the following measures: building volume, floor area, land area, or any other appropriate measure of usage.
7. Prohibition of Manufactured Home as an Accessory Storage Building
 - (a) In no case shall a manufactured home be used as an accessory building for storage purposes or any other use other than a dwelling unit.
8. Parking of Recreational Vehicles in Residential Areas
 - (a) The parking of recreational vehicles (RVs) in the driveways of residential dwellings shall be considered an accessory use but in no case shall such RVs be occupied as temporary or permanent dwellings.
9. Development Standards for Certain Accessory Uses and Structures
 - (a) Section 4-7.4 contains additional development standards for certain accessory uses such as accessory dwelling units, caretaker dwellings, communication towers over 50 feet in height, home occupations, and satellite dish antennae.
 - (b) Requirements and standards for temporary portable storage containers are delineated in Section 4-7.13, K.

C. Mechanical, Utility, and Trash Containment Areas

1. Mechanical and Utility Equipment in Nonresidential Developments

Heating, ventilation, air conditioning, and other mechanical and utility equipment, which is located on, beside, or adjacent to any building or development shall be fully screened from the view of streets and adjacent property. The screen shall exceed the height

Commented [CS19]: No change in text. Relocated from Article 6's landscaping requirements to more appropriately regulate an accessory use with other, similar uses.

of the equipment, shall not interfere with the operation of the equipment, and shall use building materials and design which are compatible with those used for the exterior of the principal building. Where mechanical and utility equipment is [are] located on the roof of a structure, all devices will be fully screened from the view of streets or adjacent property after grading or other improvements are made outside or adjacent to the site.

Utility equipment and facilities associated with on-site electric, cable, telephone, gas or other similar utility shall be screened, to the extent possible, with evergreen plantings or other acceptable alternative approved by the Zoning Administrator. It is noted that certain areas around this equipment and facilities must remain clear based on each utility company's guidelines.

2. **Trash Containment Areas**

All trash containment devices, including compactors and dumpsters, shall be located and designed so as not to be visible from the view of adjacent streets and properties. If the device is not visible from off the site, then it need not be screened. The type of screening used shall be determined based on the proposed location of the trash containment area, existing site conditions, and the type and amount of existing and proposed vegetation on the site. All trash containment devices shall meet the following standards:

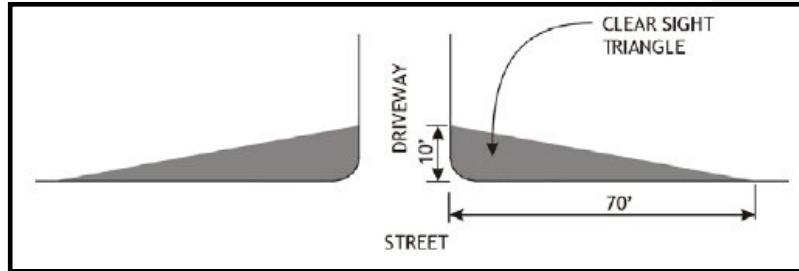
- (a) All trash containment areas shall be enclosed so as to not be seen off-site and be enclosed with solid gates to contain windblown litter.
- (b) The enclosure shall be at least 8 feet tall or 2 feet taller than (whichever is greater) the highest point of the compactor or dumpster.
- (c) The enclosure shall be made of a material that is opaque and compatible with the design and materials of the principal building. The preferable material is masonry with solid metal gates; however, wood and other similar material may be used as long as the material used protects the enclosure from damage caused by unloading the trash container.
- (d) All compactors and dumpsters shall be placed on a concrete pad that is large enough to provide adequate support and allows for positive drainage.
- (e) The enclosure shall contain gates to allow for access and security (gates must be maintained in good working order).

D. Fences and Walls

1. In all zoning districts, fences in yards shall not impede vehicular visibility or movement at any intersection on the edge of driveways with street lines; nor shall they encroach on the right-of-way of a

Commented [CS20]: Perhaps no section of the UDO creates more frustration for the public and their contractors than this section. The proposed revisions are to explicitly clarify what materials are allowed to be used for fences, where those fences can be built, and the rationale for reduced heights for fences in side yards on corner lots.

street. For any corner lot, a sight triangle measuring ten feet from the right of way and extending 70 feet from the edge of each side of the corner lot shall be required when designing the fence dimensions.



(Amended by Mebane City Council, 06/05/2017)

2. Nothing in this subsection shall preclude, however, the installation of temporary fences around construction works, erected or maintained pursuant to the NC Building Code or soil erosion and sedimentation control requirements.
3. The following fence types are permitted in all zoning districts:
 - (a) Masonry or stone walls;
 - (b) Ornamental iron, aluminum, or steel;
 - (c) Chain-link or chain-link panel or slat weave, as regulated in residential districts;
 - (d) Wood;
 - (e) Vinyl picket and/or slat; or
 - (f) Similar materials that may be approved by the Development Director.

Commented [CS21]: Reflective of other high quality materials on the market

Commented [CS22]: See standards but staff is proposing to prohibit chain link fencing in front yards

Commented [CS23]: Reflective of other high quality materials on the market

Commented [CS24]: Clarifies how such materials will be reviewed

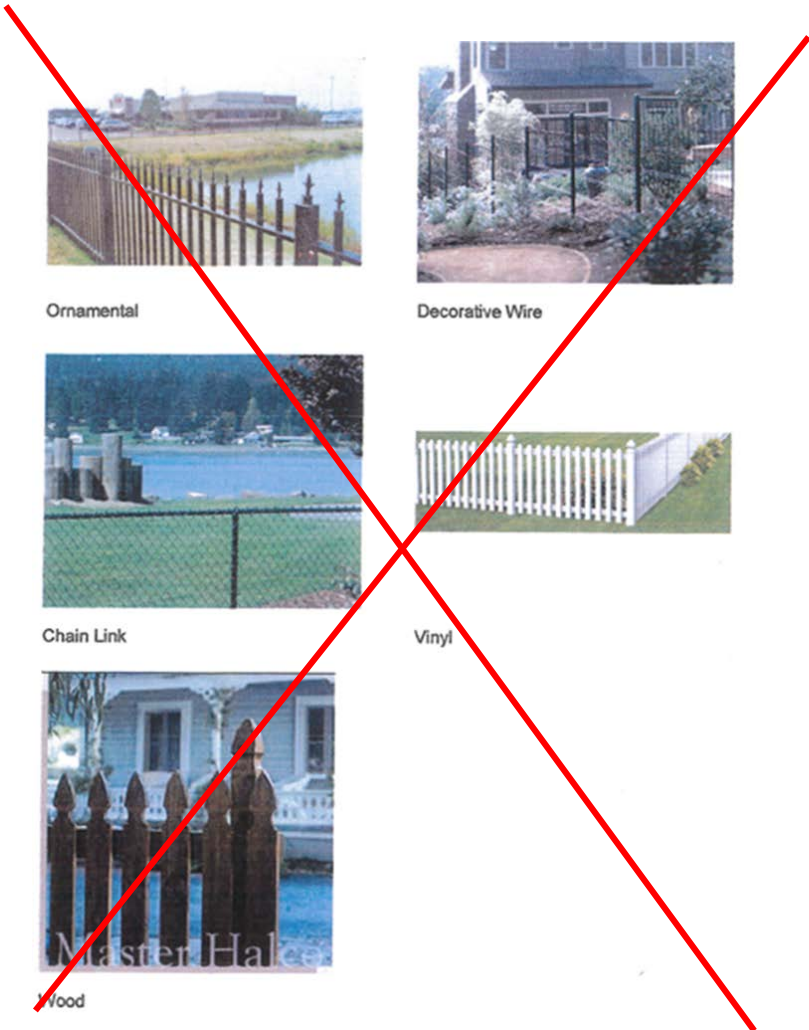


Figure 4-1: Permitted Fence Types



a. Masonry or Stone Wall



b. Ornamental Aluminum, Iron, or Steel



c. Chain Link



d.1 Wood



e.2 Wood



f. Vinyl Picket and/or Slat

Commented [CS25]: New imagery is intended to use more current materials than previously shown in order to give public and staff more guidance on approving fences.

4. The following fence types are prohibited:

- (a) Fences constructed primarily of barbed or razor wire, except for the purpose of enclosing livestock;
- (b) Fences carrying electrical current, except for the purpose of enclosing livestock;
- (c) Fences constructed of readily flammable material such as paper, cloth, or canvas, **except when approved by the Development Director for screening athletic or public facilities;**
- (d) Fences topped with barbed wire or metal spikes in residential districts, except those serving a public institution for public safety or security purposes;
- (e) Fences constructed of concertina wire and;
- (f) Fences constructed of welded wire.**

Commented [CS26]: Common practice for screening athletic facilities for shade and noise buffering purposes.

Commented [CS27]: Clarifies that this is not a permitted fence material

Figure 4-2: Prohibited or Restricted Fence Types



a. Barbed or Razor Wire



b. Electric Fence for Non-Farm Purposes



c. Flammable Material



d. Concertina Wire



e.1 Welded Wire



e.2 Welded Wire

Commented [CS28]: New imagery is intended to use more current materials than previously shown in order to give public and staff more guidance on denying fence requests.

5. Fences shall be maintained in a safe manner plumb (vertical) to the ground. Fences no longer maintained in a safe manner through neglect, lack of repair, manner of construction, method of placement, or otherwise shall be repaired, replaced, or demolished according to current City standards.
6. Fence Standards Height
 - (a) Residential Uses:
 - (1) Front Yard: Fences in yards shall not exceed four feet in height in the front yard and eight feet high in the side and rear yards.—Chain link shall not be used in front yards.

~~(2) Side & Rear Yards: in the front yard and Fences shall not exceed eight feet in height.~~

~~(3) Corner Yards: No fence shall exceed four feet in height within fifteen feet of any public or private street right-of-way. For lots that feature a street frontage on a side yard, fences greater than four feet in height shall be no closer than five (5) feet from the right of way. Otherwise, fence height shall be a maximum of six (6) feet. Materials restrictions in these circumstances are the same as those applying to residential front yards.~~

- (b) Recreational, Agricultural, and Mining Uses: No fence shall exceed eight feet in height unless the fence observes the required principal building setbacks or is at least fifteen feet from all property lines. Otherwise, no fence shall exceed twelve feet in height.
- (c) Commercial, Industrial, Institutional, Office, or Other Nonresidential Uses: No fence shall exceed eight feet in height unless the fence observes the required principal building setbacks or is at least fifteen feet from all property lines.
- (d) Exceptions: Fence height limitations do not apply to fences built in conjunction with electric or gas substations; municipal solid waste disposal facilities; water or sewage treatment plants or facilities; municipal water storage facilities; public correctional and mental institutions; military facilities; or hazardous or radioactive waste storage or disposal facilities.

7. Measurements:

- (a) Fence height shall be measured at the highest point, not including columns or posts, of the fence section as measured from the grade on the side nearest the abutting property or street.
- (b) Columns or posts shall not extend more than eighteen inches above the built height of the fence. Columns or posts shall be separated by a horizontal distance of at least four feet, except at gates.

~~(c) As measured in subsection a. above, any retaining wall or berm below the fence shall be considered as part of the overall height of the fence. Safety railings required by the NC Building Code shall not be included in height measurements.~~

8. Other Fence Requirements

Commented [CS29]: Reflective of public survey responses on this matter and addresses a long-standing frustration of homeowners on placing their fences in side yards of corner lot, where the fence separation is often greater than the side yard setback for the home

Commented [CS30]: This current standard essentially penalizes the use of berms to assist in screening purposes. Most berms are 4' high or taller and a standard fence is 4' high or taller, making it difficult to keep the total screen under 8', as required in many zoning districts.

- (a) **Obstruction of View:** No fence shall be placed or retained in such a manner as to obstruct vision at any intersection with public or private streets.
- (b) **Obstruction of Access:** No fence shall block access from doors or windows. Fences shall be located at least two feet from building walls except where fences project from a building wall.
- (c) **Obstruction of Drainageway:** Fence construction shall not alter or impede the natural flow of water in any stream, creek, drainage swale, or ditch.
- (d) **Orientation of Barbed Wire:** On fences topped with barbed wire, the bottom strand must be at least six feet above grade.
- (e) **Within Utility Easements:** No fence shall be located within a utility easement without review and approval by the utility provider, **including the City.**
- (f) **Within Required Planting Areas:** The setback of fences within a required planting area shall be subject to the approval of a landscaping plan.
- (g) Fences shall be constructed such that exposed framing faces the interior yard and not a public or private street right-of-way.

D. Zero Side Setback

1. **Zero Side Setback Option:** Zero side setback development may be used in any zoning district which permits single-family developments if the development contains ten or more contiguous lots and is served by public sanitary sewer. Zero side setbacks and proposed building locations must be delineated on the approved subdivision plat.
2. **Development Standards:**
 - (a) Setbacks of zero feet are permitted only where the lots on both of the affected lot lines are part of a zero side setback development.
 - (b) A wall and roof maintenance easement (five feet along one-story walls, ten feet along two-story walls) shall be provided on the opposite side of the zero setback lot line.
 - (c) Whenever one side setback is zero, the minimum setback on the opposite side of the same lot shall be twice the minimum side setback required by this Ordinance for the zoning district in which the development is located.
 - (d) If the side wall of the structure is located on or within three feet of the property line, windows or other openings that allow for visibility into the side yard of the adjacent lot shall not be

allowed. However, windows such as clerestory or translucent windows that do not allow visibility into the side yard of the adjacent lot shall be allowed.

- (e) The subdivision shall be designated as a zero side setback subdivision on the plat at the time of approval.

E. Dimensional Requirements for Nontraditional Lot Developments

1. Residential Cluster Developments. Dimensional requirements and standards specific to Residential Cluster Developments are delineated in Section 4-7.3, O.
2. Townhouse Developments. Dimensional requirements and standards specific to Townhouse Developments are delineated in Section 4-7.3, F.
3. Planned Unit Developments. Dimensional requirements and standards specific to Planned Unit Developments (PUDs) are delineated in Section 4-7.3, N.
4. Condominium Developments. Dimensional requirements and standards specific to Condominium Developments are delineated in Section 4-7.3, C.
5. Manufactured Home Parks. Dimensional requirements and standards specific to Manufactured Home Park Developments are delineated in Section 4-7.3, D.
6. Live/Work Developments. Dimensional requirements and standards specific to Live/Work Developments are delineated in Section 4-7.3, M.
7. Traditional Neighborhood Developments. Dimensional requirements and standards specific to Traditional Neighborhood Developments (TNDS) are delineated in Section 4-7.3, P.

4-3 Supplementary Dimensional Requirements

A. Structures Permitted Above Height Limits

Except as otherwise prohibited by this Ordinance, the height limitations of this Ordinance shall not apply to public buildings, church spires, belfries, cupolas and domes not intended for residential purposes, or to monuments, water towers, observation towers, power transmission towers, silos, grain elevators, chimneys, smokestacks, derricks, conveyors, flag poles, radio, television and communication towers, masts, aerials and similar structures, provided such structures meet the required NC Building Code.

B. Prevailing Front Yard Setback

Where fifty percent or more of the lots in a recorded subdivision on the same side of the street as the lot in question are developed with less than the

required front yard setbacks, the average setback of the two principal buildings nearest that lot shall be observed as the required minimum setback.

C. Encroachments into Required Setbacks

1. Encroachments Permitted in Required Setback: The following are permitted in required setbacks provided there is no interference with any sight area:
 - (a) Landscaping features, including but not limited to, ornamental pools, planting boxes, sculpture, arbors, trellises, and birdbaths;
 - (b) At grade patios, play equipment or outdoor furniture, ornamental entry columns and gates, flag poles, lamp posts, address posts, HVAC equipment, mailboxes, outdoor fire places, public utility wires and poles, pumps or wells, and fences or retaining walls;
 - (c) Handicapped ramps.
 - (d) Water-dependent structures.
2. Structures Permitted in Required Setbacks: The following structures may encroach into any required setback:
 - (a) Cornices, steps, overhanging eaves and gutters, window sills, bay windows or similar architectural features, chimneys and fireplaces, fire escapes, fire balconies, and fire towers may project not more than two and one-half feet into any required setback, but in no case shall be closer than three feet to any property line; and
 - (b) Porches and decks may encroach into the required front and rear setbacks as follows:

Porch or Deck Type	Setback	Maximum Encroachment	Maximum Area
Covered or Uncovered	Front	3 feet	35 sq. feet
Uncovered Only	Rear	50% of setback	n/a

3. Canopy Projections: Gas station and convenience store pump island canopies may be located in the front setback provided that no equipment or part of a canopy is located closer than 12 feet to a street right-of-way.

D. Easement and Right-of-Way Encroachments

1. Utility Easements: In addition to the lines, boxes, structures, and substation buildings for which utility easements are intended, fences without foundations may be located within utility easements.

2. Drainage Maintenance and Utility Easements: Water-related improvements, such as boat docks, may be placed or constructed within drainage maintenance and utility easements with the approval of the utility provider having jurisdiction over the easement.
3. The repair and replacement of an encroachment structure damaged by the utility provider is the responsibility of the person(s) owning the encroachment structure.
4. Public Street Rights-of-Way: No structure or landscaping plantings may be placed within a public street right-of-way without the express approval of the public entity having jurisdiction over the right-of-way, **as executed by an encroachment agreement signed by all parties.**

Commented [CS31]: Reflects City practice and need for clarity regarding liability and maintenance responsibilities for such encroachments.

E. Setbacks from Thoroughfares

Where proposed street alignments have been established, in accordance with an adopted Thoroughfare Plan, building setbacks shall be measured from the future right-of-way line of the proposed street.

F. Setbacks from Private Streets

Building setbacks from approved private streets shall be the same distance as specified in Table 4-2-1 but shall be measured from the private street right-of-way, private street easement, or the boundary line of the common area reserved for the private street.

G. Setbacks on Flag Lots

Flag Lots: The 'flagpole' portion of this type of lot shall not be used to calculate building setbacks.

H. Setbacks Where No Rights-of-Way Exist

In situations where no street right-of-way exists, the setback from the street shall be calculated by adding 30 feet to the applicable front yard setback required in Table 4-2-1.

I. Visibility at Intersections

No building, structure, wall, fence, shrub or tree shall be erected, maintained, or planted on any lot which will allow an obstruction in the horizontal or vertical sight distance area as defined in Article 12, Definitions.

4-4 General Lot Requirements

A. Principal Buildings per Lot

Every building hereafter erected or moved shall be located on a buildable lot; and in no case shall there be more than one principal residential building and its accessory buildings on a lot except as provided below:

1. Nonresidential Group Development: Two or more principal nonresidential buildings are permitted on a lot pursuant to a site plan approved by the permit-issuing authority, provided that an access driveway is maintained to each building in passable condition for service and emergency vehicles. Buildings must be separated at least twenty feet apart.
2. Residential Group Development: Two or more principal buildings are permitted in a multi-family development pursuant to a site plan approved by the permit-issuing authority, provided that an access driveway is maintained to each building in passable condition for service and emergency vehicles. Buildings must be separated at least twenty feet apart.
3. Manufactured Home Park: More than two principal buildings are permitted in a manufactured home park pursuant to a site plan approved in accordance with the provisions of Section 4-7.3, D.
4. Two or More Single-family Dwellings on a Single Tract: Two or more principal single-family residences are permitted on a single, unsubdivided tract pursuant to a site plan approved by the permit-issuing authority provided that the tract contains sufficient lot area, lot width, and building setbacks for each dwelling. Location of the dwellings on the single tract shall be such that, in the event that the tract is subdivided, each dwelling unit will be situated on a freestanding lot that meets all of the dimensional requirements for the district in which located.

B. Lot Dimensions and Standards

The size, shape, and orientation of lots shall be appropriate for the location of the proposed subdivision and for the type of development contemplated and shall conform to the following:

A. Conformance to Other Regulations

Every lot shall have sufficient area, dimensions, and street access to permit a principal building to be erected thereon in compliance with all zoning district and other use, density, intensity, and dimensional requirements of this Ordinance. Table 4-2-1 delineates minimum density, intensity, and dimensional requirements for each zoning district and Section 7-6.8 provides for design standards for "Small Lot Residential Subdivisions".

B. Minimum Buildable Area

Every lot shall have at least forty percent of its total area, or

Commented [CS32]: Text relocated from Article 7. These standards are universally-applied, not just in subdivisions, and should be with other Lot Standards for citywide application. Some changes are recommended to reflect this new context in General Lot Standards.

3,000 square feet, whichever is less, of contiguous buildable area of a shape sufficient to hold a principal building.

C. Lot Line Configuration

Side lines of lots should be at or near right angles or radial to street lines. No intersecting lot lines shall have an angle of less than 60 degrees.

D. Lot Lines and Drainage

Lot boundaries shall coincide with natural and pre-existing man-made drainageways to the extent practicable to avoid lots that can be built upon only by altering such drainageways. Lots shall have a minimum of one percent grade to streets and/or drainageways. The City recognizes that topographical conditions may exist where the requirement may not be practicable. The absolute minimum for such conditions as approved by the City Engineer shall be 0.5 percent. Utility and drainage easements shall be provided as required in Section 7-6.7, G.

E. Lots on Streets with Capacity Deficiencies

1. Public and private streets necessary to serve lots that, in the opinion of the City Engineer or NCDOT, cannot currently be adequately accessed ~~Major and minor subdivisions shall be provided as required in Section 7-6.5, 7-6.6, and 7-6.7, and as approved by~~ ~~not be approved that propose individual residential lots with direct vehicular access to streets that have, in the opinion of the City Engineer and NCDOT (if applicable).~~ Capacity deficiencies may warrant the prohibition of the issuance of a Certificate of Occupancy or the platting of lots with direct vehicular access to public or private streets.
2. Whenever a proposed subdivision abuts any major or minor thoroughfare or a major collector (as delineated on the latest adopted Thoroughfare Plan), the Planning Board, based upon the recommendation of the City Engineer or NCDOT, may prohibit the platting of lots with direct vehicular access to such roads. The Planning Board's decision to require alternative access shall be based upon the need to provide safe access to proposed lots, reduce interference with the existing traffic pattern and flow, and provide buffering of the proposed lots from adverse effects from traffic noise. Whenever a subdivision fronts on an arterial road or highway, the Planning Board may require a marginal access street to provide access to lots fronting on the arterial road or highway.
3. All developments that may possibly utilize an existing street network with known capacity and service deficiencies or realize them through approval of the development, shall provide the City with a Traffic Impact Analysis, as provided in Section 7-6.10. ~~In order to reduce traffic congestion, commercial and industrial subdivisions may be required by the Planning Board, after consultation with the City Engineer~~

Commented [CS33]: Clarifies that this is a requirement for all lots, not just those for a residential subdivision.

~~or NCDOT, to provide a frontage road or other suitable means of access along major thoroughfares, as shown on the adopted thoroughfare plan, unless the Planning Board determines that no practicable alternative for access exists.~~ Where a frontage road is required, intersections with public streets shall be spaced no closer than 800 feet. Frontage roads may be permitted within the rights-of-way of existing streets subject to the approval of the City Engineer or the NCDOT, as applicable.

Commented [CS34]: This language is redundant. All new developments must comply with adopted thoroughfare plans unless they can make a rational argument on why that would be unduly burdensome and unwarranted. Traffic Impacts Analyses will determine any other transportation improvements, as recommended by qualified professionals.

4. Subdivisions that propose lot layouts such that buildings will front on an interior street and which will have rear yards directly adjacent to major thoroughfare roads shall provide a minimum 30-foot wide Type B streetscape that complies with the planting requirements of Section 6-3, D, adjacent to the major thoroughfare road.

B. Street Access Requirements

1. Access to Public Street Required: Every lot shall abut and have direct access to a publicly maintained street ~~as provided in Section 7-6.5, 7.6.6, and 7-6.7, except as provided for in this Section. All nonresidential lots shall provide a means of pedestrian access from the public right of way to a primary building entrance. No building or structure shall be constructed, erected, or placed on a lot that does not abut and have direct access to a publicly maintained street, except as provided in this Section.~~
2. Dead-End Streets: For purposes of this Section the terminus of a dead-end street does not provide the required access to a publicly maintained street unless that terminus is a circular turnaround or other turnaround design approved and constructed in conformance with Article 7, Subdivisions Procedures and Standards.
3. Cluster and Planned Development: Private streets ~~are discouraged but~~ may be used to meet access requirements for lots in Residential Cluster Developments and for lots in Planned Unit Developments, provided the development ~~as a whole abuts and~~ has direct access to a publicly maintained street and the private streets comply with the requirements of Section 7-6.5, H, ~~and 7-6.6.~~
4. Townhouse and Condominium Developments: Individual parcels shall have right of access through common areas containing private streets and/or private drives at least twenty-four feet in width leading to a publicly maintained street. Individual parcels may have direct access to a publicly maintained street with approval from the City Engineer. Streets in townhouse and condominium developments shall comply with the requirements of Sections 7-6.5, H, ~~and 7-6.6.~~
5. Manufacturing Home Park: Manufactured home park lots or spaces developed in accordance with Section 4-7.3, D, 5.

Commented [CS35]: Cross-reference allows for universal application of Subdivision Standards for Street Access, Street Design Standards, Sidewalk Construction.

Commented [CS36]: Per adopted Bike and Ped Plan

Commented [CS37]: Clarifies that private streets are not wanted unless absolutely necessary and that access to a public road network is paramount.

6. Nonresidential Group Development: Individual parcels, whether leased or sold, in a nonresidential group development shall have shared rights of access along private streets and/or along private drives at least twenty-four feet in width leading to a publicly maintained street. Maintenance of all private streets and private drives shall be a mandatory responsibility, running with the land, exercised by a single entity which shall be composed of one landowner, an Owners' Association, or all owners acting collectively pursuant to a binding agreement.

7. Flag Lots shall **require approval by the Board of Adjustment unless otherwise exempted by NC General Statutes, as reflected in Section 7-2.** All flag lots shall meeting the following requirements:

- (a) A flag lot shall serve only one single-family dwelling and its uninhabited accessory structures;
- (b) Flag lots shall be approved only where the configuration of the parcel or site features warrant such a lot design. Authorizing a flag lot design is intended to accommodate a particular extenuating circumstance which makes traditional lot design infeasible. Therefore, flag lots should be judiciously approved.
- (c) The maximum flagpole length shall be 300 feet;
- (d) The minimum flagpole width shall be 25 feet;
- (e) The maximum lot size in areas with public sewer shall be one acre. The maximum lot size without public sewer shall be three acres. (Note: the 'flagpole' portion of the lot is not used to calculate area, width, depth, coverage, and setbacks of the lot or to provide off-street parking);
- (f) The minimum separation between the 'flagpole' portion of the lot and that of another flag lot shall be 150 feet;
- (g) Where public water is available, any building on the flag lot must be within 500 feet of a hydrant. This distance shall be measured along the street, then along the flagpole, then in a straight line to the building location;
- (h) Use of a single driveway to serve a flag lot and an adjoining lot is permitted and encouraged. The preferred location for the driveway is on the flagpole portion of the flag lot, with the conventional lot granted an access easement over the flagpole; and

Commented [CS38]: Relocated from Article 7. No changes except those in bold, requiring a public hearing before the BOA, which allows for neighbors to be aware that a new residence may be placed behind their house. It also requires the lot developer to show that this development will not negatively impact the area

- (i) No resubdivision of a flag lot shall be permitted unless access to the proposed new lot(s) can be provided from an approved public or private street.

- 8. Exceptions: Special-purpose lots may provide access via easement in accordance with Section 4-6, Special Purpose Lots ~~and lots meeting the access requirements of Section 7-6.4, F, 4 for flag lots.~~

Commented [CS39]: This is now unnecessary with relocation of flag lot standards here

C. Group Development

- 1. Parking and Landscaping: A nonresidential group development shall be treated as a single lot for purposes of providing required off-street parking and required planting yards, even if outparcels for sale are included within the development.
 - (a) If the entire development meets the total off-street parking requirement, it is not required that each parcel provide all the required parking for the use thereon.
 - (b) If required buffer yards are provided along the development perimeter, including street frontages, and requirements for parking lot planting are met, buffer yards are not required along property lines and lease lines between two parcels within the group development.
- 2. Plat and Notice Requirements: If the owner of a development elects to organize it in as group development, a plat shall be recorded displaying a prominent note identifying it as such and explaining that the property must be developed with common driveways and off-street parking and be subject to a common signage plan and a common landscaping plan. The note shall further state that should the property cease function as a group development, the property will then be in violation of this Ordinance and shall be retrofitted with conventional parking and landscaping, even if doing so requires the removal of previously installed improvements.
- 3. Uniform Design Plan: Exterior building materials, roof pitches, colors, awnings, signs, and outdoor lighting used in a group development shall be coordinated so as to provide a uniform design scheme for the entire development. The uniform design plan shall be submitted for review at the time of site plan submission. The uniform design plan shall include drawings, specifications, dimensions, and maps and shall conform with requirements and standards of Sections 6-1, Building Design and Architectural Character.

D. Water and Sewage Disposal Requirements

Every lot shall be served by a water supply system and a sewage disposal system that (i) is adequate to accommodate the reasonable needs of the

proposed use of the lot and (ii) complies with all applicable City of Mebane provided in Section 7-6.4 and county health department regulations.

4-5 Lot Size Reduction Prohibitions

A. Single Lot

No lot shall be reduced in size so that noncompliance with respect to any frontage, building coverage, area, built-upon area, width, setback, parking, buffer yard, or signage requirement of this Ordinance is created, nor shall any existing nonconformity or violation be increased.

B. Buildable Lot

Where two or more contiguous lots in one ownership collectively form a buildable lot, that lot shall not be reduced in size so that noncompliance with respect to any frontage, building coverage, area, built-upon area, width, setback, parking, buffer yard, or signage requirement of this Ordinance is created, nor shall any existing nonconformity or violation be increased. An Instrument of Combination (or similar document or procedure) shall be prepared and recorded where two or more contiguous lots in one ownership collectively form a buildable lot.

C. Exemption

These prohibitions shall not apply to county, municipal or state acquisition of land.

4-6 Special Purpose Lots

Requirements of this Article with respect to street frontage, minimum lot area, and minimum lot dimensions shall not apply to lots for family or church cemeteries, sewer lift stations, and similar utility uses. Such lots shall comply with the requirements below.

A. Minimum Size

The special purpose lot shall be permitted only after the Zoning Administrator has determined that the proposed lot has sufficient dimensions to accommodate the intended use and, where required by this Ordinance, buffer yards.

B. Access Easement

If the special purpose lot does not have direct access to a public street, an easement for ingress and egress with a minimum width of 20 feet shall be platted.

C. Platting

The subdivision to create the lot shall be approved in accordance with Article 7, Subdivisions Procedures and Standards. The final plat shall label the lot as a 'Special Purpose Lot for use as _____'.

4-7 Development Standards for Individual Uses

4-7.A Application of Development Standards

The development standards listed herein are additional to other requirements in this Ordinance, notably the Design Standards established in Article 6 and the Subdivision Standards established in Article 7, as relevant. These development standards are use-specific and apply to those uses designated with a 'D' in Table 4-1-1, Table of Permitted Uses. Uses requiring approval of a special use permit (designated with a 'BA' or a 'CC' 'S' in Table 4-1-1) shall also be subject to these standards as well as any additional standards or conditions required by permit-issuing board. Permit applications and site plans for these uses shall demonstrate how compliance with the applicable development standards will be achieved. Should there be a discrepancy between the Table of Permitted Uses and any other section of this Ordinance as to a use being permissible, the Table of Permitted Uses shall prevail.

Commented [CS40]: Clarifies that the design and subdivision standards apply, despite not being stated herein, allowing for removal of multiple redundant cross-references in specific development standards.

4-7.B Development Standards for All Uses

1. General Standards for All Uses

The following rules apply to all development standards and uses listed below:

a. Property Separation

All measurements shall be made by drawing straight lines from the nearest point of the lot line where the proposed use is to be located to the lot line of the closest use (or zoned property) from which the proposed use is to be separated.

b. Use Separation

All measurements shall be made by drawing straight lines from the nearest point on the wall of a proposed or existing principal building or edge of a proposed use to the nearest point on the wall of the principal building from which the subject building is to be separated, unless otherwise specified.

c. Outdoor Lighting

Outdoor lighting structures shall be located, angled, shielded, or limited in intensity so as to cast no direct light upon adjacent property and to avoid the creation of a visual safety hazard to passing motorists and support the needs of pedestrians. Outdoor lighting shall comply with the standards delineated in Section 6-5.

Commented [CS41]: Per the adopted Bike and Ped plan

d. Noise Levels

Unless otherwise specified herein, ~~noncompliance with the noise level limits established by this Ordinance shall mean exceeding the specified noise limit for 5 or more of any 25 consecutive readings taken at 10-second intervals when measured at any point beyond the property line of the property from which the noise originates. As a continuing condition of approval,~~ all uses shall comply with the requirements delineated in Chapter 14, Article IV of the City of Mebane Code of Ordinances. If any requirement in this Ordinance

exceeds those of the City Code, the more restrictive standard shall apply.

e. Landscaping and Buffering

Unless a more stringent requirement is specifically delineated specified elsewhere in this Article, the minimum screening, buffering, and landscaping standards contained in Section 6-3 are applicable to all uses.

Commented [CS42]: Appropriately refers readers to the municipal ordinance, where this concerns is within the City's police powers and dealt with by the Police Department as a nuisance complaint. This is common practice in most communities.

4-7.3 Development Standards for Residential Uses

Development standards applicable to particular residential uses identified in Table 4-1-1, Table of Permitted Uses include:

A. Manufactured Home on Individual Lot (within MH Overlay Zoning District Only)

1. Where Development Standards are Required: R-10 districts.

2. General Requirements

~~(a) See Section 5-1, B.~~

(a) Class A manufactured dwellings may be permitted on single family lots in the R-10 residential zoning district provided overlay district zoning is approved by the City Council in accordance with the provisions of Ordinance. All requirements of this Ordinance applicable in the R-10 zoning district shall apply. In addition each manufactured dwelling shall be:

- (1) Occupied only as a single family dwelling;
- (2) Have a minimum width of 16 feet;
- (3) Have a length not exceeding four times its width, with length measured along the longest axis and width measured perpendicular to the longest axis at the narrowest part (towing apparatus, wheels, and transporting lights are not included in length and width measurements);
- (4) Have a minimum of 1,000 square feet of enclosed and heated space;
- (5) Have the towing apparatus, wheels, axis and transporting lights removed;
- (6) Have the longest axis oriented parallel or within a ten degree deflection of being parallel to the lot frontage, unless other orientation is permitted as a variance approved by the Board of Adjustment following a public hearing;

Commented [CS43]: Relocated from Article 5 with no changes, allowing that article to be exclusively focused on environmental regulations. This space was already reserved and simply had a cross-reference to the text that has been moved.

- (7) Set up in accordance with the standards established by the NC Department of Insurance. In addition, a continuous, permanent masonry foundation or masonry curtain wall constructed in accordance with the standards of the NC Building Code for One-and Two-Family Dwellings, unpierced except for required ventilation and access, shall be installed under the perimeter;
 - (8) Have exterior siding comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction, consisting of one or more of the following:
 - a. Vinyl or aluminum lap siding (whose reflectivity does not exceed that of flat white paint);
 - b. Cedar or other wood siding;
 - c. Wood grain, weather-resistant press board siding;
 - d. Stucco siding; or
 - e. Brick or stone siding.
 - (9) Have a roof pitch minimum vertical rise of three feet for each twelve feet of horizontal run;
 - (10) Have the roof finished with a Class C or better roofing material that is commonly used in standard residential construction;
 - (11) Have an eave projection for all roof structures of no less than six inches, which may include a gutter;
 - (12) Have stairs, porches, entrance platforms, ramps, and other means of entrance and exit installed or constructed in accordance with the standards set forth in the NC Building Code, anchored securely to the ground. Wood stairs shall only be used in conjunction with a porch or entrance platform with a minimum of 24 square feet; and
 - (13) Be connected to the municipal water and sewer system.
- (b) Minimum Development Size
- (1) Ten existing contiguous lots in single-ownership covering at least 90,000 square feet, excluding public street right-of-way; or

- (2) 120,000 square feet of land, excluding public street right-of-way.

B. Patio Home

1. **Where Development Standards are Required:** R-8 and R-6 districts.
2. **General Requirements**
 - (a) A patio home is a type of single-family dwelling on a separate lot that is shifted to one side of the lot, i.e., placed on the lot so that one side setback is zero or nearly zero. A patio home may be an attached or detached dwelling.
 - (b) The minimum development area for a patio home development is 10 acres.
 - (c) The minimum lot area per patio dwelling unit shall be 4,000 square feet. However, the maximum density of patio homes shall not exceed that allowed for multifamily dwelling units for the zoning district in which located.
 - (d) The total minimum side setback shall be 20 feet. Only one side setback is required. Patio home developments utilizing zero side setbacks shall comply with the zero side back requirements of Section 4-2, D.
 - (e) The minimum lot width shall be 40 feet.
 - (f) Minimum recreational space shall be provided as required in Section 6-7.1.
 - (g) The minimum amount of useable common open space that shall be reserved for passive and/or active open space purposes shall be in accordance with the standards and requirements of Section 6-7.3, G. The minimum amount of private common open space required by this subsection is in addition to the minimum recreational space required in subsection (f) above.

C. Condominium

1. **Where Development Standards are Required:** R-8 and R-6 districts.
2. **General Requirements:**
 - (a) Condominiums are a type of housing in which the ownership of the occupancy rights to the dwelling unit is individually owned or for sale to any individual and such ownership is not inclusive of any land.

- (b) Plans for all condominium developments built on two or more acres require conditional zoning.

(Amended November 5, 2018)

- (c) Density: The number of units per acre shall be the same as that permitted for multifamily housing in the zoning district where the condominium development is located.
- (d) Timing: The proposed schedule of development likely to be followed shall be submitted
- (e) Minimum recreational shall be provided as required in Section 6-7.1.

3. Common Areas: Areas not shown as lots on the site development plan shall be designated as common areas and on any subdivision plat as an area to be held in separate ownership for the use and benefit of residents of the development.

- (a) Easements over the common areas for access, ingress from and to public streets and walkways and easements for enjoyment of the common areas, as well as for parking, shall be granted to each owner of a residential site.
- (b) All common walls between individual residences shall be party walls and provisions for the maintenance thereof and restoration in the event of destruction or damages shall be established.
- (c) The minimum amount of useable common open space that shall be reserved for passive and/or active open space purposes shall be in accordance with the standards and requirements of Section 6-7.3, F. The minimum amount of private common open space required by this subsection is in addition to the minimum recreational space required in subsection 2, (e) above.
- (d) Common areas shall comply with the requirements of Section 6-7.

4. Plans and Declaration:

Before a declaration establishing a unit ownership development may be recorded in the office of the Alamance/Orange County Register of Deeds as prescribed in the North Carolina Unit Ownership Act, the draft declaration shall be submitted along with a site plan and drawings describing the following:

- (a) The plan of proposed development shall be prepared and shall contain the following particulars:

- (1) The unit designation of each unit and a statement of its location, approximate area, number of rooms, and immediate common area to which it has access and any other data necessary for its proper identification;
 - (2) Description of the general common areas and facilities as defined in the North Carolina Ownership Act and the proportionate interest of each unit owner therein;
 - (3) Description of all boundary lines between portions of the structures designed for different ownership;
 - (4) Description of all garages, balconies, patios, etc. which for a part of each unit;
 - (5) Description of any special common areas and facilities stating what units will share the same and in what proportion;
 - (6) Proposed provision for storm drainage and sanitary sewerage, approved by a N.C. certified registered engineer;
 - (7) Description of signage and parking areas. Parking shall be provided at a ratio of ~~two~~ 1.5 spaces per dwelling unit;
 - (8) Proposed solid waste storage facilities;
 - (9) Proposed water system and fire fighting facilities;
 - (10) Types of surfacing, slope, grade and cross section of drives, sidewalks, malls, etc. (Private streets shall be designed to assure proper access and turn around for service and emergency vehicles.);
 - (11) Location and heights of all fences, walls and hedges;
 - (12) Provisions for control or erosion and water run-off;
 - (13) Lighting plan; and
 - (14) Location and amount of recreation area.
- (b) All plans and construction details must meet the current specifications of the City of Mebane.

Commented [CS44]: Reflects the more current trend of households having fewer cars. Mebane's parking standards requiring more dedicated parking than many of our neighbors and peers.

5. Placement of Buildings:

- (a) There shall be maintained at least ~~20~~ 10 linear feet of open space between individual and unattached buildings of one

story ~~30~~ 20 linear feet between two story buildings in a condominium development.

Commented [CS45]: Reflects many of the developments that have been approved in the City.

- (b) Setbacks from public street right-of-ways shall be the same as required by the zoning district where the condominium development is located.
- (c) Any group of buildings forming a courtyard shall have at least 25 percent of the perimeter of the courtyard open for access by emergency vehicles.

Because a final plan may not be possible until an engineering survey has been made of the constructed condominium, City Council may permit the applicant to build as a conditional zoning district, providing all items other than final engineering survey data of boundary lines have been provided by the applicant and approved by Council. No declaration and plan shall be recorded until all final boundary descriptions have been added to the plan and approved by the Zoning enforcement Officer.

Amended November 5, 2018

6. Homeowners Association:

- (a) The establishment of a homeowners association shall be mandatory. The homeowners association shall be organized and established as a legal entity before or as part of the final plat approval and recording process. Membership in the homeowners association shall be mandatory for each original purchaser and each successive purchaser of a residential site. The homeowners association shall comply with the standards of Article 7, Section 7-7.
- (b) The homeowners association shall be responsible for the payment of premiums for liability insurance, local taxes, maintenance of recreational and other facilities located on the common areas, payment of assessments for public and private capital improvements made to or for the benefit of the common areas, maintenance and repair to the exterior of all attached residences located within the development or other common area facilities. It shall be further provided that upon default by the homeowners association in the payment to the governmental authority of any ad valorem taxes levied against the common areas of assessments for a period of six months, then each owner of a residential site in the development shall become obligated to pay to the taxing or assessing governmental authority a portion of such taxes or assessments in an amount determined by dividing the total taxes and/or assessments due to the governmental authority by the total number of residential sites in the development. If the sum is not paid by the owner within 30 days following receipt of notice of the amount due, then the sum shall become a continuing lien on the residence of the then owner,

his heirs, or assigns. The governmental authority may then either bring an action at law against the owner obligated to pay the same or may elect to foreclose the lien against the residence of the owner.

- (c) The homeowners association shall be empowered to levy assessments against the owners of residential sites within the development for the payment of expenditures made by the homeowners association for the items set forth in the preceding subparagraph and any such assessment not paid by the owner against whom such are assessed, shall constitute a lien on the residence of the owner.
- (d) As part of the approval process, the developer shall submit to the city the following documents for review:
 - (1) Proposed Articles of Incorporation: Such articles of incorporation shall provide for homeowners' control when over 50% of the dwelling units are sold.
 - (2) Proposed Bylaws: Such bylaws shall provide for annual meetings of the association, election of officers, and distribution of an annual financial accounting to members.
 - (3) Proposed annual budget: A proposed annual budget shall show monthly assessments which must be set at a sufficient level to insure success of the association.
 - (4) Proposed restrictions and covenant for the common area and residential sites shall be written.

D. Manufactured Home Park (permissible within MH Overlay Zoning District Only)

1. Where Development Standards are Required: R-10 districts.

2. General Requirements:

- (a) No person shall construct a manufactured home park or make any addition to an existing manufactured home park that either alters the number of sites for manufactured homes within the park or affects the facilities required therein until he/she first secures a permit authorizing such construction or additions. The construction of or addition to a manufactured home park shall be in accordance with the provisions of this Section.
- (b) Prefabricated structures specifically designed by the manufacturer for manufactured dwelling extensions and any other addition meeting the NC Building Code may be added to any manufactured dwelling provided that the

building setback within the manufactured home space can be met and a building permit is issued by the City.

- (c) Within a manufactured home park, one manufactured home may be used as an administrative office.
- (d) Convenience establishments of a commercial nature may be provided within a manufactured home park and shall be limited to food stores, coin-operated laundromats, beauty parlors, and barber shops. These may be permitted in manufactured home parks subject to the following restrictions:
 - (1) Such establishments shall be subordinate to the residential use and character of the park.
 - (2) Such establishment shall present no visible evidence of their commercial character from any portion of any residential district outside the park.
 - (3) Such establishment shall be designed to serve the trade and service needs of the park residents only.
- (e) Every manufactured home park owner or operator shall maintain an accurate register containing a record of all occupants and owners of manufactured homes in the park. The register shall be available for the inspection at all times by the Zoning Administrator. The register shall contain the following information:
 - (1) Name of owner or occupant;
 - (2) Manufactured home space address;
 - (3) Make, model, and registration; and
 - (4) Date when occupancy within the manufactured home park begins and date when occupancy within the manufactured home park ceases.
- (f) The person to whom an operating permit for a manufactured home park is issued shall operate the park in compliance with this Section and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair, and in a clean and sanitary condition.
- (g) The area beneath a manufactured home must be fully enclosed with durable skirting within 90 days of placement in the manufactured home park. Skirting shall comply with the requirements of Section 5-1, B, 1, (g).

3. Plan Review Process:

(a) A preliminary site plan shall be submitted to the Planning Board for review and approval prior to referral of the project to the City Council for a special use permit. Such preliminary plan shall be drawn at a scale of not less than ~~one-hundred~~ 100 feet to the inch and shall show the following on one or more sheets:

Commented [CS46]: Staff has attempted to bring all numeric reference in the UDO into a consistent use: all numbers under "10" are spelled out; all numbers above are numerically represented. This is a common best practice in Planning documents.

(1) The name of the manufactured home park, the names and addresses of the owner(s) and the designer of the park; date, approximate north arrow, and scale; and the boundary line of the tract with accurate linear and angular dimensions drawn to scale.

(2) Locations of existing and platted property lines, streets, buildings, water courses, railroads, bridges, ~~sidewalks, pathways,~~ water mains, sewers, culverts, drainpipes and utility easement on the land to be developed as a manufactured home park. The names of adjoining parcels of unsubdivided land shall also be shown.

Commented [CS47]: Per adopted Bike and Ped Plan.

(3) The names, proposed location and approximate dimensions of proposed streets, alleys, driveways, entrances, exists, walkways, easements, recreation areas, parks and other spaces, reservations, trailer spaces and building lines within the park. This information should be graphical only, not requiring detailed computations or filed work, above that required to obtain the above information.

(4) Plans of proposed utility layouts (sewer lines, water lines, storm drainage, etc.) showing feasible connections to existing and proposed utility systems; plan for electric lighting; and the location and number of garbage receptacles. When deemed necessary by the City, profiles of all proposed streets, ~~sidewalks, curbs, and associated infrastructure~~ showing natural and finished grades drawn to scale of not less than one inch equals forty feet horizontal and one inch equals four feet vertical.

Commented [CS48]: Per adopted Bike and Ped Plan.

(b) Two copies of the final plan shall be submitted to the Planning Board for review and submitted to the City Council for final approval. The final plan shall be prepared on mylar (reproducible film) and shall contain the information prescribed below and shall conform with the preliminary plan as approved. If desired by the applicant, it may constitute only that portion of the approved preliminary plan to be developed at the time; provided, however, that such portion conforms to the minimum requirements of this Section. The final plan shall be drawn upon reproducible

sheets either 15 inches by 21 inches or 20 inches by 24 inches in size, to a scale of not less than one inch equals 100 feet. It shall contain the following:

- (1) A site plan for the manufactured home park.
- (2) The name of the manufactured home park, the names and addresses of the owner(s) and the designer of the park.
- (3) Date, approximate north arrow and scale.
- (4) The boundary line of the tract with accurate linear and angular dimensions drawn to scale.
- (5) The names, locations and dimensions of proposed streets, alleys, driveways, entrances, exists, walkways, easements, recreation areas, parks, and other open spaces, reservations, manufactured home spaces and building lines within the park. The information should be drawn accurately with detailed computations and field work completed.

4. Utilities Required:

- (a) **Water.** An adequate and safe supply of water shall be readily available at the manufactured home park site. This requirement shall be deemed to have met: (i) when an approved connection is made to the municipal water system, or (ii) when an independent water supply capable of furnishing three-hundred (300) gallons of water per day per available manufactured home space and which has been approved by the County Health Department as a safe supply of drinking water is available on the manufactured home park or manufactured home lot site.
- (b) **Sewer.** Each manufactured home park shall be required to have a connection with a municipally approved sanitary sewer system in the manner as required or, if located beyond the municipal service area, a sanitary sewer system approved by the County Health Department. Any extension of the municipal sanitary sewer system required to comply with this requirements shall be made in accordance with the utility extension ordinance or policies of the City of Mebane then in effect. No waste water from washing machines or similar sources shall be discharged on the ground or in streams.
- (c) **Electricity.** Each manufactured home so parked in accordance with this ordinance must have an individual metered connected to an electric supply and must have an approved fuse disconnect box at the metered location.

- (d) Street Lighting Requirements: All streets in the manufactured home park shall be adequately illuminated from sunset to sunrise. The minimum size street light shall be ~~a 175 watt mercury vapor~~ (approximately 7,000 lumen class), or its equivalent, spaced at intervals of not more than 300 feet, ~~and, preferably at intervals of 30 – 50 feet for pedestrian scale lighting.~~

Commented [CS49]: No longer a commonly used light

Commented [CS50]: Per adopted Bike and Ped Plan.

5. Site Development Requirements: Site requirements for all manufactured home parks shall be as follows:

- (a) The minimum lot size, tract or parcel of land to be used for a manufactured home park shall not be less than five (5) acres in size, and shall contain at least nine (9) manufactured home spaces as defined in this section. In no event shall there be more than seven (7) manufactured homes per acre.
- (b) The minimum lot size for each manufactured home space shall be 5,000 square feet.
- (c) No manufactured home shall be located closer than thirty (30) feet to any public street or exterior boundary line of the manufactured home park.
- (d) Off-street parking shall be provided as required in Table 6-4-1. Parking spaces shall not be located within any road or road right-of-way in the park. Guest and overflow parking shall be provided so as to be readily accessible to all manufactured home spaces. Parking spaces shall be designed in accordance with the requirements of Section 6-4.
- (e) Ingress and egress to the manufactured home park shall be made accessible only through driveways or opening not exceeding ~~twenty-five (25)~~ feet in width at the curb line of the street. Interior streets shall be graded to a width of ~~thirty-three (33)~~ feet and finished grade, cross-section and profile shall be approved by the city. All interior streets shall have a width of ~~twenty-one (21)~~ feet if no parking is permitted on either side; or ~~thirty-one (31)~~ feet if parking is permitted on one side of the street; or ~~forty-one (41)~~ feet if parking is permitted on both sides of interior streets. All interior streets shall be paved, curbed and guttered. No manufactured home space shall have direct vehicular access to a public street. At least one entrance from a public road shall be provided to the manufacture home park for each 50 manufactured home spaces or fraction thereof.
- (f) No manufactured home shall be located closer than ~~thirty (30)~~ feet to the nearest other manufactured home or structure.

- (g) Cul-de-sacs shall be provided with a turnaround having a ~~forty~~ 40 foot radius. All interior streets shall be retained as private streets on the manufactured home park property.
- (h) A minimum of 1,500 feet square per manufactured home space shall be reserved as useable open space. Private open space requirements and standards are more fully delineated in Section 6-7.3. In addition, at least 750 square feet of recreation space per manufactured home space shall be provided for private recreation space for the residents of the manufactured home park. No such recreation area shall contain less than 4,500 square feet. Recreational space requirements and standards are more fully delineated in Section 6-7.2.
- (i) The manufactured home park shall have a buffer strip between it and all adjacent properties. Such buffer strip shall comply with the standards of Section 6-3.
- (j) Manufactured Home Parks shall be located on ground that is not susceptible to flooding and graded so as to prevent any water from ponding or accumulating on the premises. Where storm drainage pipes are located in adjacent streets, underground drainage facilities with connections to the storm drainage system shall be provided for the manufactured home park. National Flood Insurance elevations shall be used to determine areas susceptible to flooding.

6. Facilities Required: Each manufactured home park shall provide minimum facilities for occupants as follows:

- (a) **Plumbing Installations:** All plumbing installations shall conform to any and all applicable city and state building and plumbing codes. Furthermore, each manufactured home shall be required to make separate connection with sanitary sewer facilities or Health Department approved septic tanks immediately upon occupying a manufactured home site. A minimum of four ~~(4)~~ inch connections shall be required and shall have approved fittings to ensure a water-tight connection and means for capping or closing such connection when it is not in use.
- (b) **Garbage and Recycling ~~Trash~~ Containers:** At least one ~~(1)~~ covered garbage and ~~trash recycling~~ container (~~thirty~~ 96 gallons **maximum** capacity) shall be provided for each manufactured home; containers shall be placed on racks and such racks shall be located within the manufactured home par at a point which is readily accessible for collection and screened from public view. In lieu of requiring individual garbage and trash containers for each manufactured home, other approved garbage and ~~trash recycling~~ disposal

Commented [CS51]: All amendments herein are reflective of current norms and standards for waste disposal in Mebane

facilities may be provided with the approval of Orange/Alamance County Health Department.

- (c) Concrete Pads: Each manufactured home must be provided with a minimum of ~~ten (10)~~ feet by ~~ten (10)~~ feet concrete pad at front entrance or an approved porch constructed in accordance with building code requirements.

7. **Conflict with Health Department Regulations:** In the event the State or County Board of Health has adopted or adopts regulations governing manufactured homes or manufactured home parks, the requirements of this Ordinance or the requirements of the State or County Board of Health, whichever is more stringent, shall govern.

8. **Signs:** Signs shall comply with the requirements of Section 6-6.

E. Multifamily Dwelling

1. **Where Development Standards are Required:** R-8 and R-6 districts.

2. **General Requirements:**

- (a) Multi-family dwelling units are intended for renter occupancy and include no land or common ownership as an incidence of occupancy.
- (b) Plans for all multifamily units built on two or more acres require conditional zoning.

Amended November 5, 2018

- (c) Density: The number of units per acre shall be the same as that permitted for multi-family housing in the zoning district in which located.
- (d) Recreational space: Minimum private recreational space shall be provided as required in Section 6-7.2.
- (e) Open Space: The minimum amount of useable common open space that shall be reserved for passive and/or active open space purposes shall be in accordance with the standards and requirements of Section 6-7.3, C. The minimum amount of private common open space required by this subsection is in addition to the minimum private recreational space required in subsection (d) above.

3. **Site Development Requirements:**

- (a) Parking: Off-street parking shall be provided as required in Table 6-4-1. Guest and overflow parking shall be provided so as to be readily accessible to all dwelling units.

Parking spaces shall be designed in accordance with the requirements of Section 6-4.

- (b) Screening: Screening shall be provided in accordance with the requirements of Section 6-3. However, if a berm is determined to be an adequate alternative screening method as provided for in Section 6-3, B, 3, the minimum height of the berm shall be six feet.
- (c) Signs: Signs shall comply with the requirements of Section 6-6.
- (d) Private Drives: Private drives are allowed to connect parking areas and groups of multifamily units to public streets. These drives shall be constructed to the same standards as public streets except that the minimum pavement width shall be sixteen feet. Parking shall not be allowed on private drives except where approved parking bays are provided. A T-turnaround shall be provided for drives of less than 100 feet in length; a 70-foot diameter cul-de-sac is required for longer drives.
- (e) Vehicular Access: There shall be no direct vehicular access from an individual dwelling unit to a collector or higher capacity public street.
- (f) Area Lighting: All private drives and parking areas shall be illuminated from sunset to sunrise with a minimum light of approximately 7,000 lumens (175 watts), spaced 350 feet apart, and, preferably at intervals of 30 – 50 feet for pedestrian scale lighting. Exterior lighting shall comply with the standards of Section 6-5.
- (g) Utility Requirements: Water supply, sewage disposal, and solid waste disposal shall comply with the requirements of the city's or health department's regulations, whichever is applicable.
- (h) Fire Safety: All water mains shall be six inches or larger with fire hydrants located in accordance with the requirements of the City of Mebane.

Commented [CS52]: Per City's adopted Bike/Ped Plan

4. Site Plan Requirements: The site plan shall show the location, of the buildings, streets, walkways parking areas, recreational acres and facilities within the site and all existing building and structures within 100 feet in addition to public or private easements or rights-of-way adjoining or intersecting such property. In addition, the site plan shall indicate:

- (a) The proposed timing and schedule of development phases, if any.

- (b) Proposed points of ingress and egress and proposed pattern of internal automobile and pedestrian circulation.
- (c) Proposed provisions for storm drainage and sanitary sewer, approved by an NC certified registered engineer.
- (d) Size and proposed location of any signs
- (e) Proposed solid waste storage facilities
- (f) Proposed water system and fire fighting facilities such as hydrants or sprinkler connections
- (g) The location and heights of all fences, walls and hedges shall be shown.
- (h) Provisions for control of water run-off and erosion.
- (i) Lighting plan.
- (j) Location and amount of recreation and open area.
- (k) Landscaping and buffering plan prepared in accordance with the standards of Section 6-3.

All plans and construction details must meet current specifications of the City of Mebane.

5. Placement of Buildings:

- (a) There shall be maintained at least ~~20~~ 10 linear feet of open space between individual and unattached buildings of one story and ~~30~~ 20 linear feet between two story buildings in a multifamily development.
- (b) Setbacks from public street right-of-ways shall be the same as required by the zoning district where the multifamily development is located.
- (c) Any group of buildings forming a courtyard shall have at least 25 percent of the perimeter of the courtyard open for access by emergency vehicles.

Commented [CS53]: Reflects many of the developments that have been approved in the City.

F. Townhouse Dwelling

1. Where Development Standards are Required: R-8 and R-6 districts.

2. General Requirements:

- (a) A townhouse is a type of housing with one or more structures containing a total of two or more units intended for owner occupancy, where ownership of the land beneath each unit

runs with that unit, where units and the individually owned lands on which they rest do not meet conventional lot requirements for street frontage and yard sizes, and where walls between units are constructed in accordance with North Carolina State Building Code.

- (b) Plans for all townhouse developments built on two or more acres require conditional zoning.

(Amended November 5, 2018)

- (c) Density: The number of units per acre shall be the same as that permitted for multi-family housing in the zoning district where the townhouse development is located.

3. Common Areas: Areas not shown as lots on the site development plan shall be designated as common areas and on any subdivision plat as an area to be held in separate ownership for the use and benefit of residents of the development.

- (a) Easements over the common areas for access, ingress from and to public streets and walkways and easements for enjoyment of the common areas, as well as for parking, shall be granted to each owner of a residential site.
- (b) All common walls between individual residences shall be party walls and provisions for the maintenance thereof and restoration in the event of destruction or damages shall be established.
- (c) The minimum amount of useable common open space that shall be reserved for passive and/or active open space purposes shall be in accordance with the standards and requirements of Section 6-7.3, F. The minimum amount of private common open space required by this subsection is in addition to the minimum recreational space required in subsection 4, (g) below.

4. Site Development Requirements:

- (a) Parking: Off-street parking shall be provided as required in Table 6-4-1. Guest and overflow parking shall be provided so as to be readily accessible to all dwelling units. Parking spaces shall be designed in accordance with the requirements of Section 6-4.
- (b) Screening: Screening shall be provided in accordance with the requirements of Section 6-3. However, if a berm is determined to be an adequate alternative screening method as provided for in Section 6-3, B, 3, the minimum height of the berm shall be six feet.

- (c) Signs: Signs shall comply with the requirements of Section 6-6.
- (d) Area Lighting: All private drives and parking areas shall be illuminated from sunset to sunrise with a minimum light of approximately 7,000 lumens (175 watts), spaced 350 feet apart, **and, preferably at intervals of 30 – 50 feet for pedestrian scale lighting.** Exterior lighting shall comply with the standards of Section 6-5.
- (e) Utility Requirements: Water supply, sewage disposal, and solid waste disposal shall comply with the requirements of the city's or health department's regulations, whichever is applicable.
- (f) Private Drives: Private drives are allowed to connect parking areas and groups of townhouse units to public streets. These drives shall be constructed to the same standards as public streets except that the minimum pavement width shall be sixteen feet. Parking shall not be allowed on private drives except where approved parking bays are provided. A T-turnaround shall be provided for drives of less than 100 feet in length; a 70-foot diameter cul-de-sac is required for longer drives.
- (g) Minimum recreational space shall be provided as required in Section 6-7.1.

Commented [CS54]: Per City's adopted Bike/Ped Plan

5. Placement of Buildings:

- (a) Setbacks from public street rights-of-way shall be the same as required by the zoning district where the townhouse development is located.
- (b) Rear Yard: 20 feet
- (c) Side yard for end dwelling: 15 feet
- (d) Lot Width: 20 feet**
- (d) **At least ~~20~~ 15 linear feet of open space shall exist between individual and unattached buildings in a townhouse development.**

Commented [CS55]: Based upon survey of 12 peer communities and many townhomes in Mebane. Minimum lot area is not established, as townhome lots are often variable in size and determined by the density allowance of the underlying zoning district.

Commented [CS56]: Reflective of the frequent, approved waiver for a 15' aggregate side separation between buildings.

- 6. Site Plan Requirements:** The site plan shall show the location of the buildings, streets, alleys, walkways, parking area, recreational areas and facilities, numbered and dimensioned residential sites and common areas within the site and all existing buildings and structures within 100 feet in addition to public or private easements or rights-of-way adjoining or intersecting such property. In addition, the site plan shall indicate:

- (a) The proposed timing and schedule of development phases, if any.
- (b) Proposed points of ingress and egress and proposed pattern of internal automobile and pedestrian circulation.
- (c) Proposed provision for storm drainage and sanitary sewer, approved by a NC certified registered engineer
- (d) Size and proposed location of any signs.
- (e) Proposed solid waste storage facilities.
- (f) Proposed water system and fire fighting facilities such as hydrants or sprinkler connections.
- (g) Types of surfacing, slope, grade and cross section of drives, sidewalks, malls, etc. (Private streets shall be designed to assure proper access and turn around for service and emergency vehicles).
- (h) Location and heights of all fences, walls and hedges shall be shown.
- (i) Provisions for control of water run-off and erosion.
- (j) Lighting plan.
- (k) Location and amount of reaction area.

All plans and construction details must meet the current specifications of the City of Mebane.

7. Homeowners Association:

- (a) The establishment of a homeowners association shall be mandatory. The homeowners association shall be organized and established as a legal entity before or as part of the final plat approval and recording process. Membership in the homeowners association shall be mandatory for each original purchaser and each successive purchaser of a residential site. The homeowners association shall comply with the standards of Article 7, Section 7-7.
- (b) The homeowners association shall be responsible for the payment of premiums for liability insurance, local taxes, maintenance of recreational and other facilities located on the common areas, payment of assessments for public and private capital improvements made to or for the benefit of the common areas, maintenance and repair to the exterior of all attached residences located within the development or other common area facilities. It shall be further provided

that upon default by the homeowners association in the payment to the governmental authority of any ad valorem taxes levied against the common areas of assessments for a period of six months, then each owner of a residential site in the development shall become obligated to pay to the taxing or assessing governmental authority a portion of such taxes or assessments in an amount determined by dividing the total taxes and/or assessments due to the governmental authority by the total number of residential sites in the development. If the sum is not paid by the owner within 30 days following receipt of notice of the amount due, then the sum shall become a continuing lien on the residence of the then owner, his heirs, or assigns. The governmental authority may then either bring an action at law against the owner obligated to pay the same or may elect to foreclose the lien against the residence of the owner.

- (c) The homeowners association shall be empowered to levy assessments against the owners of residential sites within the development for the payment of expenditures made by the homeowners association for the items set forth in the preceding subparagraph and any such assessment not paid by the owner against whom such are assessed, shall constitute a lien on the residence of the owner.
- (d) As part of the approval process, the developer shall submit to the city the following documents for review:
 - (1) Proposed Articles of Incorporation: Such articles of incorporation shall provide for homeowners' control when over 50% of the dwelling units are sold.
 - (2) Proposed Bylaws: Such bylaws shall provide for annual meetings of the association, election of officers, and distribution of an annual financial accounting to members.
 - (3) Proposed annual budget: A proposed annual budget shall show monthly assessments which must be set at a sufficient level to insure success of the association.
 - (4) Proposed restrictions and covenant for the common area and residential sites shall be written.

G. Boarding and Rooming House

- 1. Where Development Standards are Required:** O&I, B-1, and B-2 districts.
- 2. General Requirements:**
 - (a) The use must be owned and operated by a resident owner.

- (b) The use shall be located in a structure that was originally constructed as a dwelling.
- (c) The quarters utilized by boarders and occupants of the premises shall be in the principal residential structure.
- (d) Meals served on the premises shall be only for residents of the facility.

- 3. **Signs:** There shall be no exterior advertising except that which is permitted for a home occupation.
- 4. **Screening:** Parking lots shall be screened from adjoining residential uses by a buffer yard. Screening shall be provided in accordance with the requirements of Section 6-3.

H. Family Care Home

- 1. **Where Development Standards are Required:** RA-20, R-20, R-15, R-12, R-10, R-8, and R-6 districts.
- 2. **Separation Requirement:** In accordance with the provisions of NCGS 168-22(a), no family care home may be located within a one-half mile radius of an existing family care home.

- 3. **Sidewalks**
On site sidewalks shall be a minimum of eight feet wide to accommodate wheel chair use in both directions.

Commented [CS57]: Per City's adopted Bike/Ped Plan

I. Group Care Facility

- 1. **Where Development Standards are Required:** O&I and B-2 districts.
- 2. **Property Separation:** No such facility shall be located within a 2,000-foot radius (measured by a straight line and not street distance) of another halfway house.
- 3. **Operation:** The facility shall be limited to not more than 30 persons including resident managers.
- 4. **Screening:** Parking lots shall be screened from adjoining residential uses by a buffer yard. Screening shall be provided in accordance with the requirements of Section 6-3.
- 5. **Parking:** Parking spaces shall be located on-site and located in the rear or to the side of the principal structure behind the building line.
- 6. **Location:** The use shall be located and sited so as to mitigate adverse impacts on adjoining residential properties.

7. Sidewalks
On site sidewalks shall be a minimum of eight feet wide to accommodate wheel chair use in both directions.

Commented [CS58]: Per City's adopted Bike/Ped Plan

J. (Reserved)
K. (Reserved)

L. **Temporary Emergency Shelter**

1. **Where Development Standards are Required:** All districts.
2. **Time Limitation:** The Zoning Administrator shall initially establish an automatic expiration date for the permit for such a facility with provisions for a maximum 6-month renewal, if necessary.
3. **Location:** The facility shall be contained within the building of and operated by a government agency or nonprofit organization.
4. **Minimum Floor Area:** A minimum floor space of 50 square feet shall be provided for each individual sheltered.
5. **Operation:** The facility shall provide continuous on-site supervision during the hours of operation.

6. Water & Sewer Access
If no utility service is available to the building, a waste disposal plan shall be submitted to the City within the first four weeks of operation.

Commented [CS59]: Reflective of City concerns and federal requirements in establishing such a facility

M. **Live/Work Combination Dwelling and Nonresidential Use**

1. **Where Development Standards are Required:** R-8, R-6, O&I, B-1, B-2, and B-3 districts.
2. **General Requirements:**
 - (a) The occupant of the residence shall be the owner or manager of the nonresidential activity.
 - (b) No more than 2 persons shall be employed other than those residing on the premises.
 - ~~(c) The development shall be organized as a condominium project.~~
 - ~~(d) A property owners' association shall be established in accordance with Section 7-7.~~
 - (e) The number of dwelling units per acre shall not exceed the density for multifamily residences in the O&I zoning district as shown in Table 4-2-1, Table of Density and Dimensional Requirements.

Commented [CS60]: These requirements appear unnecessarily burdensome for a use where owner occupancy is already required and the owner is the landlord for all onsite operations

- (f) Minimum recreational space shall be provided as required in Section 6-7.1.
- (g) The minimum amount of useable common open space that shall be reserved for passive and/or active open space purposes shall be in accordance with the standards and requirements of Section 6-7.3, I. The minimum amount of private common open space required by this subsection is in addition to the minimum recreational space required in subsection (f) above.

3. Nonresidential Uses:

All uses allowed in the B-1 Central Business District shall be permitted. ~~Permissible nonresidential uses shall include offices and the following Business, Professional, and Personal Services uses:~~

- ~~i. Accounting, Auditing or Bookkeeping~~
- ~~ii. Administrative or Management Services~~
- ~~iii. Bank, Savings and Loan, or Credit Union~~
- ~~i. Barber Shop~~
- ~~v. Beauty Shop~~
- ~~vi. Building Maintenance Services, No Outside Storage~~
- ~~vii. Clothing Alteration or Repair~~
- ~~viii. Computer Maintenance and Repair~~
- ~~ix. Computer Services~~
- ~~x. Employment Agency, Personnel Agency~~
- ~~xi. Engineering, Architect or Survey Service~~
- ~~xii. Finance or Loan Office~~
- ~~xiii. Furniture Repair Shop~~
- ~~xiv. Insurance Agency~~
- ~~xv. Law Office~~
- ~~xvi. Medical, Dental or Related Office~~
- ~~xvii. Photocopying and Duplicating Services~~
- ~~xviii. Photography, Commercial Art Studio~~
- ~~xix. Real Estate Office~~
- ~~xx. Shoe Repair~~
- ~~xxi. Television, Radio or Electronics Repair~~

Commented [CS61]: Current menu of land uses is restricted (e.g. "Retail Stores" are prohibited) to a narrow group of land uses. This amendment will allow a larger menu of non-residential land uses for such situations, with the presumption that the main party impacted by the B-1 use will be the owner of the property. All B-1 and specific land use development standards and special use requirements shall apply. The other requirements of compatibility and use of a single structure offer further protection to the City and neighbors in this matter.

The nonresidential use shall be compatible with a residential occupancy. The nonresidential activity shall be conducted wholly within the structure.

- 4. Access:** The use shall have direct access to a collector or higher classified street. The use shall be located and sited so as to mitigate adverse impacts on adjoining residential properties.
- 5. Parking:** Parking spaces, as required in Section 6-4, shall be provided for the residence, the nonresidential activity, and any non-resident employees. Employee and customer parking may be consolidated into common parking areas located at strategic locations throughout the development.

6. **Screening:** All parking lots located on the perimeter of the development shall be screened from all adjoining residential uses or residentially-zoned lots by a buffer yard. The required buffer yard shall comply with the requirements of Section 6-3
7. **Hours of Operation:** The hours of operation allowed shall be compatible with the land uses adjacent to the proposed site. In no case, however, shall such use that adjoins residentially used or zoned property conduct business between the hours of 10 pm and 7 am.
8. **Noise:** The use shall not generate noise, vibration, glare, fumes, odors, or electrical interference beyond what normally occurs in the zoning district in which it is located.
9. **Outside Storage:** No outside storage or display of items associated with the use shall be permitted.
10. **Signs:** One identification sign, not to exceed six feet in height and twelve feet in sign area, is allowed for the development. There may also be one unlighted wall sign erected for each unit, not to exceed three feet in sign area.

N. Planned Unit Development

1. **Where Development Standards are Required:** R-20, R-15, R-12, R-10, R-8, R-6, O&I, and B-1 districts.
2. **General Requirements:**
 - (a) A planned unit development (PUD) is an area of land under unified control, to be developed as a single entity for a number and variety of dwelling units, the plan for which may not correspond in lot size, type of dwelling or lot coverage to the regulations of the residential zoning district in which the PUD is located.
 - (b) The intent of the regulations of this section is to permit, upon approval of conditional zoning, establishment of planned unit development use, a higher level of amenities, appropriate and harmonious variety in physical development and creative design.

Amended November 5, 2018
 - (c) Because of the fact that PUDs are developed to permit a variety of residential uses, a minimum of five acres is required to ensure appropriate lay-out, sufficient open space and pleasing design of various residential uses.
 - (d) **Density and Minimum Lot Area Requirements:** Individual lot sizes may be reduced below the minimum specified in

Table 4-2-1, Table of Density and Dimensional Requirements for the district in which the PUD is located. However, the overall residential density of a PUD shall not exceed that normally permitted in the underlying zoning district. Subsection 5 provides specific restrictions concerning density and dimensional standards for residential uses permitted in a PUD.

- (e) Minimum Dimensional Requirements: Minimum building setback and lot width requirements are waived except as specifically provided for herein. Maximum building heights shall be the same as specified in Table 4-2-1, Table of Density and Dimensional Requirements for the zoning district in which the PUD is located.

3. Common Areas:

- (a) All planned unit developments shall contain commonly owned land for the use and enjoyment of the residents. Areas shall be designated on the site development plan as common areas and on the subdivision plan as an area to be held in separate ownership for the use and benefit of residents occupying specified lots (or units in the case of condominiums).
- (b) Approval of these common areas requires submission by the developer of a declaration of the covenants and restrictions that will govern the ownership management and maintenance of the common areas. Submissions and declarations shall follow the requirements of the North Carolina Unit Ownership Act where common areas serve condominiums. Submissions and declaration shall follow the requirements for establishment of homeowners associations for townhouses or residential cluster development (same requirements) for all other forms of residential development.
- (c) The minimum amount of useable common open space that shall be reserved for passive and/or active open space purposes shall be in accordance with the standards and requirements of Section 6-7.3, J. The minimum amount of private common open space required by this subsection is in addition to the minimum recreational space required in subsection 7, (g) below.
- (d) Common areas shall comply with the requirements of Section 6-7.

4. Placement of Buildings:

- (a) Individual and unattached buildings in a planned unit development shall have side yards with a minimum of ten ~~(10)~~ feet.

- (b) Any group of buildings forming a courtyard shall have at least ~~twenty five (25)~~ percent of the perimeter of such courtyard open for access to emergency vehicles.
- (c) Setbacks from public street right-of-way shall be similar to the underlying zoning district in which the PUD is located.

(Amended August 13, 2018)
- (d) The minimum size and the minimum standards of periphery lots that will be adjacent to property for single-family houses shall be the same as the minimum size and minimum standards required in the zoning district where that portion of the PUD is located.
- (e) Planned unit developments may consist of individual lots served by a commonly owned private drive; such lots shall meet the minimum standards set forth in (d) above. Private drives shall be paved but do not have to meet the street construction standards of the City. Private drives must be constructed in such a way as to provide passage to emergency vehicles. Any development utilizing private drives to individual lots must have a homeowners association which is specifically required to maintain such private drives and which includes a mechanism for establishing sufficient dues for that purpose. The charter and bylaws of the homeowners association must be approved by the City. Provided, however, if trash or garbage pick up is to be provided by the City to individual residences within the development, the drives must be constructed to city street standards. When private drives are used, the City may require that the developer provide easements to the City for utility, emergency vehicles, and service vehicles.

5. Permissible Residential Uses within a PUD: Generally, permissible residential uses within a PUD may include single-family detached and attached dwellings, two-family dwellings, townhouse dwellings, condominium dwellings, multi-family dwellings, patio homes, and live/work units. Manufactured homes are not permissible residential uses in a PUD. Single-family, two family, and patio home dwellings are not permissible residential uses in a PUD located within the B-1 zoning district.

- (a) Maximum density standards for residential components in a PUD
 - (1) R-20, R-15, R-12, R-10 zoning districts:

The overall density of all permissible residential uses, including any two-family dwellings, multi-family residential uses, including apartments,

condominiums, townhouses, patio homes, and live/work units, shall not exceed the density permitted for single-family dwellings as delineated in Table 4-2-1, Table of Density and Dimensional Requirements. Therefore, while a variety of residential types may be allowed in a PUD, the overall residential density is no different than that allowed for single-family detached residences.

(2) R-8 and R-6 zoning districts:

The overall density for any individual single-family, two-family, or multi-family residential component in a PUD, shall not exceed the density for each use type as delineated in Table 4-2-1, Table of Density and Dimensional Requirements.

(3) O&I and B-1 zoning districts:

The overall density for any individual single-family, two-family, or multi-family residential component in a PUD, shall not exceed the density for each use type as delineated in the table below:

Zoning District		
	O&I	B-1
Minimum lot area		
Single-family	8,000 sq. ft.	not permitted
Two-family	12,000 sq. ft.	not permitted
Multi-family	12,000 sq. ft. for the first 2 units and 5,000 sq. ft. for each additional unit over 2	To be determined during the conditional zoning review process.

Amended November 5, 2018

Factors taken into consideration in determining the permissible density of a specific PUD in a B-1 zoning district shall include the anticipated vehicular traffic, parking, infrastructure, and environmental impacts of the proposed PUD.

6. Permissible Nonresidential Uses within a PUD:

Nonresidential uses allowed within a PUD shall be the same as those specified for the underlying zoning district in Table 4-1-1, Table of Permitted Uses. ~~Minimally, all uses allowed in the B-1 Central Business District shall be allowed in a PUD. In addition, the following nonresidential uses may be permitted in a PUD located in a residential zoning district provided that no more than 15 percent of the total land area of the PUD shall be used for such nonresidential uses:~~

~~(a) Business, Professional and Personal Services:~~

Commented [CS62]: Current menu of land uses is restricted (e.g. "Retail Stores" are prohibited) to a narrow group of land uses. As PUDs require conditional rezoning, this offers a developer a larger menu of non-residential land uses while giving the City more discretion in determining what types of non-residential activities it wants to allow with a new PUD, relative to the surrounding land uses of that area of Mebane.

- ~~(1) Accounting, Auditing or Bookkeeping~~
- ~~(2) Administrative or Management Services~~
- ~~(3) Bank, Savings and Loan, or Credit Union~~
- ~~(4) Barber Shop~~
- ~~(5) Beauty Shop~~
- ~~(6) Clothing Alteration or Repair~~
- ~~(7) Computer Maintenance and Repair~~
- ~~(8) Employment Agency, Personnel Agency~~
- ~~(9) Engineering, Architect or Survey Service~~
- ~~(10) Finance or Loan Office~~
- ~~(11) Insurance Agency~~
- ~~(12) Laundromat, Coin-Operated~~
- ~~(13) Law Office~~
- ~~(14) Medical, Dental or Related Office~~
- ~~(15) Photography, Commercial Art Studio~~
- ~~(16) Real Estate Office~~
- ~~(17) Shoe Repair or Shoeshine Shop~~

~~(b) Retail Trade:~~

- ~~(1) ABC Store (liquor)~~
- ~~(2) Antique Store~~
- ~~(3) Arts and Crafts~~
- ~~(4) Bakery~~
- ~~(5) Bar, Night Club, Tavern~~
- ~~(6) Bookstore, except Adult Bookstore~~
- ~~(7) Computer Sales~~
- ~~(8) Convenience Store~~
- ~~(9) Drugstore~~
- ~~(10) Florist~~
- ~~(11) Food Store~~
- ~~(12) Hardware Store~~
- ~~(13) Newsstand~~
- ~~(14) Optical Goods Sales~~
- ~~(15) Pet Store~~
- ~~(16) Record and Tape Store~~
- ~~(17) Restaurant (without drive-thru)~~
- ~~(18) Service Station, Gasoline Sales~~
- ~~(19) Video Tape Rental and Sales, except Adult Video Store~~

- (c) No nonresidential use shall be permitted within 150 feet of the perimeter of the planned unit development unless the same or a similar use exists adjacent to the perimeter at the time of approval of the planned unit development or is a use permitted by zoning on the adjoining property.
- (d) Building permits for commercial uses in PUDs located in residential zoning districts shall not be approved until building permits authorizing the construction of at least 30 percent of the total residential units have been issued.

7. Site Development Requirements:

- (a) **Parking:** The minimum parking for the individual components of a PUD shall be as required in Section 6-4.3. Parking spaces shall be designed in accordance with the requirements of Section 6-4.4.
- (b) **Screening:** Screening shall be provided in accordance with the requirements of Section 6-3. However, if a berm is determined to be an adequate alternative screening method as provided for in Section 6-3, B, 3, the minimum height of the berm shall be six feet.
- (c) **Signs:** Signs shall comply with the requirements of Section 6-6.
- (d) **Area Lighting:** Exterior lighting shall comply with the standards of Section 6-5.
- (e) **Utility Requirements:** Water supply, sewage disposal, and solid waste disposal shall comply with the requirements of the city's or health department's regulations, whichever is applicable.
- (f) **Private Drives:** Private drives are allowed to connect parking areas and groups of townhouse units to public streets. These drives shall be constructed to the same standards as public streets except that the minimum pavement width shall be sixteen feet. Parking shall not be allowed on private drives except where approved parking bays are provided. A T-turnaround shall be provided for drives of less than 100 feet in length; a 70-foot diameter cul-de-sac is required for longer drives.
- (g) **Minimum recreational space** shall be provided as required in Sections 6-7.1 and 6-7.2.

8. Site Plan Requirements: The site plan shall show the location of the buildings, streets, alleys, walkways, parking area, recreational areas and facilities, numbered and dimensioned residential sites and common areas within the site and all existing buildings and structures within 100 feet in addition to public or private easements or rights-of-way adjoining or intersecting such property. In addition, the site plan shall indicate:

- (a) The proposed timing and schedule of development phases, if any.
- (b) Proposed points of ingress and egress and proposed pattern of internal automobile and pedestrian circulation.
- (c) Proposed provision for storm drainage and sanitary sewer, approved by a NC certified registered engineer

- (d) Size and proposed location of any signs.
- (e) Proposed solid waste storage facilities.
- (f) Proposed water system and fire fighting facilities such as hydrants or sprinkler connections.
- (g) Types of surfacing, slope, grade and cross section of drives, sidewalks, malls, etc. (Private streets shall be designed to assure proper access and turn around for service and emergency vehicles).
- (h) Location and heights of all fences, walls and hedges shall be shown.
- (i) Provisions for control of water run-off and erosion.
- (j) Lighting plan.
- (k) Location and amount of recreational area.

All plans and construction details must meet the current specifications of the City of Mebane.

O. Residential Cluster Development

1. Where Development Standards are Required: R-20, R-15, R-12, R-10, R-8, and R-6 districts.

2. General Requirements:

- (a) Residential cluster development is a type of residential development which allows the transferring of densities, dwelling units, from one area of a land parcel to another. Residential cluster development is to be considered as an alternative to conventional single-family detached or single-family attached.
- (b) All plans for residential cluster developments require conditional zoning, and all site plans for cluster developments must be approved before any rezoning or development takes place.

(Amended November 5, 2018)

- (c) The uses permitted within the residential cluster development shall be the same as those permitted in the zoning district in which it is located.

3. Density:

- (a) Cluster Development permits the transfer of density, dwelling units, from one portion of a land parcel to another,

and will permit the clustering of dwelling units in one or more locations upon the property.

- (b) The development shall result in a permitted number of dwelling units which shall in no case exceed the number of dwelling units which could be permitted if the land was subdivided into single family detached housing lots conforming to the minimum lot size and density requirements of the zoning district or districts in which the land is located.
- (c) No lot may be reduced in size more than 40 percent below the conventional single family lot for the zoning district in which the residential cluster development is located.
- (d) Every parcel intending to be sold shall front on either a public street or common area to be owned by a homeowners association.
- (e) A minimum of three acres is required for every residential cluster development.

4. Common Areas: Areas not shown as lots on the site development plan shall be designated as common areas and on any subdivision plat as an area to be held in separate ownership for the use and benefit of residents of the development.

- (a) Easements over the common areas for access, ingress from and to public streets and walkways and easements for enjoyment of the common areas, as well as for parking, shall be granted to each owner of a residential site.
- (b) All common walls between individual residences shall be party walls and provisions for the maintenance thereof and restoration in the event of destruction or damages shall be established.
- (c) The minimum amount of useable common open space that shall be reserved for passive and/or active open space purposes shall be in accordance with the standards and requirements of Section 6-7.3, H. The minimum amount of private common open space required by this subsection is in addition to the minimum recreational space required in subsection 5, (g) below.
- (d) Common areas shall comply with the requirements of Section 6-7.

5. Site Development Requirements:

- (a) **Parking:** The minimum parking for the individual components of a residential cluster development shall be as required in Section 6-4.3. Parking spaces shall be

designed in accordance with the requirements of Section 6-4.4.

- (b) **Screening:** Screening shall be provided in accordance with the requirements of Section 6-3. However, if a berm is determined to be an adequate alternative screening method as provided for in Section 6-3, B, 3, the minimum height of the berm shall be six feet.
- (c) **Signs:** Signs shall comply with the requirements of Section 6-6.
- (d) **Area Lighting:** Exterior lighting shall comply with the standards of Section 6-5.
- (e) **Utility Requirements:** Water supply, sewage disposal, and solid waste disposal shall comply with the requirements of the city's or health department's regulations, whichever is applicable.
- (f) **Private Streets:** Private streets are allowed provided that they comply with the design and construction standards delineated in Section 7-6.5, H for private streets.
- (g) **Minimum recreational space** shall be provided as required in Section 6-7.1.

6. Site Plan Requirements: The site plan shall show the location of the buildings, streets, alleys, walkways, parking area, recreational areas and facilities, numbered and dimensioned residential sites and common areas within the site and all existing buildings and structures within 100 feet in addition to public or private easements or rights-of-way adjoining or intersecting such property. In addition, the site plan shall indicate:

- (a) The proposed timing and schedule of development phases, if any.
- (b) Proposed points of ingress and egress and proposed pattern of internal automobile and pedestrian circulation.
- (c) Proposed provision for storm drainage and sanitary sewer, approved by a NC certified registered engineer
- (d) Size and proposed location of any signs.
- (e) Proposed solid waste storage facilities.
- (f) Proposed water system and fire fighting facilities such as hydrants or sprinkler connections.
- (g) Types of surfacing, slope, grade and cross section of drives, sidewalks, malls, etc. (Private streets shall be

designed to assure proper access and turn around for service and emergency vehicles).

- (h) Location and heights of all fences, walls and hedges shall be shown.
- (i) Provisions for control of water run-off and erosion.
- (j) Lighting plan.
- (k) Location and amount of recreational area.
- (l) Residential sites: The site plan shall number and show the location and dimensions of residential sites within the development. A residential site is that property intended for conveyance to the fee simple owner for the purpose of construction thereon of a residence and shall be no less than 40 percent of the minimum lot size for a single-family lot in the zoning district in which the residential cluster development is located. The residential site may be on any larger size lot desired by the developer, provided that in this case the residential structure shall be located within the required setback areas from a public street right-of-way as set out for the zoning district in which the residential cluster development is located.

All plans and construction details must meet the current specifications of the City of Mebane.

7. Homeowners Association:

- (a) The establishment of a homeowners association shall be mandatory. The homeowners association shall be organized and established as a legal entity before or as part of the final plat approval and recording process. Membership in the homeowners association shall be mandatory for each original purchaser and each successive purchaser of a residential site. The homeowners association shall comply with the standards of Article 7, Section 7-7.
- (b) The homeowners association shall be responsible for the payment of premiums for liability insurance, local taxes, maintenance of recreational and other facilities located on the common areas, payment of assessments for public and private capital improvements made to or for the benefit of the common areas, maintenance and repair to the exterior of all attached residences located within the development or other common area facilities. It shall be further provided that upon default by the homeowners association in the payment to the governmental authority of any ad valorem taxes levied against the common areas of assessments for a period of six months, then each owner of a residential

site in the development shall become obligated to pay to the taxing or assessing governmental authority a portion of such taxes or assessments in an amount determined by dividing the total taxes and/or assessments due to the governmental authority by the total number of residential sites in the development. If the sum is not paid by the owner within 30 days following receipt of notice of the amount due, then the sum shall become a continuing lien on the residence of the then owner, his heirs, or assigns. The governmental authority may then either bring an action at law against the owner obligated to pay the same or may elect to foreclose the lien against the residence of the owner.

- (c) The homeowners association shall be empowered to levy assessments against the owners of residential sites within the development for the payment of expenditures made by the homeowners association for the items set forth in the preceding subparagraph and any such assessment not paid by the owner against whom such are assessed, shall constitute a lien on the residence of the owner.
 - (1) Proposed Articles of Incorporation: Such articles of incorporation shall provide for homeowners' control when over 50% of the dwelling units are sold.
 - (2) Proposed Bylaws: Such bylaws shall provide for annual meetings of the association, election of officers, and distribution of an annual financial accounting to members.
 - (3) Proposed annual budget: A proposed annual budget shall show monthly assessments which must be set at a sufficient level to insure success of the association.
 - (4) Proposed restrictions and covenant for the common area and residential sites shall be written.
- (d) As a part of the approval process, the developer shall submit to the city the following documents for review:
 - (1) Proposed Articles of Incorporation for the association. Such Articles of Incorporation shall provide for homeowners control when over 50% of the dwelling units are sold.
 - (2) Proposed bylaws of the association. Such bylaws shall provide for annual meetings of the association, election of officers and distribution of an annual financial accounting to members.

- (3) Proposed annual budget of the association showing monthly assessments. The monthly assessments must be set at a sufficient level to insure success of the association and necessary capital expenses.

P. Traditional Neighborhood Development

1. **Where Development Standards are Required:** R-20, R-15, R-12, R-10, R-8, and R-6 districts.
2. **General Design Principles:** TNDs shall adhere to the following general principles and design standards:
 - (a) Neighborhoods have clearly delineated centers and edges and are limited in size to promote pedestrian activity.
 - (b) The distance from the center to the edge of a neighborhood is generally no greater than $\frac{1}{4}$ to $\frac{1}{2}$ mile.
 - (c) TNDs provide a balanced mix of residential, retail, professional and personal service, office, civic, public, and recreational uses.
 - (d) Residential uses include a diversity of housing types.
 - (e) Street patterns are interconnected and blocks are ~~short~~ **no greater than 500 linear feet.**
 - (f) TNDs are organized around an activity center consisting of shopping, offices, public, and civic uses.
 - (g) Public and civic uses, such a schools, libraries, government offices, parks and recreational facilities, plazas, and village greens are prominent features and focal points.
 - (h) Formal and informal open space is located throughout a TND
3. **Development Area Requirements:** A minimum of 10 acres shall be required for a TND.
4. **Minimum Lot Area and Density:**
 - (a) Individual lot sizes may be reduced below the minimum specified in Table 4-2-1, Table of Density and Dimensional Requirements for the zoning district in which the TND is located.
 - (b) The permitted density of the residential component of a TND shall be determined during the conditional zoning review process but in no case shall the density exceed the maximum density delineated in the following table:

Commented [CS63]: "Short" is unhelpfully arbitrary and subject to interpretation. 800' is the subdivision standards and a TND should perhaps have shorter block lengths.

Zoning District	Maximum DU/Gross Residential Acre
R-20	4
R-15	4
R-12	6
R-10	6
R-8	10
R-6	14

Factors taken into consideration in determining the permissible density of a specific TND shall include the anticipated vehicular traffic, infrastructure, and environmental impacts of the proposed TND.

Amended November 5, 2018

5. Dimensional Requirements

- (a) To promote flexibility and creativity, dimensional standards shall be established in accordance with the TND purpose and design principles. The determination of appropriate building setbacks, lot coverage, building heights for proposed uses will be made during the conditional zoning review process.

Amended November 5, 2018

- (b) Each lot created within a TND shall be of sufficient size and dimensions that it can support the structure proposed to be located on it, consistent with all other applicable requirements of this Ordinance.

6. Permissible Residential Uses within a TND: Permissible residential uses within a TND include single-family detached dwellings, two-family dwellings, townhouse dwellings, condominium dwellings, multi-family dwellings, and live/work units.

7. Permissible Nonresidential Uses within a TND: Nonresidential uses allowed within a TND shall be the same as those specified for the underlying zoning district in Table 4-1-1, Table of Permitted Uses. ~~Minimally, all uses allowed in the B-1 Central Business District shall be allowed in a TND. In addition, the following nonresidential uses may be permitted in a PUD located in a residential zoning district provided that no more than 45 30 percent of the total land area of the TND shall be used for such nonresidential uses:~~

~~(a) Business, Professional and Personal Services:~~

- ~~(1) Accounting, Auditing or Bookkeeping~~
- ~~(2) Administrative or Management Services~~
- ~~(3) Bank, Savings and Loan, or Credit Union~~

Commented [CS64]: Current menu of land uses is restricted (e.g. "Retail Stores" are prohibited) to a narrow group of land uses. As TNDs require conditional rezoning, this offers a developer a larger menu of non-residential land uses while giving the City more discretion in determining what types of non-residential activities it wants to allow with a new TND, relative to the surrounding land uses of that area of Mebane. TNDs should have a greater non-residential component to them, as they are functioning as a community center and should have a supporting commercial purpose to them

- ~~(4) Barber Shop~~
- ~~(5) Beauty Shop~~
- ~~(6) Clothing Alteration or Repair~~
- ~~(7) Computer Maintenance and Repair~~
- ~~(8) Employment Agency, Personnel Agency~~
- ~~(9) Engineering, Architect or Survey Service~~
- ~~(10) Finance or Loan Office~~
- ~~(11) Insurance Agency~~
- ~~(12) Laundromat, Coin Operated~~
- ~~(13) Law Office~~
- ~~(14) Medical, Dental or Related Office~~
- ~~(15) Photography, Commercial Art Studio~~
- ~~(16) Real Estate Office~~
- ~~(17) Shoe Repair or Shoeshine Shop~~

~~(b) Retail Trade:~~

- ~~(1) ABC Store (liquor)~~
- ~~(2) Antique Store~~
- ~~(3) Arts and Crafts~~
- ~~(4) Bakery~~
- ~~(5) Bar, Night Club, Tavern~~
- ~~(6) Bookstore, except Adult Bookstore~~
- ~~(7) Computer Sales~~
- ~~(8) Convenience Store~~
- ~~(9) Drugstore~~
- ~~(10) Florist~~
- ~~(11) Food Store~~
- ~~(12) Hardware Store~~
- ~~(13) Newsstand~~
- ~~(14) Optical Goods Sales~~
- ~~(15) Pet Store~~
- ~~(16) Record and Tape Store~~
- ~~(17) Restaurant (without drive-thru)~~
- ~~(18) Service Station, Gasoline Sales~~
- ~~(19) Video Tape Rental and Sales, except Adult Video Store~~

A No nonresidential use shall be permitted within 150 feet of the perimeter of the planned unit development unless the same or a similar use exists adjacent to the perimeter at the time of approval of the planned unit development or is a use permitted by zoning on the adjoining property.

B Building permits for commercial uses in TNDs shall not be approved until building permits authorizing the construction of at least 30 percent of the total residential units have been issued.

8. Land Allocation by Use Type: The minimum and maximum land area devoted to specific land use types shall be determined as follows:

Land Use Type	Minimum	Maximum
Single-family uses	15%	75%
Two-family and multi-family uses, including townhouses and condominiums	10%	40%
Retail, service, and office uses	2%	30%
Civic Uses	2%	None

9. **Open Space:** The minimum amount of useable common open space that shall be reserved for passive and/or active open space purposes shall be in accordance with the standards and requirements of Section 6-7.3, J. The minimum amount of private common open space required by this subsection is in addition to the minimum recreational space required in subsection 11 below.
10. **Street Design:** The design and construction of streets within a traditional neighborhood development shall comply with the *NCDOT's Traditional Neighborhood Development (TND) Guidelines*.
11. **Recreational Space:** Minimum recreational space shall be provided as required in Section 6-7.1.
12. **Common areas:** Common areas shall comply with the requirements of Section 6-7.

4-7.4 Development Standards for Accessory Uses and Structures

Development standards applicable to particular accessory uses and structures identified in Table 4-1-1, Table of Permitted Uses include:

A. Accessory Dwelling Unit (on single-family lots)

1. **Where Development Standards are Required:** RA-20, R-20, R-15, R-12, R-10, R-8, and R-6 districts.
2. **General Requirements:**
 - (a) The accessory dwelling unit is permitted on the same lot with a principal dwelling unit.
 - (b) No more than one accessory dwelling unit is permitted on the same lot with a principal dwelling unit.
 - (c) No accessory dwelling unit shall be permitted on the same buildable lot with a two-family or multi-family dwelling or family care home.
 - (d) The accessory dwelling unit shall be owned by the same person who owns the principal dwelling unit.

- (e) A home occupation shall not be conducted within an accessory dwelling unit.

3. Accessory Dwelling Unit within a Detached Accessory Structure:

- (a) The lot containing both the principal dwelling and a detached accessory dwelling shall ~~have one and one-half times~~ the minimum lot area required for the zoning district in which located.
- (b) Detached accessory dwelling units with a gross floor area of less than 600 square feet shall be located at least 10 feet from side and rear property lines. Accessory dwelling units with a gross floor area of 600 square feet or greater shall meet the setback requirements of the principal building.
- (c) Detached accessory dwelling units shall be located behind and at least 20 feet from the principal dwelling.
- (d) A detached accessory dwelling unit may be a manufactured home only in the MH, Manufactured Housing Overlay Zoning District and within an underlying zoning district that permits manufactured homes to be located on individual lots. A recreational vehicle shall not be utilized as an accessory dwelling unit.
- (e) A detached accessory dwelling unit may be a dwelling unit that is part of an accessory garage or a freestanding dwelling unit meeting the NC Building Code.
- (f) The total floor area of a detached accessory dwelling unit, other than a manufactured home, shall be no greater than 50 percent of the heated floor area of the principal building.

Commented [CS65]: Reflects recent Council discussions about wanting more ADUs in the City.

4. Accessory Dwelling Unit within a Principal Single-Family Dwelling:

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

occupations) in a principal building shall not exceed 25 percent of the total floor area.

B. Accessory Dwelling Unit to an Office Use

1. **Where Development Standards are Required:** O&I and B-1 districts.
2. **General Requirements:**
 - (a) A dwelling unit in the same building as an office is allowed as a special use in the O&I zoning district (It is permitted by right in B-1 district.)
 - (b) For this use to be granted as a special use in O&I district, the building in which the mixed use occurs must have side yards on both sides at least 10 feet wide. This limitation does not apply on corner lots.

C. Caretaker Dwelling

1. **Where Development Standards are Required:** All zoning districts.
2. **Operation:** The principal building must be established on the lot prior to occupancy of the caretaker dwelling or a building permit for the principal building must be obtained and the construction of the principal use must be initiated prior to occupancy of the caretaker dwelling.
3. **Number:** No more than one caretaker dwelling unit shall be permitted per lot.
4. **Manufactured Homes:** A caretaker dwelling may be a manufactured home only in the MH, Manufactured Housing Overlay Zoning District and within an underlying zoning district that permits manufactured homes to be located on individual lots. A recreational vehicle shall not be utilized as a caretaker dwelling unit.
5. **General Requirements:** A caretaker dwelling shall:
 - (a) Have an approved water and sewage disposal connection;
 - (b) Meet all setbacks applicable to the principal building or use;
 - (c) Be erected in accordance with the NC Building Code;
 - (d) Be located on a lot that has sufficient lot area to meet the minimum lot area requirements for both the principal use and a single-family dwelling. In nonresidential districts, where there is no minimum lot area requirement for single-family dwellings, a minimum of 8,000 square feet is

required for a caretaker dwelling in addition to the minimum lot area required for the principal use;

- (e) Be located behind and at least 20 feet from the principal building; and
- (f) Be owned by the same person that owns the principal building or use.
- (g) Be occupied by a person or persons employed by the owner of the principal structure to provide domestic, maintenance, or security services.
- (h) A caretaker dwelling unit located within the principal structure shall not exceed 1,500 square feet of gross floor area.

F. Screening: In MH, Manufactured Housing Overlay districts, a manufactured home used as a caretaker dwelling, shall be screened from abutting single-family, detached residences by a buffer yard which complies with the requirements of Section 6-3.

D. Communication Tower under 50 feet in Height

- 1. **Where Development Standards are Required:** RA-20, R-20, R-15, R-12, R-10, R-8, and R-6 districts, except that communication towers on government facilities and structures are allowed by right in all zoning districts, provided that applicable lease agreements are obtained. Communications towers that are 50 feet or greater in height, except for public safety communications towers, are governed by the provisions of Section 4-7.9, D., Communications Towers and All Other Radio, Television Towers Over 50 feet in Height. Public safety communications towers are allowed in accordance with the requirements of Section 4-7.9, C.
- 2. **Location:** Towers shall not be placed in any front yard or side yard. All supporting cables shall be contained on the property.

E. Home Occupation

- 1. **Where Development Standards are Required:** RA-20, R-20, R-15, R-12, R-10, R-8, and R-6 districts.
- 2. **General Requirements**
 - (a) Activities shall not generate traffic, noise, vibration, glare, fumes, odors, or electrical interference beyond what normally occurs in the zoning district in which it is located. No home occupation shall involve the use of electrical or mechanical equipment that would change the fire rating of the structure in which the home occupation is located.

- (b) The home occupation must be conducted entirely within a principal dwelling unit. It must be a use that is clearly incidental and secondary to the use of the dwelling unit for residential purposes and a use that does not change the character or outside appearance of the residence.
- (c) The floor area used for home occupations shall not exceed 25% of the total floor area of the dwelling, and one home occupation shall not operate in more than one dwelling unit or residential lot.
- (d) No evidence of the home occupation shall be permitted except as provided below; nor shall the presence of the incidental use change the exterior character of the dwelling unit.
 - (1) There shall be no sales rooms or display windows, nor open storage of materials or supplies associated with the home occupation.
 - (2) The only permitted sign shall be an unlighted professional or occupational sign which is limited to three square feet in area and may be a freestanding or wall sign. The sign shall comply with the requirements of Section 6-6.
- (e) No more than one employee who is not a member of the immediate family residing in the dwelling unit may be employed in the operation of a home occupation.
- (f) Instruction in music, dancing, art, or similar subjects shall be limited to no more than 5 students at one time.
- (g) Client visits to the home occupation shall be limited to the hours of 8 am to 8 pm.
- (h) Delivery and pickup services shall be those customary to residential areas and shall occur only between the hours of 8 am and 8 pm.

F. Satellite Dish Antenna

- 1. Where Development Standards are Required:** RA-20, R-20, R-15, R-12, R-10, R-8, and R-6 districts.
- 2. General Requirements**
 - (a) Satellite dish antenna shall not be constructed or maintained within the right-of-way of any street, highway or sidewalk.
 - (b) No satellite dish, short wave antenna or similar tower in excess of four feet in diameter shall be constructed or

maintained within four feet of the edge of the pavement or shoulder of a street, highway or sidewalk.

- (c) Satellite dishes are restricted to rear and side yards and must meet setback requirements for the zoning district where located.
- (d) Satellite dish antenna shall not exceed the maximum building height restriction of the applicable zoning district.

4-7.5 Development Standards for Recreational Uses

Development standards applicable to particular recreational uses identified in Table 4-1-1, Table of Permitted Uses include:

A. Athletic Fields

- 1. Where Development Standards are Required:** RA-20, R-20, R-15, R-12, R-10, R-8, R-6, O&I, B-2, M-1, and M-2 districts.
- 2. General Requirements:**
 - (a) Hours of Operation: The hours of operation allowed shall be compatible with the land uses adjacent to the facility.
 - (b) Noise: The amount of noise generated shall not disrupt the activities of the adjacent land uses.
 - (c) Parking: The permit issuing authority shall not grant the permit unless it finds that the parking generated by the facility can be accommodated without undue disruption to or interference with the normal flow of traffic or with the right of adjacent and surrounding property owners.
 - (d) Vehicular Access: Principal vehicular access must be from a collector or higher capacity road for any facility greater than 3 acres in size that generates an average daily traffic volume of over 200 or more trips per day.
 - (e) Outdoor Lighting: All outdoor lighting shall be designed and located such that the maximum illumination measured in foot-candles at the property line shall not exceed 0.3 onto adjacent residential sites and 1.0 onto adjacent nonresidential sites and public rights-of-way.
 - (f) Screening: Parking lots and outdoor storage areas shall be screened from adjoining residential uses or residentially-zoned lots by a buffer yard. The required buffer yard shall comply with requirements of Section 6-3.

3. Site Plan Requirements: The applicant shall submit a site plan which shows:

- (a) The location and approximate size of all existing and proposed buildings and structures on the site and within 500 feet of the site;
- (b) The proposed points of ingress and egress and the proposed pattern of internal circulation;
- (c) The proposed parking areas;
- (d) The lighting plan; and
- (e) The proposed provision for storm and sanitary sewer; and the proposed treatment of ground cover, slopes, banks and ditches.

B. Auditorium, Coliseum or Stadium

1. Where Development Standards are Required: O&I, B-1, and B-2 districts.

2. General Requirements

- (a) Minimum development area: Five acres.
- (b) Minimum use separation: Arena, auditorium, or stadium facilities shall be located a minimum of 500 feet from any adjoining residentially-used or zoned property.
- (c) Vehicular access: Vehicular access to arena, auditorium, or stadium facilities shall be from a major thoroughfare road. Access points shall be located so as to minimize vehicular traffic to and through local residential streets.
- (d) Outdoor Lighting: All outdoor lighting shall be designed and located such that the maximum illumination measured in foot-candles at the property line shall not exceed 0.3 onto adjacent residential sites and 1.0 onto adjacent nonresidential sites and public rights-of-way.
- (e) Screening: Parking lots and outdoor storage areas shall be screened from adjoining residential uses or residentially-zoned lots by a buffer yard. The required buffer yard shall comply with requirements of Section 6-3.

C. Batting Cages, Outdoor

1. Where Development Standards are Required: RA-20, B-2, and M-2 districts.

2. General Requirements

- (a) Minimum Building Setbacks: All buildings and structures shall be a minimum of 50 feet from any residentially-zoned or used lot.
- (b) Minimum Lot Area: The minimum lot area shall be one acre.
- (c) Minimum Lot Depth: The minimum lot depth from the tees to the end of the driving area shall be 1,000 feet or the end shall be controlled with netting and/or berms to prevent golf balls from leaving the property.
- (d) Hours of Operation: The hours of operation allowed shall be compatible with the land uses adjacent to the proposed site. In no case, however, shall such use that adjoins residentially used or zoned property conduct business between the hours of 10 pm and 8 am.
- (e) Security Fencing: Fencing, netting, or other control measures shall be provided around three sides of the batting area so as to prevent balls from leaving the designated area.
- (f) Outdoor storage areas shall comply with the screening requirements of Section 6-3.
- (g) Outdoor Lighting: All outdoor lighting shall be designed and located such that the maximum illumination measured in foot-candles at the property line shall not exceed 0.3 onto adjacent residential sites and 1.0 onto adjacent nonresidential sites and public rights-of-way.
- (h) Noise: The amount of noise generated shall not disrupt the activities of the adjacent land uses.

D. Campground/RV Park

- 1. **Where Development Standards are Required:** R-20, M-1, and M-2 districts.
- 2. **General Requirements:**
 - (a) The minimum development area of a campground/RV park shall be three acres. A minimum of 15 tent or RV spaces shall be included within the campground/RV park.
 - (b) No campsite shall be used as a permanent place of abode, dwelling, or business for indefinite periods of time. Continuous occupancy extending beyond three months in any 12-month period shall be presumed to be permanent occupancy.

- (c) Any action toward removal of wheels of a travel trailer except for temporary purposes of repair or to attach the trailer to the ground for stabilizing purposes shall be prohibited.
- (d) All campsites proposed for sale shall be recorded with subsections (b) and (c) above as deed restrictions.
- (e) Accessory uses shall be so designed and developed so as to blend with the park's design and natural setting. Such uses shall be clearly accessory to the principal use as a campground/recreational vehicle park. Accessory uses shall include management headquarters, recreational facilities, toilets, dumping stations, showers, coin-operated laundry facilities, and other uses and structures customarily incidental to the operation of the park.
- (f) Conditions of soil, groundwater level, drainage and topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, noise, odors, or other adverse influences, and no portion subject to unpredictable and/or sudden flooding, subsidence, or erosion shall be used for any purpose which would expose persons or property to hazards.
- (g) Exposed ground surfaces in all parts of the recreational vehicle park shall be paved, or covered with stone screenings, or other solid materials, or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust. A soil sedimentation control plan shall be submitted in accordance with Section 5-8.
- (h) Surface drainage plans for the entire tract shall be reviewed to determine whether the proposed plan is compatible with the surrounding existing drainage pattern and relevant drainage plans, prior to issuance of site plan approval and building permits. No permit shall be issued where it is determined that the plan is incompatible with surrounding areas.

3. Dimensional Requirements:

- (a) Maximum density shall be limited to 15 campsites per net acre, excluding public areas, rights-of-way, watercourses, and other areas as may be set forth.
- (b) In no case shall any individual campsite contain less than 2,800 square feet. To the greatest extent possible, campsites shall be developed to preserve their natural character. The portion of the campsite intended to

accommodate a recreational vehicle or tent shall be level and well drained.

- (c) Recreational vehicles shall be separated from each other and from other structures within the campground/RV park by at least 15 feet. Any accessory structures such as attached awnings, carports, or individual storage facilities shall, for the purpose of this separation requirement, be considered part of the recreational vehicle.
- (d) Recreational vehicle sites and off-street parking spaces shall not be within the setback areas required for main buildings or principal structures.
- (e) Setback areas for recreational vehicle sites shall contain natural vegetation or be landscaped and shall be used for no other purposes.
- (f) The minimum setback of any building, structure, or recreational vehicle site from a public road right-of-way shall be the same as that required for a principal building in the zoning district in which the park is located.
- (g) The minimum setback from a private, interior street shall be 20 feet from the edge of pavement.
- (h) The minimum exterior side property line setback, when abutting residentially used or zoned areas, shall be 50 feet. In all other cases, the exterior side property line setback shall be at least 25 feet.
- (i) The minimum exterior rear property line setback, when abutting residentially used or zoned areas, shall be 50 feet. In all other cases, the exterior rear property line setback shall be at least 30 feet.

4. Access and Street Requirements:

- (a) No individual campsite shall have direct vehicular access to a public street. All campsites shall directly abut and have access to a private, interior road contained within the campground/RV park.
- (b) Entrance driveways shall be located not closer than 150 feet from the intersection of public roads.
- (c) Interior access roads shall conform to the construction standards for private streets in Section 7-6.5, H. Street plans and profiles shall be submitted with the site plan for review and approval. Streets shall be of sufficient width to accommodate the type and volume of anticipated traffic and, in any case, shall meet the following minimum pavement width requirements:

- (1) One way with no parking: minimum 12 feet in width.
- (2) Two-way with no parking: Minimum 24 feet in width.
- (d) Entrances and exits to campgrounds/RV parks shall be designed for safe and convenient movement of traffic into and out of the park and to minimize marginal friction with free movement of traffic into and out of the park. No entrance or exit shall require a turn at an acute angle for vehicles moving in the direction intended. Radii of curbs and pavements at intersections shall be such as to facilitate easy turning movements for vehicles with trailers attached. No impediment to visibility shall be created or maintained which obscures the view of an approaching driver in the right lane of the road within (i) 100 feet where the speed limit is 45 mph or (ii) within 150 feet where the speed limit is over 45 mph or any portion of the approach lane of the access way within 25 feet of its intersection with the right hand of the lane.

5. Parking Requirements:

- (a) There shall be at least 3 off-road parking spaces designated in a campground/RV park for each 2 campsites. At least 1 space must be provided on each campsite with any residual spaces provided within 100 feet of the site.
- (b) Each campsite shall contain a stabilized vehicular parking pad of paving or other suitable material.
- (c) No more than one recreational vehicle may be parked on a individual campsite.

6. Utility Requirements:

- (a) No on-site water or sewer facilities shall be permitted on any campsite. Proposals for dumping stations and common toilets and restrooms, laundries, and baths shall have the approval and be subject to the requirements of the applicable Health Department and the City of Mebane.
- (b) All water supply facilities shall have the approval of the the City of Mebane and the NC Division of Health Services. All sewer facilities improvements shall have the approval of the City of Mebane and the NC Division of Environmental Management.
- (c) All water and sewer improvements within the campground/RV park shall comply with the NC Building Code for Plumbing.

7. Screening Requirements:

- (a) Where campgrounds/RV parks abut a residential area, a permanent buffer yard of at least 50 feet shall be established with adequate restrictive covenants to prohibit development within the buffer yard. A natural year-round screen shall be planted, which at maturity, shall reach a minimum height of at least 8 feet. Such screening shall complement the adjacent environment.

8. Recreational Space Requirements:

- (a) A minimum of 8 percent of the gross site area of the campground/RV park shall be set aside and developed as common use areas for open or enclosed recreation facilities.

E. Civic, Social and Fraternal Clubs and Lodges

- 1. Where Development Standards are Required:** RA-20, R-20, R-15, R-12, R-10, R-8, R-6, O&I, B-1, and B-2, districts.

2. General Requirements

- (a) Location: Clubs shall have direct access to a collector or higher capacity street. However, if the use is intended to serve only a membership that is limited to a residential development, access may be provided from a residential street or an interior street within the residential development.
- (b) All building and structures shall be located a minimum of 30 feet from any residentially-used or zoned property.
- (c) Outdoor recreational facilities, including swimming pools, tennis courts, and athletic fields, associated with the use shall comply with the applicable standards delineated in Section 4-7.5 for such recreational facility.
- (d) Screening: All parking lots shall be screened from all adjoining residential uses by a buffer yard. The required buffer yard shall comply with the requirements of Section 6-3.
- (e) Hours of Operation: The hours of operation allowed shall be compatible with the land uses adjacent to the proposed site. In no case, however, shall such use that adjoins residentially used or zoned property conduct business between the hours of 10 pm and 8 am.

F. Community Center

- 1. Where Development Standards are Required:** RA-20, R-20, R-15, R-12, R-10, R-8, R-6, and O&I districts.

2. General Requirements

- (a) Vehicular Access: Clubs shall have direct access to a collector or higher capacity street. However, if the use is intended to serve only a membership that is limited to a residential development, access may be provided from a residential street or an interior street within the residential development.
- (b) Screening: All parking lots shall be screened from all adjoining residential uses by a buffer yard. The required buffer yard shall comply with the requirements of Section 6-3.
- (c) Outdoor recreational facilities, including swimming pools, tennis courts, and athletic fields, associated with the use shall comply with the applicable standards delineated in Section 4-7.5 for such recreational facility.
- (d) All building and structures shall be located a minimum of 30 feet from any residentially-used or zoned property.
- (e) Hours of Operation: The hours of operation allowed shall be compatible with the land uses adjacent to the proposed site. In no case, however, shall such use that adjoins residentially used or zoned property conduct business between the hours of 10 pm and 8 am.

G. Country Club with Golf Course

- 1. **Where Development Standards are Required:** RA-20, R-20, R-15, R-12, R-10, R-8, R-6, B-2, and B-3 districts.

2. General Requirements:

- (a) Minimum Area: The minimum area shall be 2 acres in addition to the golf course(s).
- (b) Use Separation: Fifty-foot minimum distance between clubhouse, swimming pool, lighted tennis court, tees, greens, or fairways and any adjacent residentially-zoned or used property.
- (c) Vehicular Access: Clubs shall have direct access to a collector or higher capacity street.
- (d) Screening: All parking lots shall be screened from all adjoining residential uses by a buffer yard. The required buffer yard shall comply with the requirements of Section 6-3.

- (e) Security Fencing: Outdoor swimming pools shall be protected by a fence in accordance with the applicable Health Department's public swimming pool regulations.
- (f) Hours of Operation: The hours of operation allowed shall be compatible with the land uses adjacent to the proposed site. In no case, however, shall outdoor facilities that adjoin residentially used or zoned property conduct business between the hours of 10 pm and 8 am.
- (g) Outdoor storage areas shall comply with the screening requirements of Section 6-3.
- (h) Outdoor Lighting: All outdoor lighting shall be designed and located such that the maximum illumination measured in foot-candles at the property line shall not exceed 0.3 onto adjacent residential sites and 1.0 onto adjacent nonresidential sites and public rights-of-way.

H. Golf Course

1. **Where Development Standards are Required:** RA-20, R-20, R-15, R-12, R-10, R-8, R-6, and O&I districts.
2. **General Requirements:**
 - (a) Use Separation: Fifty-foot minimum distance between clubhouse, tees, greens, or fairways and any adjacent residentially-zoned or used property.
 - (b) Vehicular Access: Clubs shall have direct access to a collector or higher capacity street.
 - (c) Screening: All parking lots shall be screened from all adjoining residential uses by a buffer yard. The required buffer yard shall comply with the requirements of Section 6-3.
 - (d) Outdoor storage areas shall comply with the screening requirements of Section 6-3.
 - (e) Outdoor Lighting: All outdoor lighting shall be designed and located such that the maximum illumination measured in foot-candles at the property line shall not exceed 0.3 onto adjacent residential sites and 1.0 onto adjacent nonresidential sites and public rights-of-way.

I. ~~Private Club or Recreational Facility, Other~~ and ~~Public Park or Recreational Facility, Other~~

1. **Where Development Standards are Required:** RA-20, R-20, R-15, R-12, R-10, R-8, and R-6 districts.
2. **General Requirements:**

Commented [CS66]: The City Council, Manager, and Recreation and Parks Director are all responsible for new public parks in the City. Parks not featuring activity centers such as athletic fields should be at the discretion of the City and its actions on behalf of the citizenry and not subject to development standards of private entities who are not accountable to voters.

- (a) Hours of Operation: The hours of operation allowed shall be compatible with the land uses adjacent to the facility.
- (b) Noise: The amount of noise generated shall not disrupt the activities of the adjacent land uses.
- (c) Parking: The permit issuing authority shall not grant the permit unless it finds that the parking generated by the facility can be accommodated without undue disruption to or interference with the normal flow of traffic or with the right of adjacent and surrounding property owners.
- (d) Vehicular Access: Principal vehicular access must be from a collector or higher capacity road for any facility greater than 3 acres in size that generates an average daily traffic volume of over 200 or more trips per day.
- (e) Outdoor Lighting: All outdoor lighting shall be designed and located such that the maximum illumination measured in foot-candles at the property line shall not exceed 0.3 onto adjacent residential sites and 1.0 onto adjacent nonresidential sites and public rights-of-way.
- (f) Screening: Parking lots and outdoor storage areas shall be screened from adjoining residential uses or residentially-zoned lots by a buffer yard. The required buffer yard shall comply with requirements of Section 6-3.
- (g) Setbacks: All activities and facilities shall be located at least 30 feet from any property line.

J. Race Track Operation

1. Where Development Standards are Required: M-1 districts.

2. General Requirements:

- (a) Minimum Lot Area: The minimum lot area shall be 40 acres.
- (b) Minimum Property Setbacks: All buildings and structures , including raceways, shall be a minimum of 500 feet from any residentially-zoned or used lot.
- (c) Vehicular Access: The use shall have direct access to an arterial or higher capacity street.
- (d) Hours of Operation: The hours of operation allowed shall be compatible with the land uses adjacent to the proposed site. In no case, however, shall such use that adjoins residentially used or zoned property conduct business between the hours of 10 pm and 8 am.

- (e) Noise: The amount of noise generated shall not disrupt the activities of the adjacent land uses.
- (f) Security Fencing: Security fencing, a minimum of 6 feet in height, shall be provided along the entire boundary of the facility.
- (g) Outdoor Lighting: All outdoor lighting shall be designed and located such that the maximum illumination measured in foot-candles at the property line shall not exceed 0.3 onto adjacent residential sites and 1.0 onto adjacent nonresidential sites and public rights-of-way.
- (h) Dust: All unpaved areas shall be maintained in a manner that prevents dust from adversely impacting adjoining properties.
- (i) Outdoor storage areas shall comply with the screening requirements of Section 6-3.
- (j) Parking: The permit-issuing authority shall not grant the permit unless such authority finds that the parking generated by the facility can be accommodated without undue disruption to or interference with the normal flow of traffic or with the right of adjacent and surrounding property owners.

K. Riding Academy, Riding Stables, Equestrian Facility

1. Where Development Standards are Required: RA-20 districts.

2. General Requirements:

- (a) Minimum Lot Area: The minimum development area shall be three acres. Parcels shall contain the following minimum lot area for horses kept on the property: 2.0 acres of gross lot area for one horse and 1.0 acre for each additional horse.
- (b) Use Separation: There shall be minimum 200-foot distance between manure storage areas, barns or stables and any adjacent residentially-zoned property.
- (c) Hours of Operation: The hours of operation allowed shall be compatible with the land uses adjacent to the proposed site.
- (d) Noise: The amount of noise generated shall not disrupt the activities of the adjacent land uses.
- (e) Dust: All unpaved areas shall be maintained in a manner that prevents dust from adversely impacting adjoining properties.

- (f) Outdoor Lighting: All outdoor lighting shall be designed and located such that the maximum illumination measured in foot-candles at the property line shall not exceed 0.3 onto adjacent residential sites and 1.0 onto adjacent nonresidential sites and public rights-of-way.
- (g) Outdoor storage areas shall comply with the screening requirements of Section 6-3.

L. Shooting Range, Indoor

- 1. **Where Development Standards are Required:** M-1, and M-2 districts.
- 2. **Noise:** The facility shall, to the maximum extent feasible, be designed to absorb sound and shall be designed to meet the standards for indoor shooting ranges as established by the National Rifle Association.

M. (Reserved)

N. Swim and Tennis Club

- 1. **Where Development Standards are Required:** RA-20, R-20, R-15, R-12, R-10, R-8, and R-6 districts.
- 2. **General Requirements:**
 - (a) Minimum Lot Area: The minimum area shall be 2 acres.
 - (b) Use Separation: There shall be a minimum 50-foot distance between clubhouses, swimming pools, and lighted tennis courts and any adjacent residentially-used or zoned property.
 - (c) Hours of Operation: The hours of operation allowed shall be compatible with the land uses adjacent to the proposed site. In no case, however, shall outdoor activities and facilities that adjoin residentially-used or zoned property conduct business between the hours of 10 pm and 8 am.
 - (d) Noise: The amount of noise generated shall not disrupt the activities of the adjacent land uses.
 - (e) Parking: The permit-issuing authority shall not grant the permit unless it finds that the parking generated by the facility can be accommodated without undue disruption to or interference with the normal flow of traffic or with the right of adjacent and surrounding property owners.
 - (f) Vehicular Access: Principal vehicular access must be from a collector or higher capacity road for any facility greater than 3 acres in size that generates an average daily traffic volume of over 200 or more trips per day. However, if the

use is intended to serve only a membership that is limited to a residential development, access may be provided from a residential street or an interior street within the residential development.

- (g) Outdoor storage areas shall comply with the screening requirements of Section 6-3.
- (h) Security Fencing: Outdoor swimming pools shall be protected by a fence a minimum of 5 feet in height or as required by the applicable Health Department's public pool regulations, whichever is greater.
- (i) Outdoor Lighting: All outdoor lighting shall be designed and located such that the maximum illumination measured in foot-candles at the property line shall not exceed 0.3 onto adjacent residential sites and 1.0 onto adjacent nonresidential sites and public rights-of-way.

4-7.6 Development Standards for Educational and Institutional Uses

Development standards applicable to particular educational and institutional uses identified in Table 4-1-1, Table of Permitted Uses include:

A. Cemetery, Columbarium or Mausoleum (principal use not an accessory use to a church or other place of worship)

- 1. Where Development Standards are Required:** RA-20, R-20, R-15, R-12, and R-10 districts.
- 2. General Requirements:**
 - (a) The minimum lot area shall be 5 acres.
 - (b) All applicable requirements of the North Carolina General Statutes and the applicable County concerning the interment of human dead shall be met.
 - (c) No interment shall take place within 20 feet of any property line or public road right-of-way.
 - (d) Buildings for the maintenance, management, rent and/or sale of cemetery lots must be located at least 100 feet from any lot line that adjoins a residential zoning district. Otherwise, such buildings shall conform to the requirements of the principal use for the district in which located.
 - (e) Adequate off-street lot area shall be provided for funeral processions.
 - (f) Screening: Screening shall be provided in accordance with the requirements of Section 6-3.

- (g) **Vehicular Access:** The use shall have direct access to a collector or higher capacity street

B. Cemetery, Columbarium or Mausoleum on Same Property as Church

- 1. **Where Development Standards are Required:** RA-20, R-20, R-15, R-12, R-10, R-8, R-6, O&I, B-1, B-2, and B-3 districts.
- 2. **General Requirements:** All grave sites adjoining residentially-used or zoned parcels adjoining residentially-used or zoned property lines shall be set back a minimum of 20 feet from the property line or the minimum required set back distance for the zoning distance in which located, whichever is greater.

C. Church or Other Place of Worship

- 1. **Where Development Standards are Required:** RA-20, R-20, R-15, R-12, R-10, M-1, and M-2 districts.
- 2. **General Requirements:**
 - (a) **Minimum Building Setbacks:** The minimum street setback shall be at least 25 feet greater than that required for a single-family dwelling for the zoning district in which located. The minimum side and rear setbacks shall be at least 50 feet.
 - (b) **Vehicular Access:** Church facilities located on site of 3 acres or more shall have direct access to a collector or higher capacity road.
 - (c) **Screening and Buffering:** The use shall provide a buffer yard between any adjoining residentially-used or zoned property in accordance with the requirements of Section 7-8.4, B.
 - (d) **Accessory Uses:** Accessory uses such as day care centers, pre-schools, and schools shall comply with the applicable development standards of this Article for such uses.
 - (e) **Special Use Permit:** In M-1 & M-2 zoning districts with the following two conditions: (1) Existing development standards for religious institutions are to be met, and (2) The church must accept any noise or other activities on adjacent properties that are otherwise allowed in current M-1 and M-2 zoning districts.

Amended May 3, 2010

D. College, University or Technical Institute

- 1. **Where Development Standards are Required:** O&I districts.

- 2. Permissible Residential Uses:** There are locations in which educational and support land uses that are physically removed from a main campus environment may be an appropriate and compatible land use in the O&I zoning district. In such cases, allowable uses may include, in addition to the principal college, university or technical institute use, the following residential land uses:
- (a) Single-family Detached Dwellings.
 - (b) Two-family Dwellings.
 - (c) Townhouse Dwellings.
 - (d) Condominium Dwellings.
 - (e) Multifamily Dwellings.
- (3) Residential Development Standards:** Residential uses shall comply with the density and dimensional standards of the R-6 zoning district except that such residential uses may be developed as a Planned Unit Development, in which case the additional development standards delineated in Section 4-7.3, N shall be followed. Nonresidential uses may be developed as allowable in PUDs per Section 4-7.3, N.
- (4) Arena, Auditorium, or Stadium:** See Section 4-7.5, B.
- E. (Reserved)**
- F. Day Care Center, Adult and Child, 5 or Less Clients (accessory to a principal residential use)**
- 1. Where Development Standards are Required:** RA-20, R-20, R-15, R-12, R-10, R-8, and R-6 districts.
 - 2. General Requirements:** Day care centers providing services to 5 or less clients are allowed as an accessory use in all residential districts provided the following requirements are met:
 - (a) Day care services may include a care facility established in a residential dwelling where, at any one time, five or less children, receive day care as defined in NCGS 110-86. Day care services may also include providing adult day care for five or fewer adults on a regular basis for more than two hours per day.
 - (b) Hours of Operation: The use shall not be operated between the hours of 7 p.m. and 6 a.m.

- (c) Security Fencing: Outdoor activity area(s) for children shall be enclosed by a security fence at least 6 feet in height and shall be located outside of the road setback.
- (d) Minimum lot area: The lot shall have sufficient land area to accommodate minimum required parking and loading/unloading areas for the residential dwelling and the day care use.
- (e) State Licensing Requirements: The use shall comply with all state licensing requirements.
- (f) The additional standards of Section 4-7.4, E for home occupations shall also be met.

G. Day Care Center, Adult and Child, 6-12 Clients (principal use) [amended April 7, 2008]

1. **Where Development Standards are Required:** RA-20, R-20, R-15, R-12, R-10, R-8, and R-6 districts.
2. **General Requirements:** Day care centers providing services to 6-12 clients are allowed as a principal use in all residential districts provided the following requirements are met:
 - (a) The facility must have a minimum of 1200 square feet of outdoor play area, or such other area as shall be required by state licensing requirements, whichever is greater.
 - (b) The aggregate play area must be surrounded by sturdy fence at least four feet high.
 - (c) Screening: Screening between the use and adjoining residentially-used or zoned properties shall be provided in accordance with the requirements of Section 6-3.
 - (d) Site Plans: In addition to the site plan requirements of Appendix A, the required site plan shall show (i) the proposed points of access and egress and the pattern of internal circulation, loading, and unloading and (ii) the location of extent of the outdoor recreation areas.
 - (e) Hours of Operation: The use shall not be operated between the hours of 7 p.m. and 6 a.m.
 - (f) Vehicular Access: Facilities on a site greater than 1 acre shall have access to a collector or higher capacity street.
 - (g) State Licensing Requirements: The use shall comply with all state licensing requirements.

**G.1. Day Care Center, Adult and Child, 13 or More Clients (principal use)
[amended April 7, 2008]**

1. **Where Development Standards are Required:** RA-20 districts.
2. **General Requirements:** Day care centers providing services to 13 or more clients are allowed as a principal use in RA-20 districts provided the requirements delineated Section 4-7.6 G, 2 (a) through (g) are met:

H. Elementary or Secondary School

1. **Where Development Standards are Required:** RA-20, R-20, R-15, R-12, R-10, R-8, R-6, O&I, B-2, and B-3 districts.
2. **General Requirements:**
 - (a) **Minimum Area:** Minimum lot size shall be 3 acres.
 - (b) **Vehicular Access:** Principal access shall be from a collector or higher capacity road.
 - (c) **Screening:** All parking lots shall be screened from all adjoining residential uses or residentially-zoned lots by a buffer yard. The required buffer yard shall comply with the requirements of Section 6-3.
 - (d) **Site Plans:** In addition to the site plan requirements of Appendix A, the required site plan shall show (i) the proposed points of access and egress and the pattern of internal circulation, loading, and unloading and (ii) the location of extent of playgrounds, athletic fields, and other outdoor recreation areas.

I. Fire Station/Emergency Medical Service

1. **Where Development Standards are Required:** RA-20, R-20, R-15, R-12, R-10, R-8, and R-6 districts.
2. **General Requirements:**
 - (a) **Use Separation:** All structures, buildings, or enclosed areas used for the operation shall be a minimum of 100 feet from any residentially-zoned or used structure.
 - (b) **Vehicular Access:** Principal access shall be from a collector or higher capacity road.
 - (c) **All equipment and vehicles shall be stored indoors.**
 - (d) **Screening:** All parking lots shall be screened from all adjoining residential uses or residentially-zoned lots by a

buffer yard. The required buffer yard shall comply with the requirements of Section 6-3.

J. Library

- 1. Where Development Standards are Required:** RA-20, R-20, R-15, R-12, R-10, R-8, and R-6 districts.
- 2. General Requirements:**
 - (a) Vehicular Access: Principal access shall be from a collector or higher capacity road.
 - (b) Screening: All parking lots shall be screened from all adjoining residential uses or residentially-zoned lots by a buffer yard. The required buffer yard shall comply with the requirements of Section 6-3.

K. Nursing and Convalescent Home, Rest Home

- 1. Where Development Standards are Required:** RA-20, R-20, R-15, R-12, R-10, R-8, and R-6 districts.
- 2. Dimensional Requirements:** The following minimum dimensional requirements shall apply to nursing and convalescent homes:
 - (a) Minimum Development Area: 2 acres
 - (b) Minimum Lot Area: 8,000 square feet for the first 9 patient beds, rooms, or suites plus 1,000 square feet for each additional patient bed, room, or suite or the minimum lot area requirement for the zoning district, whichever is greater.
 - (c) Setbacks: 50 feet from all property lines and the street right-of-way.
 - (d) Minimum Building Separation: 20'
 - (e) Screening: All parking lots shall be screened from all adjoining residential uses or residentially-zoned lots by a buffer yard. The required buffer yard shall comply with the requirements of Section 6-3.
 - (f) Vehicular Access: Principal access shall be from a collector or higher capacity road.

~~**L. Orphanage**~~

- ~~**1. Where Development Standards are Required:** RA-20, R-20, R-15, R-12, R-10, R-8, and R-6 districts.~~
- ~~**2. General Requirements**~~

Commented [CS67]: Use is redundant with "Family Care Home" and "Group Facility"

- ~~(a) Minimum Lot Area: 8,000 square feet for the first 9 patient beds, rooms, or suites plus 1,000 square feet for each additional patient bed, room, or suite or the minimum lot area requirement for the zoning district, whichever is greater.~~
- ~~(b) Setbacks: 50 feet from all property lines and the street right-of-way.~~
- ~~(c) Minimum Building Separation: 20'~~
- ~~(d) Screening: All parking lots shall be screened from all adjoining residential uses or residentially-zoned lots by a buffer yard. The required buffer yard shall comply with the requirements of Section 6-3.~~
- ~~(e) Vehicular Access: For facilities on parcels greater than 3 acres, the principal vehicular access shall be from a collector or higher capacity road.~~

M. Retreat/Conference Center

1. Where Development Standards are Required: RA-20 districts.

2. General Requirements

- (a) Minimum Development Area: 2 acres
- (b) Hours of Operation: The hours of operation allowed shall be compatible with the land uses adjacent to the facility.
- (c) Setbacks: 50 feet from all property lines and the street right-of-way.
- (d) Minimum Building Separation: 20'
- (e) Screening: All parking lots, loading areas, and trash disposal areas shall be screened from all adjoining residential uses or residentially-zoned lots by a buffer yard. The required buffer yards shall comply with the requirements of of Section 6-3.
- (f) Vehicular Access: Principal access shall be from a collector or higher capacity road.
- (g) Parking: The permit-issuing authority shall not grant the permit unless it finds that the parking generated by the facility can be accommodated without undue disruption or interference with the normal flow of traffic or with the right of adjacent and surrounding property owners.

4-7.7 Development Standards for Business, Professional, and Personal Uses

Development standards applicable to particular business, professional, and personal uses identified in Table 4-1-1, Table of Permitted Uses include:

A. Automobile Repair Services, **Minor and Major**

1. **Where Development Standards are Required:** B-1 and B-3 districts.
2. **General Requirements:**
 - (a) **Includes work done on motorcycles and all-terrain vehicles (ATVs), both classified as "Minor Automobiles"**
 - (a) No motor vehicle parked or stored on the premises shall be located closer than 10 feet to the street line.
 - (b) No outdoor servicing, repair or disassembly is allowed.
 - (c) Only vehicles capable of movement under their own power are allowed.
 - (d) Temporary storage of wrecked or disabled motor vehicles is permitted as an accessory. The date of commencement of storage shall be prominently displayed by the repair shop operator on the windshield of the vehicles, and vehicles shall be stored no longer than 90 days. All motor vehicles shall be stored within a suitably screened enclosure at least 6 feet high. No more than 10 vehicles shall be stored on the premises at the time.
 - (e) The entire property shall be kept in a clean, neat and orderly condition.
 - (f) Junkyards, automobile graveyards, disassembly plants or the outside storage of secondhand material for resale are prohibited in any form.

B. Bed and Breakfast or Tourist Home

1. **Where Development Standards are Required:** RA-20, R-20, R-15, R-12, and R-10 districts (*amended April 7, 2008*)
2. **General Requirements:**
 - (a) The use must be owned and operated by a resident owner.
 - (b) Guest stays shall be limited to fourteen consecutive days.
 - (c) Meals may be provided to overnight guests only and no cooking facilities may be provided in guest rooms.

- (d) The use shall comply with all local and state regulations.
- (e) The use shall be located in a structure that was originally constructed as a dwelling.
- (f) Signs: One exterior advertising sign not to exceed nine square feet in area and 36 inches in height is permitted.
- (g) Screening: Parking lots shall be screened from adjoining residential uses by a buffer yard. Screening shall be provided in accordance with the requirements of Section 6-3.

C. Contractor Office with Outside Storage Yard

1. Where Development Standards are Required: M-1 districts.

2. General Requirements:

- (a) Use Separation: ~~The active uses and all structures shall be separated from surrounding the Fifty foot minimum from any side or rear property line of any residentially-zoned or used lot according the following table:~~

Contractor Yard Area (acres)	Separation (feet)
0 – 2	50
2 – 5	75
5 – 10	100
10 or greater	150

- (b) Security Fencing: Security fencing, a minimum of 6 feet in height, shall be provided around all outside storage areas.
- (c) Screening: Whenever the use abuts a residential district, a minimum six-foot high fence and landscaping shall be provided in accordance with Section 6-3.

D. Equipment Rental and Leasing (with outside storage)

1. Where Development Standards are Required: M-1 districts.

2. General Requirements:

- (a) Use Separation: Fifty feet minimum from any side or rear property line of any residentially-zoned or used lot.
- (b) Security Fencing: Security fencing, a minimum of 6 feet in height, shall be provided around all outside storage areas.
- (c) Screening: Whenever the use abuts a residential district, a minimum six-foot high fence and landscaping shall be provided in accordance with Section 6-3.

- (d) Vehicular Access: Principal access shall be from a collector or higher capacity road.

E. Kennels with Outside Runs

1. **Where Development Standards are Required:** M-1 districts.
2. **General Requirements:**
 - (a) Minimum Lot Area: The minimum lot area shall be one acre.
 - (b) Outside Pens and Runs: Pens and runs located outdoors shall be located a minimum of 100 feet from any residentially-zoned or used lot and shall be screened in accordance with the standards of Section 6-3. Outdoor runs shall have a concrete floor, drains shall be provided every 10 feet, and drains shall be connected to an approved sanitary facility. Three sides of each run must have four foot high walls of block or concrete. The open side of the run must be screened from the view of the public.
 - (c) Noise: The amount of noise generated by the use shall not disrupt the activities of the adjacent land uses and in no case shall noise-generated activities be conducted between the hours of 6:00 pm and 8:00 am.
 - (d) Outdoor storage areas shall comply with the screening requirements of Section 6-3.
 - (e) The facility's waste treatment plan must be approved by the city.

4-7.8 Development Standards for Retail Trade Uses

Development standards applicable to particular retail trade uses identified in Table 4-1-1, Table of Permitted Uses include:

A. Bar, Night Club, Tavern, Brewpub

1. **Where Development Standards are Required:** B-3 districts.
2. **General Requirements:**
 - (a) Minimum Building Setbacks: When abutting a residentially-used or zoned lot, the minimum side and rear setbacks shall be at least 50 feet.
 - (b) Outside serving areas adjacent to a residentially-used or zoned property are prohibited.
 - (c) Noise: The amount of noise generated shall not disrupt the activities of the adjacent land uses. No outdoor loudspeaker or public address system is permitted.

B. Building Supply Sales

1. **Where Development Standards are Required:** B-2, M-1, and M-2 districts.
2. **General Requirements:**
 - (a) **Use Separation:** Fifty feet minimum from any adjoining residentially-used or zoned property line.
 - (b) **Dust:** All unpaved areas shall be maintained in a manner that prevents dust from leaving the property.
 - (c) **Noise:** Equipment-producing noise or sound in excess of 70 decibels shall be located no closer than 100 feet to the nearest residence.
 - (d) **Outdoor Storage:** Outdoor storage is not permitted in B-2 and M-2 zoning districts. In M-1 zoning districts, outdoor storage is permitted provided that all such storage is enclosed by a solid fence at least six feet in height and is landscaped in accordance with the provisions of Section 6-3.
 - (e) **Screening:** Parking lots, loading areas, and any outdoor storage areas shall be screened from an abutting residentially-used or zoned lot by a buffer yard which complies with the requirements of Section 6-3.
 - (f) **Vehicular Access:** Access to the use shall be from a collector or higher capacity road.

C. Convenience Store with Gas Pumps

1. **Where Development Standards are Required:** B-1 and B-3 districts.
2. **General Requirements in B-1 Zoning Districts:**
 - (a) **Minimum Dimensional Requirements:** The use shall have a minimum area of 10,000 square feet and a frontage of not less than 150 feet.
 - (b) **Automobile storage or repair** is not permitted in conjunction with the use.
 - (c) The use shall not be located within 200 feet of any pre-existing school, playground, church, library or community center as measured from any point of the property line.
 - (d) No portion of a building or equipment shall be nearer than 25 feet to the property line

2. General Requirements in B-3 Zoning Districts:

- (a) Minimum Dimensional Requirements: The use shall have a minimum area of 6,000 square feet and a frontage of not less than 100 feet.
- (b) Automobile storage or repair is not permitted in conjunction with the use.
- (c) No portion of a building or equipment shall be nearer than 25 feet to the property line
- (d) Whenever the use abuts a residential district, a six foot high fence and landscaping, in accordance with Section 6-3, shall be provided.

D. Food Stores

1. Where Development Standards are Required: ~~O&I~~ B-1 & B-3 districts.

2. General Requirements:

- (a) Maximum Floor Area: A maximum of 15,000 square feet of gross floor area shall be permitted per establishment.
- (b) Minimum Property Setbacks: All buildings and structures shall be a minimum of 50 feet from any residentially-zoned or used lot.
- (c) Screening: All off-street parking lots and loading areas shall be screened from all adjoining residential uses or residentially-zoned lots by a buffer yard. The required parking lot buffer yard shall comply with the requirements of Section 6-3.
- (d) Outdoor Storage: Outdoor storage area is not permitted.
- (e) Hours of Operation: The hours of operation allowed shall be compatible with the land uses adjacent to the proposed site. In no case, however, shall such use that adjoins residentially-used or zoned property conduct business between the hours of 11 pm and 7 am.

Commented [CS68]: Food Stores can provide a neighborhood service and are currently not permitted Downtown or in the Neighborhood Business District. The development standards herein will allow them while also buffering surrounding residents from their possible impacts.

E. Manufactured Home Sales

1. Where Development Standards are Required: B-2 and M-2 districts.

2. General Requirements:

- (a) Location: No manufactured home sales and display lot may be located within 5,000 feet of another manufactured home sales lot.
- (b) Minimum Lot Area: The minimum lot area shall be one acre.
- (c) Lot Coverage: At least 60% of the property must be open land.
- (d) Minimum Building Setbacks: The minimum side setback shall be at least 15 feet.
- (e) Building Separation: There shall be a 20-foot separation between manufactured homes and between a manufactured home and any other structure.
- (f) Vehicular Access: The use shall have direct access to a collector or higher capacity street.
- (g) Hours of Operation: The hours of operation allowed shall be compatible with the land uses adjacent to the proposed site. In no case, however, shall such use that adjoins residentially-used or zoned property conduct business between the hours of 10 pm and 8 am.
- (h) Dust: All unpaved areas shall be maintained in a manner that prevents dust from adversely impacting adjoining properties.
- (i) Outdoor Lighting: All outdoor lighting shall be designed and located such that the maximum illumination measured in foot-candles at the property line shall not exceed 0.3 onto adjacent residential sites and 1.0 onto adjacent nonresidential sites and public rights-of-way.
- (j) Site Plans: In addition to the site plan requirements of Appendix A, the required site plan shall show (i) the proposed points of access and egress and the pattern of internal circulation, loading, and unloading, (ii) the proposed placement plan for display units, and (iii) the location and extent of any temporary storage areas.
- (k) Prohibited Signs: Banner-type signs are not permitted.

F. Restaurant (drive-in or take out window only)

- 1. Where Development Standards are Required:** B-2 and B-3 districts.
- 2. General Requirements:**

- (a) **Minimum Lot Area:** The use shall have sufficient lot area to accommodate the building, on-site parking, loading, and vehicle circulation.
- (b) **Parking:** The permit-issuing authority shall not grant the permit unless it finds that the parking generated by the event can be accommodated without undue disruption to or interference with the normal flow of traffic or with the right of adjacent and surrounding property owners. Sufficient on-site vehicle maneuvering space shall be available to prevent interference with the flow of traffic on the street providing access to the site.
- (c) **Vehicular Access:** The use shall have direct access to a collector or higher capacity street.
- (d) **Outdoor Lighting:** All outdoor lighting shall be designed and located such that the maximum illumination measured in foot-candles at the property line shall not exceed 0.3 onto adjacent residential sites and 1.0 onto adjacent nonresidential sites and public rights-of-way.
- (e) **Hours of Operation:** The hours of operation allowed shall be compatible with the land uses adjacent to the proposed site. In no case, however, shall such use that adjoins residentially-used or zoned property conduct business between the hours of 10 pm and 6 am.
- (f) **Screening and Buffering:** The use shall provide a buffer yard between any adjoining residentially-used or zoned property in accordance with the requirements of Section 6-3.
- (g) Whenever the use abuts a residential district, a six-foot high fence and landscaping shall be provided in accordance with Section 6-3.

G. Restaurant (with drive-thru)

- 1. Where Development Standards are Required:** O&I, B-1, B-2 and B-3 districts.
- 2. General Requirements:**
 - (a) **Minimum Lot Area:** The use shall have sufficient lot area to accommodate the building, on-site parking, loading, and vehicle circulation.
 - (b) **Parking:** The permit-issuing authority shall not grant the permit unless it finds that the parking generated by the event can be accommodated without undue disruption to or interference with the normal flow of traffic or with the right of

adjacent and surrounding property owners. Sufficient on-site vehicle maneuvering space shall be available to prevent interference with the flow of traffic on the street providing access to the site.

- (c) **Vehicular Access:** The use shall have direct access to a collector or higher capacity street.
- (d) **Drive-through Facilities:** Drive-through facilities shall be located to the rear or side of the principal building. Canopies for drive-through facilities shall be pitch-roofed consisting of materials and at an angle compatible with the principal building.
- (e) **Outdoor Lighting:** All outdoor lighting shall be designed and located such that the maximum illumination measured in foot-candles at the property line shall not exceed 0.3 onto adjacent residential sites and 1.0 onto adjacent nonresidential sites and public rights-of-way.
- (f) **Hours of Operation:** The hours of operation allowed shall be compatible with the land uses adjacent to the proposed site. In no case, however, shall such use that adjoins residentially-used or zoned property conduct business between the hours of 10 pm and 6 am.
- (g) **Screening and Buffering:** The use shall provide a buffer yard between any adjoining residentially-used or zoned property in accordance with the requirements of Section 6-3.
- (h) Whenever the use abuts a residential district, a six-foot high fence and landscaping shall be provided in accordance with Section 6-3.

H. Farm Supplies and Equipment

- 1. Where Development Standards are Required: B-2 districts.**
- 2. General Requirements:**
 - (a) Shall have a minimum of 15,000 square feet of gross floor space, including outdoor storage areas
 - (b) **Vehicular Access:** The use shall have direct access to a collector or higher capacity street.
 - (c) **Outdoor Storage:** The outdoor area devoted to the display and sales of retail goods shall be limited to a maximum 15 percent of the net developable lot area. Trailers used for the temporary storage of retail goods shall not be permitted.

Commented [CS69]: Emerging market that the City only allows in Manufacturing zoning districts. This would enable this commercial land use in the General Business district with standards that are scaled-down from Shopping Center standards.

- (d) **Driveways and Curb Cuts:** On a corner tract, no driveway shall be located closer than 75 feet to the closest right-of-way line extended from the intersecting public or private road. No driveway shall be located closer than 25 feet to a side or rear lot line, unless a common driveway serves adjacent uses, and in no instance shall the distance between separate driveways serving adjacent uses be less than 125 feet.
- (e) **Impact Assessments:** A traffic impact analysis shall be provided in accordance with Article 7, Section 6.10.
- (f) **Open Space Requirements:** A minimum of 20 percent of the gross site area shall be landscaped open space.
- (g) **Building Materials:** New buildings shall be constructed of materials that are consistent with the materials used in the construction of existing buildings within the community. Those portions of buildings visible from a public street right-of-way shall be sheathed in materials such as wood siding, stone, brick, tilt-up concrete panels, high quality metal, and sandstone and tinted/textured concrete masonry units (CMUs) in a low reflective, subtle or neutral color. No more than 40 percent of the façade of any principal building facing a public street right-of-way shall be glass or reflective material.
- (h) **Architectural Rendering:** An architectural rendering shall be submitted for review at the time of site plan submission.
- (i) **Pedestrian facilities:** Sidewalks or paved pedestrian paths shall be provided from the parking lot to the entrances of the principal building to ensure a safe separation of vehicular and pedestrian traffic.

I. Service Station, Gasoline Sales

- 1. Where Development Standards are Required:** B-1 and B-3 districts.
- 2. General Requirements in B-1 Zoning Districts:**
 - (a) **Minimum Dimensional Requirements:** The use shall have a minimum area of 10,000 square feet and a frontage of not less than 150 feet.
 - (b) Automobile storage or repair is not permitted.
 - (c) The use shall not be located within 200 feet of any pre-existing school, playground, church, library or community center as measured from any point of the property line.

- (d) No portion of a building or equipment shall be nearer than 25 feet to the property line
- (e) Air compressors, hydraulic hoists, pits, greasing and lubrication equipment, auto washing equipment, and similar equipment shall be entirely enclosed within a building.

2. General Requirements in B-3 Zoning Districts:

- (a) Minimum Dimensional Requirements: The use shall have a minimum area of 6,000 square feet and a frontage of not less than 100 feet.
- (b) Automobile storage or repair is not permitted.
- (c) No portion of a building or equipment shall be nearer than 25 feet to the property line
- (d) Whenever the use abuts a residential district, a six foot high fence and landscaping, in accordance with Section 6-3, shall be provided.
- (e) Air compressors, hydraulic hoists, pits, greasing and lubrication equipment, auto washing equipment, and similar equipment shall be entirely enclosed within a building.

J. Shopping Center

Amended October 7, 2019

1. Where Development Standards are Required: B-2 districts.

2. General Requirements:

- (a) Shopping Center Classifications:
 - (1) Multi-Tenant Building (Neighborhood Shopping Center). A building or buildings owned or managed by a single party that is used for two or more occupancies, provided each occupancy is separated by construction having fire-resistive ratings in compliance with the NC Building Code, in a building or buildings containing a total floor area of 15,000 square feet or less, designed to provide for the day-to-day needs of consumers in the immediate neighborhood. Such buildings shall not allow the following uses:
 - i. Batting Cages, Outdoor
 - ii. Sports and Recreation Club, Indoor
 - iii. Automobile Parking (Commercial)
 - iv. Automobile Rental or Leasing
 - v. Automobile Repair Services
 - vi. Blacksmith

- vii. Car Wash, Auto Detailing
- viii. Funeral Home, Crematorium
- ix. Hotel or Motel
- x. Insurance Agency, with On-Site Claims Inspections
- xi. Kennels, with No Outside Runs
- xii. Laundromat, Coin-Operated
- xiii. Medical or Dental Laboratory
- xiv. Theater (outdoor)
- xv. Veterinary Clinic
- xvi. Vocational, Business or **Technical Secretarial** School
- xvii. Building Supply Sales
- xviii. Convenience Store, with Gas Pumps
- xix. Fuel Oil Sales
- xx. Garden Center or Retail Nursery
- xxi. Motor Vehicle Sales (new and used)
- xxii. Recreational Vehicle Sales
- xxiii. Restaurant (drive-in or take-out window only)
- xxiv. Restaurant (with drive-through)
- xxv. Service Station, Gasoline Sales
- xxvi. Golf Course, Miniature
- xxvii. Golf Driving Range
- xxviii. Physical Fitness Center, Training Center
- xxix. Private Club or Recreational Facility, Other
- xxx. Public Park or Recreational Facility, Other
- xxxi. Taxi Terminal
- xxxii. Tire Sales
- xxxiii. Beverage Products
- xxxiv. Ice
- xxxv. Jewelry and Silverware Fabrication, No Plating
- xxxvi. Printing and Publishing, Incidental to a Newspaper Office

- (2) Community Shopping Center. A group of two or non-residential uses on a single property containing a total floor area of 15,000 to 80,000 square feet in one or multiple buildings, designed as a large-scale commercial center offering a wider range of retail and service establishments providing a shopping environment for the community and general public. This use shall only permitted by approval of a special use permit.
- (3) Regional Shopping Center. A retail shopping area with a minimum lot size of 5 acres, containing at least two major commercial establishments and over 80,000 square feet of gross floor area designed as a large-scale commercial center with a clientele draw from the regional population. This use shall only permitted by approval of a special use permit.

The development standards in this subsection are applicable to the particular category of shopping center as indicated.

- (b) Minimum Development Area (Regional Only): The minimum development area for a regional shopping center shall be 5 acres.
- (c) Open Space Requirements (Neighborhood, Community, and Regional): A minimum of 20 percent of the gross site area shall be landscaped open space.
- (d) Floor Area Ratio (Community and Regional Only): The maximum floor area ratio shall be 0.30. Floor area ratio is the gross floor area of all buildings or structures on a lot divided by the total lot area.
- (e) Setbacks (Community and Regional Only): Shopping center developments that are adjacent to or across a public road right-of-way from a residential zoning district shall provide a minimum building setback of 60 feet to such residential district. Otherwise, all B-2 setbacks and landscaping buffers apply.
- (f) The outdoor area devoted to the display of retail goods shall be limited to a maximum 15 percent of the net developable lot area ~~and shall be completely enclosed by a wall and landscaped in accordance with the provisions of Section 6-3.~~ All refuse shall be contained in completely enclosed facilities. Trailers and other portable structures used for the temporary on-site storage of retail goods shall not be permitted.
- (g) Driveways and Curb Cuts (Community and Regional Only): On a corner tract, no driveway shall be located closer than 75 feet to the closest right-of-way line extended from the intersecting public or private road. No driveway shall be located closer than 25 feet to a side or rear lot line, unless a common driveway serves adjacent uses, and in no instance shall the distance between separate driveways serving adjacent uses be less than 125 feet.
- (h) Coordinated Design Plan (Community, and Regional): Exterior building materials, signs, and outdoor lighting used in a shopping center development, including outparcels, shall be planned so as to provide a coordinated design scheme for the entire development. The coordinated design plan shall be submitted for review at the time of site plan submission. The coordinated design plan shall include drawings, specifications, dimensions, and maps.

Commented [CS70]: This is not reflective of market needs and common practice – e.g. Lowe’s Hardware display of plants, outdoor furniture, and lawn equipment. By setting a threshold of this specific display use, its impact is already limited and will be further screened from public view by the underlying zoning district’s buffering and screening requirements.

- (i) Access (Community and Regional Only): Access to the use shall be from a thoroughfare or higher classified street that has the capacity to accommodate the additional traffic projected to be generated by the shopping center.
- (j) Building Materials (Neighborhood, Community, and Regional): New buildings shall be constructed of materials that are consistent with the materials used in the construction of existing buildings within the community. Those portions of buildings visible from a public street right-of-way shall be sheathed in materials such as wood siding, stone, brick, tilt-up concrete panels, and sandstone and tinted/textured concrete masonry units (CMUs) in a low reflective, subtle or neutral color. Building facades that extend greater than 100 linear feet shall incorporate into the design recesses and projections to cover at least 20 percent of the total building frontage. No more than 40 percent of the façade of any principal building facing a public street right-of-way shall be glass or reflective material.
- (k) Outdoor Lighting: All outdoor lighting shall be designed and located such that the maximum illumination measured in foot-candles at the property line shall not exceed 0.3 onto adjacent residential sites and 1.0 onto adjacent nonresidential sites and public rights-of-way.
- (l) Outdoor Lighting Standards: 90 percent cutoff on pole lighting; a maximum height of 30 feet on all pole lighting; colors and elevation details of poles and fixtures are to be standard aluminum gray or black; no lighting elements shall be directly visible from any public roadway, sidewalk, or adjacent property; any floodlighting attached to the building walls shall be angled so as to not cast light directly onto adjacent properties and/or road rights-of-way.
- (m) Architectural Rendering (Neighborhood, Community, and Regional): An architectural rendering of the proposed shopping center shall be submitted for review at the time of site plan submission.
- (n) Pedestrian facilities: Sidewalks or paved pedestrian paths shall be provided from the parking lot to the entrances of the principal building(s) and all adjacent public rights of way and all adjacent public rights of way to ensure a safe separation of vehicular and pedestrian traffic.

K. Superstore

- 1. Where Development Standards are Required:** B-2 districts.
- 2. General Requirements:**

- (a) Superstores are defined as freestanding department, variety, or general merchandise stores that are in excess of 50,000 square feet of gross floor space.
- (b) Minimum Building Setbacks: Superstores that are adjacent to or across a public road right-of-way from a residential zoning district shall provide a minimum building setback of 60 feet.
- (c) Floor Area Ratio: The maximum floor area ratio shall be 0.30. Floor area ratio is the gross floor area of all buildings or structures on a lot divided by the total lot area.
- (d) Vehicular Access: The use shall have direct access to a NC or US-numbered highway that has the capacity to accommodate the additional traffic, including truck traffic, projected to be generated by the superstore.
- (e) Outdoor Storage: The outdoor area devoted to the display of retail goods shall be limited to a maximum 15 percent of the net developable lot area and shall be completely enclosed by a wall and landscaped in accordance with the provisions of Section 6-3. All refuse shall be contained in completely enclosed facilities. Trailers used for the temporary storage of retail goods shall not be permitted.
- (f) Driveways and Curb Cuts: On a corner tract, no driveway shall be located closer than 75 feet to the closest right-of-way line extended from the intersecting public or private road. No driveway shall be located closer than 25 feet to a side or rear lot line, unless a common driveway serves adjacent uses, and in no instance shall the distance between separate driveways serving adjacent uses be less than 125 feet.
- (g) Impact Assessments: A traffic impact assessment shall be provided in accordance with NCDOT standards and specifications for traffic impact assessments.
- (h) Open Space Requirements: A minimum of 20 percent of the gross site area shall be landscaped open space.
- (i) Building Materials: New buildings shall be constructed of materials that are consistent with the materials used in the construction of existing buildings within the community. Those portions of buildings visible from a public street right-of-way shall be sheathed in materials such as wood siding, stone, brick, tilt-up concrete panels, and sandstone and tinted/textured concrete masonry units (CMUs) in a low reflective, subtle or neutral color. Building facades that extend greater than 100 linear feet shall incorporate into the design recesses and projections to cover at least 20 percent of the total building frontage. No more than 40 percent of

the façade of any principal building facing a public street right-of-way shall be glass or reflective material.

- (j) Outdoor Lighting: All outdoor lighting shall be designed and located such that the maximum illumination measured in foot-candles at the property line shall not exceed 0.3 onto adjacent residential sites and 1.0 onto adjacent nonresidential sites and public rights-of-way.
- (k) Outdoor Lighting Standards: 90 percent cutoff on pole lighting; a maximum height of 30 feet on all pole lighting; colors and elevation details of poles and fixtures are to be standard aluminum gray or black; no lighting elements shall be directly visible from any public roadway, sidewalk, or adjacent property; any floodlighting attached to the building walls shall be angled so as to not cast light directly onto adjacent properties and/or road rights-of-way.
- (l) Architectural Rendering: An architectural rendering of the proposed superstore development shall be submitted for review at the time of site plan submission.
- (m) Pedestrian facilities: Sidewalks or paved pedestrian paths shall be provided from the parking lot to the entrances of the principal building to ensure a safe separation of vehicular and pedestrian traffic.

L. Truck Stop

- 1. Where Development Standards are Required:** M-1 districts.
- 2. General Requirements:**
 - (a) Minimum Dimensional Requirements: The use shall have a minimum area of 40,000 square feet and a frontage of not less than 150 feet.
 - (b) No portion of a building or equipment shall be nearer than 25 feet to the property line
 - (c) Air compressors, hydraulic hoists, pits, greasing and lubrication equipment, repair equipment, auto washing equipment, and similar equipment shall be entirely enclosed within a building.
 - (d) Parking: The permit-issuing authority shall not grant the permit unless it finds that the parking generated by the event can be accommodated without undue disruption to or interference with the normal flow of traffic or with the right of adjacent and surrounding property owners. Sufficient on-site vehicle maneuvering space shall be available to prevent

interference with the flow of traffic on the street providing access to the site.

- (e) **Vehicular Access:** The use shall have direct access to a collector or higher capacity street.
- (f) **Drive-through Facilities:** Drive-through facilities shall be located to the rear or side of the principal building. Canopies for drive-through facilities shall be pitch-roofed consisting of materials and at an angle compatible with the principal building.
- (g) **Outdoor Lighting:** All outdoor lighting shall be designed and located such that the maximum illumination measured in foot-candles at the property line shall not exceed 0.3 onto adjacent residential sites and 1.0 onto adjacent nonresidential sites and public rights-of-way.
- (h) **Screening and Buffering:** The use shall provide a buffer yard between any adjoining residentially-used or zoned property in accordance with the requirements of Section 6-3.
- (i) **Fencing:** Whenever the use abuts a residential district, a six foot high fence and landscaping, in accordance with Section 6-3, shall be provided.
- (j) **Noise:** The amount of noise generated shall not disrupt the activities of the adjacent land uses. No outdoor loudspeaker or public address system is permitted where the use abuts a residentially-used or zoned property.

4-7.9 Development Standards for Wholesale, Transportation, Warehousing, and Utilities Uses

Development standards applicable to particular wholesale, transportation, warehousing, and utilities uses identified in Table 4-1-1, Table of Permitted Uses include:

A. Airport or Air Transportation Facility

- 1. Where Development Standards are Required:** M-1 and M-2 districts.
- 2. General Requirements:**
 - (a) **Minimum Area:** Fifty acres for Basic Utility Stage 1 airport with 2,000-foot runway. More area is required for larger airports. Airport size and layout shall conform to *FAA Advisory Circular 150/5300-4B*.

- (b) Use Separation: There shall be a minimum 300-foot distance between the airport property and the nearest residence.
- (c) Fencing: Security fencing shall be provided sufficient to control access to runways and taxiways. The fencing shall be a minimum 6 feet in height.

B. Petroleum and Petroleum Products, Bulk Storage (Wholesale Trade of)

1. Where Development Standards are Required: M-1 and M-2 districts.

2. General Requirements:

- (a) The minimum size lot, tract or parcel shall be one acre.
- (b) All storage tanks and loading facilities shall be located at least 50 feet from any nonresidential side or rear property line. The minimum building setback line is 50 feet. All storage tanks and loading facilities shall be located a minimum of 200 feet from any exterior property line bordering a residentially-used or zoned property.
- (c) A buffer strip is required for side or rear lot lines that abut a residential or office and institutional zoning district. The buffer shall comply with the standards of Section 6-3.
- (d) Vehicular access to the use shall be provided only by way of a nonresidential collector or higher capacity street or an industrial area access road.
- (e) The proposed site shall not endanger the safety of properties in the area.
- (f) Dikes:
 - (1) Tanks or groups of tanks shall be diked to prevent the spread of liquid onto other property, waterways, or drainageways. The volumetric capacity of the diked area shall not be less than the capacity of the largest tank within the diked area.
 - (2) Dikes or retaining walls shall be of earth, steel, concrete or solid masonry designed and constructed to be liquid tight and to withstand a full hydraulic head. Earthen dikes 3 feet or more in height shall have a flat section at the top not less than 2 feet in width. The slope shall be consistent with the angle or repose of the material of which the dikes are constructed. Dikes shall be restricted to an average height of not more than 6 feet above the exterior

grade unless means are available for extinguishing a fire in any tank. Dikes enclosing such tanks shall be provided at the top with a flareback section designed to turn back a boil-over wave. A flareback section shall not be required for dikes and walls enclosing approved floating roof tanks. No loose combustible material, empty or full drums or barrels, shall be permitted within the diked area.

- (3) Where provision is made for draining rainwater from diked areas, such drains shall normally be kept closed and shall be designed that when in use they will not permit flammable liquids to enter natural watercourses, public sewers, or public drains. Where pumps control drainage from the diked area, they shall not be self-starting.
- (g) Security Fencing: Security fencing, a minimum of 6 feet in height, shall be provided along the entire boundary of such facilities.
- (h) The proposed site shall not endanger the safety of properties in the area.
- (i) The use must meet the requirements established by the fire prevention code of the National Board of Fire Underwriters and the National Fire Protection Association standards, Flammable and Combustible Liquids Code, NFPA 30 and Standards for the Storage and Handling of Liquefied Petroleum Gases, NFPA 58, as applicable.
- (j) Facilities must meet all EPA requirements.

C. Communications Tower, Public Safety

- 1. **Where Development Standards are Required:** All districts.
- 2. **Definition:** A public safety communications tower is a telecommunications tower utilized by the federal government, state government, local government, or a non-governmental entity engaged in public safety activities. Public safety activities include, but are not limited to, homeland security, law enforcement, emergency management, fire protection, and emergency medical services.
- 3. **General Requirements:** Lattice and guy tower structures no taller than 500 feet are permitted if the wireless communications tower is owned by a local, state, or federal government agency and operated primarily for public safety purposes. Privately-owned wireless telecommunications attachments may be co-located on the structure as long as the wireless communications tower's primary purpose is to serve public safety purposes.

D. Communications, Radio & Television Towers Over 50 Feet in Height

1. **Where Development Standards are Required:** RA-20, M-1, M-2 districts. (**Note:** *Wireless communication facilities and supporting devices are governed by the requirements of 4-7.9E & F. (Amended July 9, 2018) All other communications towers that are under 50 feet in height and are accessory structures are governed by the provisions of Section 4-7.4, D., Communications Towers under 50 feet in Height. Public safety communications towers are allowed in accordance with the requirements of Section 4-7.9, C.*)
2. **General Guidelines:** The following shall be required of all communications towers constructed subsequent to the enactment of this Ordinance, whether approved by administrative or special use approval:
 - (a) The perimeter around the base of the tower and all guy anchors shall be surrounded by a security fence or wall at least 8 feet in height, unless the entirety of the tower and guy anchor(s) are mounted on a structure above 8 feet in height. The guy towers may be fenced separately in order to comply with the requirements of this subsection.
 - (b) Before any communications tower is approved, a site plan showing location, height of existing and proposed towers(s), guys and the like, along with proposed accessory structures or equipment, proposed landscaping, screening, points of ingress and egress, and any other features that are proposed or existing shall be submitted and approved.
 - (c) Towers constructed in the Mebane zoning jurisdiction shall be of the monopole type, unless the provider can establish that reasonable service could not be provided by a monopole tower.
 - (d) No buildings associated with a communications tower within a residential zoning district may be used as an employment center for any worker. This provision does not prohibit periodic maintenance or monitoring of equipment, instruments or anything else on the site.
 - (e) Commercial advertising shall not be allowed on the tower or any of its related facilities. However, an identification wall sign is allowed on any equipment shelter, provided it not exceed 10 percent of the wall area.
 - (f) Engineering evidence must be presented which demonstrates that the proposed use meets all FAA standards, presents no threat to aviation standards, or to persons or property by reason of unusual exposure to aviation hazards as set forth in Section 204, E. Such evidence shall consist of engineering certification that, in the event of collapse, the tower's structure shall crumble inward,

causing no threat to persons or property on adjoining lots. The cost of all engineering evidence shall be at the expense of the applicant. In addition, the applicant shall provide proof of adequate insurance coverage, covering damages of the facility itself and all surrounding property before any permits are issued.

- (g) The maximum height of any tower located in all zoning districts is 200 feet, unless applicant establishes that a taller tower is required to provide minimal service and need.
- (h) The minimum lot size requirements for any telecommunications tower up to 200 feet in height shall be 2 acres. The minimum lot size does not apply if facilities are located on existing structures or buildings. If towers are permitted which exceed 200 feet in height, the lot size shall be sufficient to meet the requirements of subsection (k) below.
- (i) No outside storage shall be allowed on any communication facility site.
- (j) Any driveway accessing a telecommunications facility shall be paved, at least 15 feet wide, and well maintained. Such drives shall have recorded easements, where appropriate.
- (k) The setback distance from existing property lines in all zoning districts for all towers shall be 100 feet, or one foot for every one foot of tower height, whichever is greater.
- (l) Before any permit is issued for the construction of a telecommunications tower, each applicant for approval of any new tower shall provide the Zoning Administrator with an inventory of existing towers located within a one mile radius of the proposed tower, including specific information concerning location, height, and design of each tower. The applicant shall also provide sound engineering evidence as to why any proposed communications equipment could not be added onto existing towers. Such information may be shared with other organizations proposing to locate towers within the governing district, without representing such sites as being appropriate.
- (m) The applicant must provide documentation that the proposed tower complies with Federal Radio-Frequency Emission standards.
- (n) No telecommunications tower shall be allowed within the front yard of any existing development within any zoning district.

- (o) All lighting of towers must comply with FAA standards. No lighting shall present a glare to any adjoining properties or into any public right of way or a nuisance to pilots.
- (p) No telecommunications tower shall be constructed within one mile of another free standing telecommunications site.
- (q) Consideration of placing towers on existing structures is encouraged.

3. Structures Not Subject to the Requirement of this Section:

- (a) Any private tower structure erected solely for residential or non-commercial (civic, religious and the like) use such as television antennas, satellite dishes or amateur radio antennas. Such structure shall, however, comply with all other applicable requirements of this Ordinance.
- (b) Telephone or utility poles erected for the sole purpose of providing basic electrical coverage or noncellular telephone coverage.
- (c) Alternative freestanding tower structures such as clocks, steeples, bell towers and the like, which are not used for telecommunications purposes. Such structure shall, however, comply with all other applicable requirements of this Ordinance.
- (d) Public safety communications towers as defined in Section

4. Administrative Approval: The following uses may be approved by the Zoning Administration after an administrative review is conducted. Such approval shall be contingent on the satisfaction of criteria listed in subsection 2 above.

- (a) Installation of an antenna on any existing structure other than a residential structure (such as a non-residential building or water tower) that is greater than 50 feet in height so long as the addition adds no more than 20 feet to the height of the existing structure.
- (b) Installation of an antenna on any existing structure other than a residential structure (such as a non-residential building or water tower) that is less than 50 feet in height, so long as such addition adds no more than 20 feet, or doubles the total height of building, whichever is less.
- (c) Installation of an antenna on an existing tower of any height, including the placement of additional buildings directly related to such use, so long as the antenna adds no more than 20 feet, or 25 percent, whichever is greater, to the height of the existing tower.

- 5. Special Use Permit:** All newly constructed telecommunication towers shall require a special use permit, issued by the City Council after public hearing. At said hearing, in addition to meeting the general requirements set forth in this Ordinance for the issuance of special use permits, the applicant must provide evidence that the applicant has investigated other means for locating proposed facilities than construction of a new tower. Such alternative means shall consist of, but are not limited to, consolidating the proposed facility onto an existing tower, stealth technology, or constructed so that it would be permitted as an administratively approved use. Such evidence shall consist of the following:
- (a) The applicant shall send letters to all owners of existing towers within one mile radius of the proposed tower requesting the following information:
 - (1) Tower height;
 - (2) Existing and planned tower uses;
 - (3) Assessment of existing tower's ability to accommodate proposed antenna without causing radio frequency disturbance or instability; and
 - (4) If subsection (3) above cannot be met, an evaluation of whether existing tower could be modified so as to support an additional tower without producing electromagnetic interference.
 - (b) A copy of all responses of the letter required by subsection (a) above.
 - (c) A summary explanation of why the applicant believes the proposed tower cannot be located on an existing tower.
 - (d) Presentation of sound engineering evidence which demonstrates that the location of a new tower rather than the addition onto an existing tower is necessary to avoid interference; is in the interest of public safety; is technologically necessary; or is more practical in any other relevant way.
 - (e) Sound engineering evidence that the communication tower is designed to support at least one additional telecommunications provider, and a statement that, if commercially reasonable, the owner would be willing to accommodate additional user(s) to attach communications additions onto the proposed tower, so long as the addition(s) not interfere with the functional purpose of the tower.
 - (f) Evidence that the proposed tower, if permitted, meets all the requirements established by this Ordinance.

- 6. Landscaping:** In order to screen fencing and supports of telecommunication towers from the view of the public and adjoining properties, adequate landscaping shall be provided. Such landscaping shall meet the requirements of Section 6-3.
- E. Telecommunications Facilities (Amended July 9, 2018)**
- 1. Where Development Standards are Required:** RA-20, R-20, R-15, R-10, R-8, R-6, B-1, B-2, B-3, M-1, M-2
- 2. General Requirements:**
- (a) Telecommunications Facilities: All telecommunications facilities that are not “qualifying small wireless facilities,” “qualifying utility poles,” and that are not exempted in Section 4-7.9D. Non-stealth telecommunications facilities are not permitted to locate on an existing utility pole.
- (b) Before any communications tower is approved, a site plan showing location, height of existing and proposed towers(s), guys and the like, along with proposed accessory structures or equipment, proposed landscaping, screening, points of ingress and egress, and any other features that are proposed or existing shall be submitted and approved.
- (c) The applicant must provide documentation that the proposed tower complies with Federal Radio-Frequency Emission standards.
- (d) All lighting of towers must comply with FAA standards. No lighting shall present a glare to any adjoining properties or into any public right of way or a nuisance to pilots.
- (e) Use: As defined in NCSL 2017-159 and Article 12 of this UDO, telecommunication facilities are intended to provide a network of wireless communication service while minimizing the visual, aesthetic, and public safety impacts of their installation and maintenance.
- i. Support buildings located in any residential zoning district shall not be used as an employment center for any worker. Periodic maintenance and/or monitoring of equipment and/or instruments is not prohibited by this clause.
- ii. The City of Mebane has a preference of telecommunication facility types, and offers the following list of telecommunication facilities in preferred order as guidance:
- Co-locations on Existing Wireless Support Structures;
 - Concealed (Stealth) Telecommunications Facilities on Existing Buildings/Structures;
 - New Concealed (Stealth) Wireless Support Structures;

- Non-Stealth Telecommunications Facilities on Existing Buildings/Structures;
- New Freestanding Non-Stealth Wireless Support Structures (“unipoles”); and
- New Freestanding Non-Stealth Wireless Support Structures (“lattice-type”).

(f) Placement:

1. New antennae may be co-located upon wireless support structures that exist on the effective date of this Ordinance. Should a request for an increase in height for an existing wireless support structure exceed the height limits placed upon wireless support structures found herein, the proposed antennae shall require issuance of a special use permit by the City Council;
2. No portion of a telecommunications facility may be placed in the public right-of-way in a manner that
 - a. Obstructs pedestrians or vehicular or bicycle access, obstructs sight lines or visibility for traffic, traffic signage, or signals, including all access for persons with disabilities;
 - b. Results in ground-mounted, above-ground equipment cabinets in the public right-of-way associated with the support structure that are 10% larger in height or overall volume than other equipment cabinets in the same area; or
 - c. Involves placement of pole-mounted equipment (other than cabling) whose lowest point is lower than 8 feet above ground level.
- iii. Non-Stealth Telecommunications facilities on existing buildings or structures shall be allowed as a permitted use on land used for any purpose in nonresidential zoning districts, and on land used for non-residential purposes in Planned Unit Development District and Traditional Neighborhood District. Non-stealth telecommunications facilities on existing buildings or structures are prohibited in the public right-of-way;
- iv. Concealed (Stealth) Antennae shall be allowed as a permitted use in all non-residential zoning districts, and on residentially-zoned land used for non-residential purposes; and
- v. Applicants seeking a special use permit for the construction of a new freestanding wireless support structure greater than 75 feet in height shall provide evidence that reasonable efforts have been made to lease or otherwise acquire space on all existing wireless support structure greater than 75 feet in height within a 3,000 feet radius of the proposed new wireless support

structure. No new freestanding wireless support structures shall be permitted unless the applicant demonstrates that

- a. no existing or previously-approved wireless support structures can reasonably be used for placement of the new wireless telecommunications equipment rather than constructing the proposed new freestanding wireless support structure;
- b. residential, historic, and municipal recreational areas cannot be served with an alternative placement of wireless support structure(s); or
- c. the service the applicant wishes to provide necessitates the proposed height or proposed height increase of a substantially-changed wireless support structure.

(g) Setbacks:

- i. Stealth wireless support structure must comply with the minimum building setbacks for the zoning district in which they are located. They shall also satisfy the following setback requirements:
 - a. All residentially-zoned properties shall be minimally separated at its property line from the proposed wireless support structures by a distance equivalent to the wireless support structures' height(s);
 - b. All dwelling units in a non-residential zoning district shall be minimally separated from the proposed wireless support structures by a distance equivalent to the wireless support structures' height(s);
 - c. All non-residentially-zoned properties shall be minimally separated from the proposed wireless support structures by a distance equivalent to either one-half the wireless support structures' height(s) or the required buffer width for that property, whichever is greater; and
 - d. All adjacent road right-of-way boundaries shall be minimally separated from all buildings by a distance equivalent to the proposed wireless support structures' height(s).
- ii. Non-stealth wireless support structure must comply with the minimum building setbacks for the zoning district in which they are located. They shall also satisfy the following setback requirements:
 - a. The setback distance from existing property lines in all zoning districts for all towers shall be 100 feet, or one foot for every one foot of tower height, whichever is greater,
 - b. All dwelling units in residential and non-residential zoning districts shall be minimally separated from the proposed

wireless support structures by the greater of either 200 feet or a distance twice that of the wireless support structures' height(s); and

- c. All adjacent road right-of-way boundaries shall be minimally separated from all buildings by a distance equivalent to the proposed wireless support structures' height(s).

(h) Height:

- 1. If located in the right-of-way of any public road or street, stealth antennae shall be located on an existing utility pole that does not exceed a height of 35 feet above the immediately local ground area. Regardless of placement relative to a public right-of-way, stealth antennae on an existing utility pole shall not be higher than ten (10) feet above the pole's highest point;
- 2. If located in the right-of-way of any public road or street, non-stealth antennae shall not exceed a height of 50 feet above the immediately local ground area;
- 3. Non-stealth telecommunications facilities on existing buildings or structures located outside of the right-of-way and not on an existing utility pole shall have the following maximum heights, relative to the height of the structure it is mounted upon:

MAXIMUM STRUCTURE HEIGHT	MAXIMUM TOTAL HEIGHT (measured from height of structure & including antennae)
150 feet	15% of the structure height
75 feet – 149 feet	25% of the structure height
<75 feet	40% of the structure height

- iv. The maximum permitted height for a stealth wireless support structures shall be 199 feet;
- v. The maximum permitted height for a freestanding non-stealth wireless support structures shall be 200 feet;
- vi. The ground-mounted components of all non-stealth and stealth telecommunications facilities on existing buildings or structures shall be located flush to grade whenever possible to avoid inconveniencing the public or creating a potential hazard;
- vii. All structure-mounted telecommunications facilities shall be designed to meet current building standards and wind load requirements;
- viii. The property owner(s) or applicant shall submit a certification letter from a North Carolina certified land surveyor or licensed

engineer verifying that the structure's height complies with the approved development plan.

(i) Design:

- i. Non-stealth wireless communications facilities shall be of the unipole type unless the provider can establish that reasonable service could not be provided by a monopole tower.
- ii. Commercial advertising shall not be allowed on the tower or any of its related facilities. However, an identification wall sign is allowed on any equipment shelter, provided it not exceed 10 percent of the wall area.
- iii. The exterior appearance of all wireless support structures and all associated support structures and buildings shall be compatible with the other buildings in the surrounding area. Telecommunication facilities shall be blended with the natural surroundings as much as possible. Colors and materials shall be used that are compatible with the surrounding area, except when otherwise required by applicable federal or state regulations. Telecommunications facilities shall be located, designed, and/or screened to blend in with the existing natural or built surroundings to reduce the visual impacts as much as possible, and to be compatible with neighboring land uses and the character of the community;
- iv. Concealed (stealth) wireless support structures shall be designed to complement the physical landscape in which they are intended to be located. Examples of stealth wireless support structure that may be considered complementary include, but are not limited to, faux pine trees, unipoles/slick sticks, bell towers, etc. New stealth wireless support structures shall be configured and located in a manner that shall minimize adverse effects, including visual impacts on the landscape, horizon, and adjacent properties. New freestanding stealth wireless support structures shall be designed to be compatible with adjacent structures and landscapes with specific design considerations such as architectural designs, scale, color, and texture;
- v. Non-stealth communications facilities placed on existing buildings or structures shall be appropriately camouflaged to blend in with the surroundings, and non-reflective paints and adhesives shall be uses;
- vi. Wireless support structures shall be constructed to accommodate antenna arrays as follows:

WIRELESS SUPPORT STRUCTURE HEIGHT	ANTENNA ARRAYS SUPPORTED THROUGH ENGINEERING & CONSTRUCTION
>150 feet	6+

121 – 150 feet	5+
<120 feet	4+

(j) Exemptions: The provisions of this ordinance do not permit the placement of telecommunications facilities of any type on privately-owned utility poles or wireless support structures, or upon private property, without the consent of the property owner or any person who has interest in the property. Provided that all placement, setback, and design requirements are met per this section, the following categories of telecommunications facilities are exempt from other requirements set forth herein:

- i. Any telecommunications facility below 65 feet when measured from ground level which is owned and operated by an amateur radio operator licensed by the Federal Communications Commission and used exclusively for amateur radio operations;
- ii. Over the air reception devices covered under 47 C.F.R. §1.4000, so long as it satisfies the requirements set forth in 4-7.9(D);
- iii. Routine maintenance and removal or replacement of an antenna or other equipment related to the wireless support structure or base station that does not change the physical dimensions of the wireless support structure or base station, or defeat any of the concealment elements of the wireless support structure or base station;
- iv. A temporary telecommunications facility that
 - a. upon the declaration of a state of emergency by federal, state, or local government, and a written determination of public necessity by the City of Mebane designees; except that such facility must comply with all federal and state requirements and must be removed at the conclusion of the emergency; or
 - b. if necessary to continue providing service while a wireless support structure or other structure upon which the existing telecommunications facility has been placed (e.g. a water tank) is undergoing maintenance, replacement, or reconstruction, rendering use of the existing telecommunications facility unusable, excepting that
 - 1. the temporary facility must be located on site and no taller than the existing wireless support structure or other structure;
 - 2. as for all permanent facilities, the temporary facility must meet the placement and setback requirements detailed herein;

3. the temporary facility must be removed within 60 days of the conclusion of the operation that necessitated its use, or within one year, whichever is shorter, unless the time is administratively extended based upon evidentiary cause provided to the City of Mebane Planning Department; or
- c. Public safety facilities or installations required for public safety on public or private property, including transmitters, repeaters, and remote cameras, so long as the facilities are designed to match the supporting structure.

3. Review and Approval

- (a) Engineering evidence must be presented which demonstrates that the proposed use meets all FAA standards, presents no threat to aviation standards, or to persons or property by reason of unusual exposure to aviation hazards as set forth in Section 204, E. Such evidence shall consist of engineering certification that, in the event of collapse, the tower's structure shall crumble inward, causing no threat to persons or property on adjoining lots. In addition, the applicant shall provide proof of adequate insurance coverage, covering damages of the facility itself and all surrounding property before any permits are issued.
- (b) All applications received by the City shall comply with the submittal requirements detailed herein and serve the application requirements provided by the City. All qualifying applications shall be reviewed and deficiencies noted and identified by the City to the applicant within 30 days of submission. Should no feedback be provided within that window, the application will be deemed approved by administrative review after 45 days. Any deficiencies noted by the City may be addressed and resubmitted by the applicant after 30 days of notification by the City. This resubmission shall be considered to be the same application by the City. Deficiencies that are not present in the initial application and arise following this initial review and resubmission must be addressed through a new application. The City and the applicant do have the authority to mutually agreed to an alternate review window for applications.
- (c) Applicant must obtain all other required permits, authorizations, approvals, agreements, and declarations that may be required for installation, modification, and/or operation of the proposed facility under federal, state, or local law, rules, or regulations, including, but not limited to, private, local, and state encroachment agreements, and approvals by the Federal Communications Commission. An approval issued under this section is not *in lieu* of any other permit required under the City of Mebane Unified Development Ordinance or Code of Ordinances, nor is it a franchise, license, or other authorization to occupy the public right-of-way, or a license, lease, or agreement authorizing occupancy of any other public or private property. It does not create a vested right in occupying any particular location, and an applicant may be required to move and remove facilities at its expense consistent with other provisions of applicable law. An

approval issued in error that is based upon incomplete or false information provided by an applicant, or any application that conflicts with other requirements within this ordinance, is not valid. No person may maintain a small wireless facility in place unless required by state or federal authorization.

- (d) All wireless communications facilities and related equipment, including, but not limited to, fences, cabinets, poles, and landscaping, shall be maintained in good working conditions over the life of the use. This shall include keeping the structures maintained to the visual standards established at the time of approval. The small wireless facility shall remain free from trash, debris, litter, graffiti, and other forms of vandalism. Any damage shall be repaired as soon as practicable, and in no instance more than 30 calendar days from the date of notification by the City. In public rights-of-way, damaged or deteriorated components must be corrected within 5 business days of notification.
- (e) All wireless communication facilities and related equipment shall be maintained in good working order. A wireless communications facility that ceases to provide its intended service or falls to disrepair, as defined in Section 4-7.9E(2) and is not repaired or removed within 30 calendar days shall be considered abandoned. A wireless services provider may also declare a facility abandoned. Abandoned facilities must be removed within 180 days of declaration either by the owner or the City. After 180 days of abandonment, the City may remove the facility, recovering costs of removal, including legal services costs, from the owner of that facility.
- (f) The property owner(s) or applicant shall submit a certification letter from a North Carolina-certified land surveyor or licensed engineer which verifies that structure height complies with the approved development plan;
- (g) The applicant or owner of the facility shall maintain onsite at all times the contact information for all parties responsible for the maintenance of the facility;
- (h) No telecommunications facilities shall, whether by individual or collective operation with other facilities, generate radio frequency emissions in excess of the standards established by the Federal Communications Commission;
- (i) The City may provide written notice to the applicant and/or owner of a small wireless facility of the requirement to relocate any facilities, or an associated utility pole, city utility pole, or wireless support structure upon which they are co-located, in the public right-of-way, to be paid for by the applicant and/or owner, as necessary for maintenance or reconfiguration of the right-of-way for other public projects, or to serve any other needs that serve the health and welfare of the City;
- (j) Co-location or any other modification of small wireless facilities or an existing non-conforming wireless support structure or base station shall not be construed as an expansion, enlargement, or increase in intensity

of a non-conforming structure and/or use, provided that the co-location or modification constitute an eligible facilities request; and

- (k) All wireless support structures shall be approved as a permitted use, provided they meet the requirements provided herein. A special use permit granted by City Council is required if a wireless support structure involves one of the following criteria:
 - i. The setbacks required by the underlying zoning must be reduced to accommodate the proposed wireless support structure;
 - ii. A proposed stealth wireless support structure is greater than 150 feet in height and is to be located in a residentially-zoned district that is used for residential or vacant purposes; and
 - iii. A proposed non-stealth wireless support structure is proposed within 200 feet of a property line for any property used, zoned, or otherwise approved for residential purposes.

4. Operations and Maintenance

- (a) Approval by the City of a new wireless support structure or a co-location that is a substantial change from existing conditions shall permit the construction of such facilities for a period of 24 months, at which time the approval for the project shall expire;
- (b) The applicant or owner of the wireless telecommunications facility shall maintain onsite at all times the contact information for all parties responsible for the maintenance of the facility;
- (c) No telecommunications facilities shall, whether by individual or collective operation with other facilities, generate radio frequency emissions in excess of the standards established by the Federal Communications Commission;
- (d) The City may provide written notice to the applicant and/or owner of a wireless communication facility of the requirement to relocate any facilities located in the public right-of-way, to be paid for by the applicant and/or owner, as necessary for maintenance or reconfiguration of the right-of-way for other public projects, or to serve any other needs that serve the health and welfare of the City;
- (e) Co-location or any other modification of a telecommunications facility shall be permitted upon an existing wireless support structure or base station that has been deemed a non-conforming use by the City, provided that the co-location or modification(s) are determined to be an eligible facilities request, as detailed herein.

F. Small Wireless Facilities (Amended July 9, 2018)

- 1. Where Development Standards are Required:** RA-20, R-20, R-15, R-10, R-8, R-6, B-1, B-2, B-3, M-1, M-2

2. General Requirements:

The following shall be required of all communications towers constructed subsequent to the enactment of this Ordinance, whether approved by administrative or special use approval:

- (a) Placement: The City prefers that small wireless facilities be located outside the public right of way; co-located on existing utility poles or wireless support structures; concealed; and have their accessory equipment mounted on a utility pole or wireless support structure.
 - i. Small wireless facilities located in designated historic districts or on property designated as a landmark (pursuant to NCGS Chapter 160D, Article 9, Part 4) shall be required to obtain a Certificate of Appropriateness from the Historic Preservation Commission;

Amended June 7, 2021

- ii. Co-location of small wireless facilities on land used as single-family residential property or vacant land that is zoned for single-family development, and any small wireless facility that extends more than 10 feet above the utility pole, city utility pole, or wireless support structure on which it is co-located, are subject to Section 4-7.9(E) of this UDO. Notwithstanding the foregoing, replacement of an existing streetlight for with the City is financially responsible with a streetlight capable of including a co-located, concealed small wireless facility is permitted on land used as single-family residential property or vacant land that is zoned for single-family development, pursuant to the requirements of 4-7.9E.
 - a. Co-locations of qualifying small wireless facilities in municipal right-of-way, or outside of the municipal right-of-way on land that is zoned and/or used for non-residential purposes, are subject to the following requirements:
 - a. Application: Applicants must complete an application, as specified in form and content by the City;
 - b. Height: Each new small wireless facility shall not extend more than 10 feet above the utility pole, city utility pole, or wireless support structure on which it is co-located;
 - c. Public Safety: In order to protect public safety,
 - 1. Small wireless facilities shall cause no signal or frequency interference with public safety facilities or traffic control devices and shall not physically interfere with other attachments that may be located on the existing pole or structure;
 - 2. A structural engineering report prepared by an engineer licensed by the State of North Carolina, certifying that the host structure is structurally and mechanically capable of supporting the proposed

additional antenna or configuration of antennae and other equipment, extensions, and appurtenances associated with the installation;

- d. A traffic and pedestrian management plan must be submitted for any installation that requires work in the public right-of-way;
- e. No portion of a small wireless facility may be placed in the public right-of-way in a manner that:
 - 1. Obstructs pedestrians or vehicular or bicycle access, obstructs sight lines or visibility for traffic, traffic signage, or signals; or interferes with access by persons with disabilities. An applicant may be required to place equipment in vaults to avoid obstructions or interference; or
 - 2. Involves placement of pole-mounted equipment (other than cabling) that has a lowest point under 8 feet above ground level; and
- f. An abandoned small wireless facility shall be removed within 180 days of abandonment.

3. Design

- (a) All small wireless facilities shall be stealth facilities, with antennae and accessory equipment shrouded or otherwise concealed;
 - i. No advertising signs or logos are permitted on small wireless facilities;
 - ii. Small wireless facilities shall be blended with the natural surroundings as much as possible. Colors and materials shall be used that are compatible with the surrounding area, except when otherwise required by applicable federal and state regulations. Small wireless facilities shall be located, designed, and/or screened to blend in with the existing natural or built surroundings to reduce the visual impacts as much as possible, and to be compatible with neighboring land uses and the character of the community; and
 - iii. All ground equipment shall be screened, to the extent possible, with evergreen plantings or other acceptable alternatives, as detailed in Section 4-7.9E.
- (b) Exemptions: Unless expressly set forth herein, the following categories of small wireless facilities are exempt from the requirements detailed herein, provided they meet the placement and design requirements set forth below:

- i. Any telecommunications facility less than 65 feet in height when measured from ground level that is owned and operated by an amateur radio operator licensed by the Federal Communications Commission and used exclusively for amateur radio operations;
- ii. Over the air reception devices covered under 47 C.F.R. § 1.4000, so long as it satisfies the requirements set forth in Section 4-7.9(D) :
- iii. Eligible facilities requests that satisfy the requirements set forth in Section 4-7.9(E);
- iv. Routine maintenance of small wireless facilities; the replacement of small wireless facilities with small wireless facilities that are the same size or smaller; or installation, placement, maintenance, or replacement of micro wireless facilities (as defined in NCGS Chapter 160D, Part 3) that are suspended on cables strung between existing utility poles or municipal utility poles in compliance with all applicable laws or regulations by or for a communications service provider authorized to occupy the City rights-of-way and who is remitting taxes under NCGS 105-164.4(a)(4c) or (a)(6).

Amended June 7, 2021

- v. A temporary small wireless facility, upon declaration of a state of emergency by federal, state, or local government, and a written determination of public necessity by the City of Mebane, except that such facility must comply with all federal and state requirements and must be removed at the conclusion of the emergency;
- vi. Public safety facilities or installations required for public safety on public or private property, including transmitters, repeaters, and remote cameras so long as the facilities are designed to match the supporting structure; or
- vii. A small wireless facility located in an interior structure or upon the site of any stadium or athletic facility, provided that the small wireless facility complies with applicable codes.

(c) Standard Conditions

- i. Applicant must obtain all other required permits, authorizations, approvals, agreements, and declarations that may be required for installation, modification, and/or operation of the proposed facility under federal, state, or local law, rules, or regulations, including, but not limited to, encroachment agreements and approvals by the Federal Communications Commission. An approval issued under this section is not *in lieu* of any other permit required under the City of Mebane Unified Development Ordinance or Code of Ordinances, nor is it a franchise, license, or other authorization to occupy the public right-of-way, or a license, lease, or agreement

authorizing occupancy of any other public or private property. It does not create a vested right in occupying any particular location, and an applicant may be required to move and remove facilities at its expense consistent with other provisions of applicable law. An approval issued in error that is based upon incomplete or false information provided by an applicant, or any application that conflicts with other requirements within this ordinance, is not valid. No person may maintain a small wireless facility in place unless required by state or federal authorization.

- ii. All small wireless facilities and related equipment, including, but not limited to, fences, cabinets, poles, and landscaping, shall be maintained in good working conditions over the life of the use. This shall include keeping the structures maintained to the visual standards established at the time of approval. The small wireless facility shall remain free from trash, debris, litter, graffiti, and other forms of vandalism. Any damage shall be repaired as soon as practicable, and in no instance more than 30 calendar days from the date of notification by the City. In public rights-of-way, damaged or deteriorated components must be corrected within 5 business days of notification.
- iii. The property owner(s) or applicant shall submit a certification letter from a North Carolina-certified land surveyor or licensed engineer which verifies that structure height complies with the approved development plan;
- iv. The applicant or owner of the facility shall maintain onsite at all times the contact information for all parties responsible for the maintenance of the facility;
- v. No telecommunications facilities shall, whether by individual or collective operation with other facilities, generate radio frequency emissions in excess of the standards established by the Federal Communications Commission;
- vi. The City may provide written notice to the applicant and/or owner of a small wireless facility of the requirement to relocate any facilities, or an associated utility pole, city utility pole, or wireless support structure upon which they are co-located, in the public right-of-way, to be paid for by the applicant and/or owner, as necessary for maintenance or reconfiguration of the right-of-way for other public projects, or to serve any other needs that serve the health and welfare of the City; and
- vii. Co-location or any other modification of small wireless facilities or an existing non-conforming wireless support structure or base station shall not be construed as an expansion, enlargement, or increase in intensity of a non-conforming structure and/or use, provided that the co-location or modification constitute an eligible facilities request.

G. Solar Farms

1. Where Development Standards are Required: M-1, M-2, and RA-20 districts

2. General Requirements:

- (a) Solar Farm or Photovoltaic Energy Facilities.
Any nonresidential solar collection applications designed to facilitate the capture and conversion of solar energy for the purpose of supplying it to utility companies rather than for personal use on the property on which it is collected.
- (b) Height.
Systems, equipment and structures shall not exceed 25 feet in height when ground mounted. Roof mounted systems shall not exceed the maximum height for the applicable zoning district as measured from the grade at the base of the structure to the apex of the structure. The Planning Board may recommend approval of a waiver of up to 25 feet to the City Council.
- (c) Setbacks.
All Active solar system structures must meet the following setbacks. All Ground-mounted solar energy systems as part of a solar farm shall meet the minimum zoning setback for the M-1 zoning district even though located in a M-2 or RA-20 zoning district. Solar energy systems shall be setback a minimum of 100 feet from any property line.
- (d) Distribution lines.
To the extent practical, all new distribution lines to any building, structure or utility connection may be located above ground.
- (e) Approved solar components.
Electric solar system components must have a UL listing.
- (f) Compliance with building code.
All solar systems shall meet all requirements of the North Carolina State Building Code and shall be inspected by the building inspector.
- (g) Compliance with National Electric Code.
All photovoltaic systems shall comply with the National Electrical Code, current edition.
- (h) Utility notification.
No grid tied photovoltaic system shall be installed until written evidence has been given to the planning department that the owner has been approved by the utility company to install an interconnected customer-owned

generator. Off-grid systems shall be exempt from this requirement.

- (i) **Abandonment.**
It is the responsibility of the parcel owner to remove all obsolete or unused systems within 180 days of cessation of operations. Reusable components are to be recycled whenever possible. A bond or guarantee shall be required to cover such removal costs.
- (j) **Fencing.**
A minimum six-foot high chain-link fence shall be installed around the perimeter of the site of a solar farm.
- (k) **Lighting.**
Shall be in accordance with the City of Mebane Lighting Standards.
- (l) **Landscaping.**
Landscaping shall be in accordance with a modified version of the Type B buffer required by the City of Mebane Landscape Ordinance. Solar farms shall be fully screened from adjoining properties and adjacent roads by a 20-foot evergreen buffer capable of reaching a height of 10 feet within three years of planting, with at least 75% opacity at the time of planting.
- (m) **Accessibility for emergency services vehicles shall be required.**
- (n) **No signage is allowed on the solar farm fencing except for a sign not to exceed 32 square feet displaying the facility name, address and emergency contact information.**
- (o) **Any glare generated by the system must be mitigated or directed away from an adjoining property or adjacent road so as not to create a nuisance or safety hazard. Glare resistant solar panels shall be used if the system is adjacent to an airport.**
- (p) **Any electrical wiring used in the system shall be underground (trenched) except where wiring is brought together for inter-connection to system components and/or the local utility power grid.**
- (q) **Other conditions, including, but not limited to, buffering and noise controls that provide adequate protection for adjacent properties as may be deemed reasonable and appropriate for the type of system, may be recommended by the Planning Board and approved by the City Council.**
- (r) **A "Glint and Glare Study" shall be provided to demonstrate that the panels are located and installed so that the sum of**

glare is directed away from an adjoining property or public rights of way.

- (s) A copy of the active lease from the property owner with the public utility must be on file in the planning office. If changes are made in such agreement, it is the applicant's responsibility to make sure that the most recent copy of the lease is on file within ten (10) days of any changes made.
- (t) All power transmission lines to any building, other structure and/or utility connection shall be located underground.
- (u) Inverter noise shall not exceed 40dBA at the property line.
- (v) Driveways within the site may be constructed of impervious materials and shall be designed to minimize the extent of drives constructed and soil compaction. Surface cover shall be a permanent vegetative cover to the extent possible. Stormwater management provisions will apply if impervious surfaces exceed the regulatory thresholds.
- (w) All panels shall have natural ground cover under and between the rows.
- (x) A Solar Farm or Photovoltaic Energy Facility or Structure shall be designed to comply with all storm water, grading and soil disturbance regulations of the Unified Development Ordinance and any clearing and grading operations shall be done in accordance with any county, city, or state rules governing erosion and sedimentation control.
- (y) The electrical disconnect switch shall be clearly identified and unobstructed, and the owner must file a map of the facility with the Fire and Police Department clearly showing where the disconnect switch is located.
- (z) NCDOT standards shall be met for any work constructed within the right-of-way. A NCDOT driveway permit is required. Site Plan must provide additional description of any needed utility connections within right of way, assess driveway location for adequate sight distance relative to horizontal and vertical curves of existing road, locate internal gate deep enough within the stem to allow pull off outside roadway, provide additional driveway design detail per NCDOT Standard. I.e. width=20 ft., radius= 20 ft., paved apron min 8" ABC, 2" SF9.5A, drainage, and 10'x70' sight distance triangle. (Amended October 6, 2014)

H. Public Works and Public Utility Facilities Essential to the Immediate Area;

1. **Where Development Standards are Required:** All districts.
 2. **General Requirements:**
 - (a) Vehicles or material shall be stored on the premises inside a building or under cover.
 - (b) All buildings and apparatus shall be set back at least 20 feet from all property lines and shall be designed, landscaped and maintained in accordance with other public facilities.
 - (c) Facilities such as water towers, pumping stations and similar public facilities shall be surrounded by a chain link fence six feet high.
 - (d) Outside storage of apparatus and equipment is permitted only in the M-1 zoning district and must be enclosed by a solid fence at least 6 feet high and screened in accordance with the provisions of Section 6-3.
 - (e) Noise: Equipment-producing noise or sound in excess of 70 decibels shall be located no closer than 100 feet to the nearest residence.
 - (f) Dust: All unpaved areas shall be maintained in a manner that prevents dust from adversely impacting adjoining properties.
- I. **Sewage Wastewater Treatment Plant (Water Resource Recovery Facility)**
1. **Where Development Standards are Required:** M-1 and M-2 districts.
 2. **General Requirements:**
 - (a) Minimum Use Separation: All structures, buildings, or enclosed areas used for the operation shall be a minimum of 300 feet from a residentially-used ~~structure or zoned lot~~.
 - (b) Security Fencing: Security fencing, a minimum of 8 feet in height, shall be provided around hazardous operations, as determined by the City Council, involved with the use.
 - (c) Screening and Buffering: The use shall provide a buffer yard between any adjoining residentially-used or zoned property in accordance with the requirements of Section 6-3.
 - (d) Outdoor storage areas shall comply with the screening requirements of Section 6-3.

Commented [CS71]: This change is consistent with other public institutional separations (e.g. Fire Station)

- (e) Dust: All unpaved areas shall be maintained in a manner that prevents dust from adversely impacting adjoining properties.

J. (Reserved)

K. Telephone Exchange; Transformer Stations

1. **Where Development Standards are Required:** RA-20, R-20, R-15, R-12, R-10, R-8, R-6, B-1, B-2, M-1, and M-2 districts.
2. **General Requirements:**
 - (a) Vehicles or material shall be stored on the premises inside a building or under cover.
 - (b) All buildings and apparatus shall be set back at least 20 feet from all property lines and shall be designed, landscaped and maintained in accordance with other public facilities.
 - (c) Facilities such as water towers, pumping stations and similar public facilities shall be surrounded by a chain link fence six feet high.
 - (d) Outside storage of apparatus and equipment is permitted only in the M-1 zoning district and must be enclosed by a solid fence at least 6 feet high and screened in accordance with the provisions of Section 6-3.
 - (e) Noise: Equipment-producing noise or sound in excess of 70 decibels shall be located no closer than 100 feet to the nearest residence.
 - (f) Dust: All unpaved areas shall be maintained in a manner that prevents dust from adversely impacting adjoining properties.

L. Indoor Warehouse (self-storage)

1. **Where Development Standards are Required:** B-2
2. **General Requirements:**
 - (a) The minimum size lot, tract or parcel shall be two acres.
 - (b) All storage shall be contained within a building meeting NC State Building Codes. The building shall not exceed 50% of the lot area.
 - (c) Outdoor storage is prohibited.
 - (d) Primary access shall be to a collector street or larger.

Commented [CS72]: Emerging market for indoor storage facilities that operate more like businesses than the historic "storage locker yard". These standards are based off standards used in Burlington and Greensboro and will allow indoor storage with architectural controls in General Business districts.

- (e) Off-street loading facilities facing a public street, residential use or residential zoning shall be screened from view.
- (f) New buildings shall be constructed of materials that are consistent with the materials used in the construction of existing buildings within the community. Those portions of buildings visible from a public street right-of-way shall be sheathed in materials such as wood siding, stone, brick, tilt-up concrete panels, and sandstone and tinted/textured concrete masonry units (CMUs) in a low reflective, subtle or neutral color. No more than 40 percent of the façade of any principal building facing a public street right-of-way shall be glass or reflective material.
- (g) An architectural rendering of the proposed warehouse shall be submitted for review at the time of site plan submission.

L. Water Treatment Plant

1. **Where Development Standards are Required:** M-1 and M-2 districts.
2. **General Requirements:**
 - (a) Minimum Use Separation: All structures, buildings, or enclosed areas used for the operation shall be a minimum of 100 feet from a residentially-used or zoned lot.
 - (b) Security Fencing: Security fencing, a minimum of 8 feet in height, shall be provided around hazardous operations, as determined by the City Council, involved with the use.
 - (c) Screening and Buffering: The use shall provide a buffer yard between any adjoining residentially-used or zoned property in accordance with the requirements of Section 6-3.
 - (d) Outdoor storage areas shall comply with the screening requirements of Section 6-3.
 - (e) Dust: All unpaved areas shall be maintained in a manner that prevents dust from adversely impacting adjoining properties.

4-7.10 Development Standards for Manufacturing and Industrial Uses

Development standards applicable to particular manufacturing and industrial uses identified in Table 4-1-1, Table of Permitted Uses include:

A. (Reserved)

B. (Reserved)

4-7.11 Development Standards for Agricultural Uses

Development standards applicable to particular agricultural uses identified in Table 4-1-1, Table of Permitted Uses include:

A. Commercial Feeder/Breeder Operation

1. **Where Development Standards are Required:** RA-20 districts.
2. **General Requirements:**
 - (a) Minimum Lot Area: The minimum lot area shall be 10 acres.
 - (b) All structures, buildings or enclosed areas used for housing poultry, cattle or other livestock shall be a minimum of 300 feet from all property lines.
 - (c) Waste lagoons shall be at least 750 feet from any public building or house.
 - (d) Regulations specifically applicable to swine operations are found in NCGS 106-800 and may impose stricter requirements which preempt the setbacks in subsections (b) and (c) above.
 - (e) The applicant shall submit a plan indicating the procedures and process for litter and dead animal disposal. Such plan may be used by the county to monitor compliance with the requirements of the special use permit, if approved.
 - (f) The applicant shall obtain a letter from the applicable County Health Department, which shall be presented as evidence at the hearing, stating the applicant has reviewed state and county requirements for operation of a feeder-type facility and understands the health requirements that must be met, including any and all regulations adopted by the state or the county after the adoption of this zoning provision. Any violation of a state or county health regulation shall be considered a violation of this Ordinance.

4-7.12 Development Standards for Mining Uses

Development standards applicable to particular mining uses identified in Table 4-1-1, Table of Permitted Uses include:

A. Mining, Quarrying, Sand Pits, Clay and Mineral Extraction

1. **Where Development Standards are Required:** M-1 districts.
2. **General Requirements:**
 - (a) Use Separation:

Commented [CS73]: Added to comprehensively reflect common extraction industries.

- (1) The edges of any pit where a mining operation is taking place and any equipment used in the processing of rock and gravel, any asphalt plant, or other industrial uses operated in conjunction with the mine or quarry shall be located at least 300 feet from any property line.
- (2) Where the mining operation site is bounded by a railroad right-of-way currently being used for rail service to the mining operation, no setback shall be required between the railroad right-of-way and such operation.
- (b) Hours of Operation: All operations involving blasting discernible beyond the external property line on a quarry shall only be conducted between the hours of 7:00 a.m. and 6:00 p.m.
- (c) Vehicular Access: The use shall have direct access to a NC or US-numbered highway or industrial area access road that has the capacity to accommodate the additional traffic, including truck traffic, projected to be generated by the use.
- (d) Mining Permit: A valid state-issued mining permit must be obtained.
- (e) Screening: Screening shall be provided in accordance with the requirements of Section 6-3. However, if a berm is determined to be an adequate alternative screening method as provided for in Section 6-3, the minimum height of the berm shall be six feet.

4-7.13 Development Standards for Temporary Uses

Development standards applicable to particular temporary uses identified in Table 4-1-1, Table of Permitted Uses include:

A. Carnivals and Fairs

- 1. **Where Development Standards are Required:** O&I, B-1, B-2, M-1, and M-2 districts.
- 2. **General Requirements:**
 - (a) Duration: The special use permit shall specify the number of days of operation for the event but in no case shall the time period exceed 14 days.
 - (b) Hours of Operation: The hours of operation allowed shall be compatible with the land uses adjacent to the carnival or fair. In no case, however, shall such use that adjoins

residentially-used or zoned property conduct business between the hours of 10 pm and 8 am.

- (c) Noise: The amount of noise generated shall not disrupt the activities of the adjacent land uses.
- (d) Vehicular Access: The use shall have direct access to an collector or higher capacity street.
- (e) Parking: The permit-issuing authority shall not approve the permit unless it finds that the parking generated by the event can be accommodated without undue disruption to or interference with the normal flow of traffic or with the rights of adjacent and surrounding property owners.
- (f) Adequate bathroom facilities shall be provided and the use shall comply with the applicable health department requirements for sanitation and public health safety.
- (g) The applicant shall coordinate with the city to provide for trash removal.
- (h) Site Plan: In addition to the site plan requirements of Appendix A, the required site plan shall show the following:
 - (1) Internal circulation patterns and provisions for parking;
 - (2) How noise, dust and traffic will be controlled and the visual impact of the event;
 - (3) Size and location of signage; and
 - (4) Surrounding land uses within 500 feet of the property.

B. Concerts, Stage Shows

- 1. **Where Development Standards are Required:** B-2 districts.
- 2. **General Requirements:**
 - (a) Minimum Lot Area: The minimum lot area shall be 3 acres.
 - (b) Hours of Operation: The hours of operation allowed shall be compatible with the land uses adjacent to the carnival or fair.
 - (c) Noise: The amount of noise generated shall not disrupt the activities of the adjacent land uses.

- (d) Vehicular Access: The use shall have direct access to an collector or higher capacity street.
- (e) Parking: The permit-issuing authority shall not approve the permit unless it finds that the parking generated by the event can be accommodated without undue disruption to or interference with the normal flow of traffic or with the rights of adjacent and surrounding property owners.
- (f) Adequate bathroom facilities shall be provided and the use shall comply with the applicable health department requirements for sanitation and public health safety.
- (g) The applicant shall coordinate with the city to provide for trash removal.

C. ~~Corn Maze, Hay Rides, and Similar Temporary Uses Associated with a Bona Fide Farm Operation~~ Agritourism

1. ~~Where Development Standards are Required:~~ RA-20 R-20 districts.

2. ~~General Requirements:~~

- (a) Location: No building or structure shall be located within 40 feet of a public street right-of-way.
- (b) Parking: Sufficient room for customer parking shall be provided on the lot and must be located such that parking is completely off of the public street right-of-way. The lot shall encompass sufficient lot area to accommodate the off-street parking needs of both the temporary use and the principal use. The Zoning Administrator shall not grant the permit unless he/she finds that the parking generated by the event can be accommodated without undue disruption to or interference with the normal flow of traffic or with the rights of adjacent and surrounding property owners.
- (c) Vehicular Access: Principal vehicular access shall be from a collector or higher capacity street.
- (d) Hours of Operation: The hours of operation allowed shall be compatible with the land uses adjacent to the proposed site. In no case, however, shall such use that adjoins residentially-used or zoned property conduct business between the hours of 10 pm and 8 am.
- (e) Duration: The permit shall be valid for a period not to exceed 60 days.
- (f) Signs: One sign per street frontage not exceeding four feet in height and 16 square feet in sign area is permitted. All

Commented [CS74]: Renaming this land use allows for a broader menu of potential activities rather than staff having to make a use determination. Reminder: *bona fide* farms are not subject to these standards and only need to notify City staff of their temporary event or apply for a sign permit.

temporary signs shall be removed at the termination of the permit period.

D. Farm Products, Christmas Tree, Pumpkin, Seafood, Fireworks Stand and Similar Outdoor Seasonal Sales

1. **Where Development Standards are Required:** O/I, B-1, B-2, B-3 districts.
2. **General Requirements:**
 - (a) Location: No building or structure shall be located within 50 feet of a public street right-of-way.
 - (b) Parking: Sufficient room for customer parking shall be provided on the lot and must be located such that parking is completely off of the public street right-of-way. The lot shall encompass sufficient lot area to accommodate the off-street parking needs of both the temporary use and the principal use. The Zoning Administrator shall not grant the permit unless he/she finds that the parking generated by the event can be accommodated without undue disruption to or interference with the normal flow of traffic or with the rights of adjacent and surrounding property owners.
 - (c) Vehicular Access: Principal vehicular access shall be from a collector or higher capacity street.
 - (d) Hours of Operation: The hours of operation allowed shall be compatible with the land uses adjacent to the proposed site. In no case, however, shall such use that adjoins residentially-used or zoned property conduct business between the hours of 10 pm and 8 am.
 - (e) Duration: The permit shall be valid for a period not to exceed 45 days.
 - (f) All structures must be portable and shall be removed from the site at the termination of the permit period.
 - (g) Signs: One sign per street frontage not exceeding four feet in height and 16 square feet in sign area is permitted. All temporary signs shall be removed at the termination of the permit period.

Commented [CS75]: Now includes all other non-Farmers Market seasonal sales, while excluding popup retail sales. No development standards were previously required for most seasonal sales, creating challenging interpretations for staff in order to maintain land use harmony with such uses.

E. ~~(Reserved)~~

E. Farmers Market Outdoor Fruit and Vegetable Market, Seasonal

1. **Where Development Standards are Required:** RA-20, R-20, R-15, B-1, B-2, B-3, & M-2 districts.
2. **General Requirements:**

Commented [CS76]: Will allow Farmers Markets in a wider number of land uses and more accurately reflects the wide array of products sold there. Reminder: *bona fide* farms are not subject to these standards and only need to notify City staff of their temporary event or apply for a sign permit.

- (a) Location: No building or structure shall be located within 50 feet of a public streetright-of-way.
- (b) Parking: Sufficient room for customer parking shall be provided on the lot and must be located such that parking is completely off of the public street right-of-way. The lot shall encompass sufficient lot area to accommodate the off-street parking needs of both the temporary use and the principal use. The Zoning Administrator shall not grant the permit unless he/she finds that the parking generated by the event can be accommodated without undue disruption to or interference with the normal flow of traffic or with the rights of adjacent and surrounding property owners.
- (c) Vehicular Access: Principal vehicular access shall be from a collector or higher capacity road.
- (d) Hours of Operation: The hours of operation allowed shall be compatible with the land uses adjacent to the proposed site. In no case, however, shall such use that adjoins residentially used or zoned property conduct business between the hours of 10 pm and 8 am.
- (e) Duration: The permit shall be valid for a period not to exceed 90 days.
- (f) All structures must be portable and shall be removed from the site at the termination of the permit period.
- (g) Signs: One sign per road frontage not exceeding four feet in height and 16 square feet in sign area is permitted. All temporary signs shall be removed at the termination of the permit period.

F. Health Care Structure

1. Where Development Standards are Required: All residential districts.

2. General Requirements:

- (a) The requirements of this temporary use shall be consistent with the standards established by NC General Statute 160D-915.
- (b) A permitted accessory use and structure for a caregiver assigned to as a guardian and/or to provide care for a mentally or physically impaired person on property owned or occupied by the caregiver as their residence.

Commented [CS77]: As required by 160D

- (c) This use is allowed by right and shall not be considered a special use. It is not subject to any development standards than those established for an accessory structure to a residence, Section 4-2.B.
- (d) Restrictions:
 - (i) Only one temporary structure shall be permitted per property;
 - (ii) The structure is primarily assembled at a separate location from the residence;
 - (iii) The occupant of the structure is limited to the single individual with mental or physical impairment;
 - (iv) The structure shall not exceed 300 square feet in gross floor area or the floor area allowed for a detached accessory dwelling unit, whichever is smaller;
 - (v) The structure complies with the applicable provision of the NC State Building Codes and NC General Statute 143-139.1(b);
 - (vi) The structure shall not be placed on a permanent foundation but is permitted to connect to utilities as if the structure were permanent real property;
 - (vii) The zoning permit allowing for this use shall be reviewed annually with the maximum review fee determined by NCGS 160D-915; and
 - (viii) No signage advertising or otherwise promoting the existence of the temporary health care structure shall be permitted either on the exterior of the temporary family health care structure or elsewhere on the property.
- (e) Any structure installed pursuant to this use shall be removed within 60 days of being vacated unless it is to be occupied by another qualifying individual, as supported by documentation provided to the City; and
- (f) All relevant permits pertaining to this use may be revoked should the permit holder violate any of these standards or NCGS 160A-202. The City may seek injunctive relief or other appropriate actions or proceedings to ensure compliance with this section or G.S. 160A-202.

G. Outdoor Religious Event

- 1. Where Development Standards are Required:** O&I, B-1 and B-2 districts.
- 2. General Requirements:**
 - (a) **Location:** No building or structure shall be located within 50 feet of a public road right-of-way.
 - (b) **Parking:** Sufficient room for customer parking shall be provided on the lot and must be located such that parking is completely off of the public street right-of-way. The lot shall encompass sufficient lot area to accommodate the off-street parking needs of both the temporary use and the principal use. The Zoning Administrator shall not grant the permit unless he/she finds that the parking generated by the event can be accommodated without undue disruption to or interference with the normal flow of traffic or with the rights of adjacent and surrounding property owners.
 - (c) **Vehicular Access:** Principal vehicular access shall be from a collector or higher capacity street.
 - (d) **Hours of Operation:** The hours of operation allowed shall be compatible with the land uses adjacent to the proposed site. In no case, however, shall such use that adjoins residentially used or zoned property conduct business between the hours of 10 pm and 8 am.
 - (e) **Noise:** The amount of noise generated shall not disrupt the activities of the adjacent land uses.
 - (f) **Duration:** The permit shall be valid for a period not to exceed 14 days.
 - (g) All structures must be portable and shall be removed from the site at the termination of the permit period.
 - (h) Adequate bathroom facilities shall be provided and the use shall comply with the applicable health department requirements for sanitation and public health safety.
 - (i) **Signs:** One sign per road frontage not exceeding four feet in height and 16 square feet in sign area is permitted. All temporary signs shall be removed at the termination of the permit period.

H. Temporary Construction Office or Security Residence

- 1. Where Development Standards are Required:** RA-20, R-20, R-15, R-12, R-10, R-8, and R-6 districts.

2. **General Requirements:**

- (a) A temporary construction office or security residence is intended for short-term use during the construction of nonresidential buildings and residential developments such as subdivisions and multi-family developments.
- (b) Operation: A building permit for the principal building or use must be obtained or the principal use must be initiated prior to occupancy of the construction office or security residence.
- (c) Number: No more than one construction office or security residence shall be permitted per building lot or development.
- (d) A manufactured home or recreational vehicle may be used as a temporary security residence.
- (e) The temporary construction office or security residence shall:
 - (1) Have an approved water and sewage disposal connection;
 - (2) Meet all setbacks applicable to the principal building or use;
 - (3) Be erected in accordance with the NC Building Code;
 - (4) Be located at least 20 feet from the principal building; and
 - (5) Be owned by the same person that owns the principal building or use.
- (f) Time Limitation: Temporary construction offices and security residences shall be removed within 30 days after the issuance of a final certificate of occupancy for the principal building(s). In the case of a multi-lot residential development, the permit for a security residence shall expire within 12 months after the date of issuance of the zoning permit, except that the Zoning Administrator may renew such permit for a period not to exceed 6 months if he/she determines that such renewal is reasonably necessary to provide on-site security services for the residential development.

I. **Temporary and Special Events not Listed Elsewhere**

- 1. **Where Development Standards are Required:** O&I, B-1, B-2, B-3, M-1, and M-2 districts.

2. General Requirements:

- (a) Location: No building or structure shall be located within 50 feet of a public street right-of-way.
- (b) Parking: Sufficient room for customer parking shall be provided on the lot and must be located such that parking is completely off of the public street right-of-way. The lot shall encompass sufficient lot area to accommodate the off-street parking needs of both the temporary use and the principal use. The Zoning Administrator shall not grant the permit unless he/she finds that the parking generated by the event can be accommodated without undue disruption to or interference with the normal flow of traffic or with the rights of adjacent and surrounding property owners.
- (c) Vehicular Access: Principal vehicular access shall be from a collector or higher capacity street.
- (d) Hours of Operation: The hours of operation allowed shall be compatible with the land uses adjacent to the proposed site. In no case, however, shall such use that adjoins residentially used or zoned property conduct business between the hours of 10 pm and 8 am.
- (e) Noise: The amount of noise generated shall not disrupt the activities of the adjacent land uses.
- (f) Duration: The permit shall be valid for a period not to exceed 14 days. No more than three special temporary and seasonal events shall occur at any one premises per calendar year.
- (g) All structures must be portable and shall be removed from the site at the termination of the permit period.
- (h) Signs: One sign per road frontage not exceeding four feet in height and 16 square feet in sign area is permitted. All temporary signs shall be removed at the termination of the permit period.
- (i) Health Department Requirements: The event shall comply with all applicable health department requirements for sanitation and public health safety.

J. Turkey Shoot

- 1. Where Development Standards are Required:** M-1 and M-2 districts.
- 2. General Requirements:**

- (a) Location: No structure or operational activity shall be located within 50 feet of a public street right-of-way.
- (b) Parking: Sufficient room for customer parking shall be provided on the lot and must be located such that parking is completely off of the public street right-of-way. The lot shall encompass sufficient lot area to accommodate the off-street parking needs of both the temporary use and the principal use. The Zoning Administrator shall not grant the permit unless he/she finds that the parking generated by the event can be accommodated without undue disruption to or interference with the normal flow of traffic or with the rights of adjacent and surrounding property owners.
- (c) Vehicular Access: Principal vehicular access shall be from a collector or higher capacity street.
- (d) Hours and Days of Operation: The hours of operation allowed shall be compatible with the land uses adjacent to the proposed site. Turkey shoots shall be limited to operating on Thursdays, Friday, and Saturdays and shall not conduct business between the hours of 10 pm and 8 am.
- (e) Duration: The permit shall be valid for a period not to exceed 30 days.
- (f) All structures must be portable and shall be removed from the site at the termination of the permit period.
- (g) Signs: One sign per road frontage not exceeding four feet in height and 16 square feet in sign area is permitted. All temporary signs shall be removed at the termination of the permit period.
- (h) All turkey shoots shall be established with the line of fire perpendicular to and away from a road right-of-way. The line of fire is a line which passes through the firing point and bisects the target. The backstop or target area shall be located not less than 500 feet from the street right-of-way.
- (i) Sites adjacent to more than one street right-of-way must designate the higher classified street as the front, and set the line of fire perpendicular thereto. Any resultant line of fire parallel to a street must be a minimum distance of 200 feet from and parallel to the street right-of-way.
- (j) Operation:
 - (1) All backstops shall be constructed a minimum of 500 feet from a residence located to the rear and/or side of the backstop. The design of the backstop shall be as approved by the National Rifle Association.

- (2) The firearms used in turkey shoots shall be limited to shotguns firing shot no larger than number eight. No firearms may be used which have been altered from manufacturer's specifications.
- (3) The operators of the turkey shoot shall be responsible for maintaining adequate fire protection by notifying the local fire department as to the dates and times of the turkey shoot.
- (4) Provisions for sanitation and refuse disposal must be made in accordance with city and/or the applicable health department standards.
- (k) Permit Review: The Zoning Administrator shall coordinate the review of a request for a turkey shoot with the Mebane Police Department and/or the applicable sheriff's department.

K. Temporary Portable Storage Containers

1. Where Development Standards are Required: All districts.

2. Requirements in Residential Zoning Districts:

- (a) Duration: A temporary portable storage container may be permitted on a parcel containing a residence for a period not to exceed ~~45~~ 60 days within any consecutive 6-month period. However, in the case where a residence has been destroyed or damaged by casualty, the maximum time period may be as authorized in subsection 4 (a) below.
- (b) Size: Temporary portable storage containers may not exceed a gross floor area of 130 square feet or eight and one-half feet in height.
- (c) Location: Temporary portable storage containers shall not be located within 3 feet of the property line unless placed on an existing impervious driveway and shall not be located in a street right-of-way, in any required landscaped area or open space, on any sidewalk or trail, or in any location that blocks or interferes with any vehicular and/or pedestrian circulation.
- (d) Maximum number: No more than one temporary portable storage container may located on a parcel within a residential zoning district.

Commented [CS78]: Reflective of more common usage and accommodating of needs.

3. Requirements in Nonresidential Zoning Districts:

- (a) Duration: A temporary portable storage container may be permitted on a parcel within a nonresidential zoning district for a period not to exceed 7 days within any consecutive 6-month period. However, in the case where a structure has

been destroyed or damaged by casualty, the maximum time period may be as authorized in subsection 4 (a) below.

- (b) Size: Temporary portable storage containers may not exceed a gross floor area of 130 square feet or eight and one-half feet in height.
- (c) Location: Temporary portable storage containers shall be located behind the principal building or at the side if the physical nature of the site renders rear placement impossible, as determined by the Zoning Administrator. Temporary portable storage containers shall not be located within 3 feet of the side or rear property line. Temporary portable storage containers shall not be located in a street right-of-way, in any required landscaped area or open space, on any sidewalk or trail, or in any location that blocks or interferes with any vehicular and/or pedestrian circulation.
- (d) Maximum number: No more than two temporary portable storage containers may be located on a single parcel within a nonresidential zoning district.

4. Temporary portable storage containers used in connection with permitted construction activity:

Temporary portable storage containers used in connection with permitted construction activity may be located in any zoning district subject to the following conditions:

- (a) Duration: A temporary portable storage container may be permitted for the duration of construction authorized by an active building permit. The container shall be removed within 30 days of the issuance of a certificate of occupancy or final inspection.
- (b) Size: Temporary portable storage containers may not exceed a gross floor area of 130 square feet or eight and one-half feet in height.
- (c) Location: Temporary portable storage containers shall not encroach on sidewalks, public rights-of-way, or adjacent properties, or be placed in a location that blocks or interferes with any vehicular and/or pedestrian circulation.
- (d) Maximum number: No more than one temporary portable storage container may be located on a single parcel within a residential zoning district. No more than two containers may be located on a single parcel within a nonresidential zoning district.

4-7.14 Development Standards for Miscellaneous Uses

Development standards applicable to particular miscellaneous uses identified in Table 4-1-1, Table of Permitted Uses include:

~~A. **Billboard, Outdoor Advertising Sign**~~

~~1. **Where Development Standards are Required: M-1 and M-2 districts.**~~

~~2. **General Requirements:**~~

~~(a) **Outdoor advertising signs (billboards) shall comply with the requirements and standards of Section 6-6.7, A.**~~

Commented [CS79]: Redundant with Article 6

B. Adult Establishments

1. Where Development Standards are Required: M-1 districts.

2. General Requirements:

(a) Definitions: See the definition of 'Adult Establishments' in Section 12-4.

(b) Location Restrictions: No adult establishment may be located within 1,500 feet of a:

- (1) Residence
- (2) School
- (3) Church or other place of worship
- (4) Community center
- (5) Community college
- (6) Community recreational facility
- (7) Another adult establishment

All measurements shall be made by drawing straight lines from the nearest point of the lot line where the proposed adult establishment is to be located to the nearest point of the lot line or boundary of the closest residence or other use enumerated above.

(c) Light and Noise:

- (1) Flashing lights or fluttering devices designed and used to attract attention are not permitted.
- (2) Amplification of sound directed outside of the building used by the establishment is not permitted.

- (d) Information Required for Special Use Permit Application: In addition to information required by this Ordinance for any special use permit application, the following additional information shall be required:
- (1) The name, address and age of the applicant; or if a partnership, the names, addresses and ages of the persons who constitute such partnership; or if a corporation, the names, addresses and ages of its directors, officers and principal stockholders. Each application shall also include the names, ages and addresses of all present employees.
 - (2) A complete statement of convictions of any person whose name is required to be given in subsection (1) above for any crime other than traffic violations, including but not limited to, any felony, prostitution or violation of any local ordinance or state law related to adult establishments, pornography or indecent exposure.
 - (3) A description of any other business to be operated on the same premises or on adjoining premises owned by or controlled by anyone listed in subsection (1) above.
- (e) Procedure: The application for a special use permit for an adult establishment shall be acted on as prescribed by this Ordinance for any special use application. In addition,
- (1) The City shall be given 30 days from receipt of a properly completed application form to verify the information contained in the application before any further steps are taken.
 - (2) The application must contain no misstatement of fact.
 - (3) The applicant, or any person having a legal or beneficial interest in the establishment, or any employee cannot have been convicted of any crime or ordinance violation involving sexual misconduct, including but not limited to NCGS 14-177, NCGS 14-202.1, NCGS 14-203, NCGS 14-208, or any local, state or federal law related to racketeering or the possession, sale or distribution of a controlled substance.
 - (4) The applicant must conform to all requirements of applicable law, including building and fire prevention codes and the approval has been obtained pursuant to zoning requirements provided by law.

- (f) Conditions Leading to Revocation of the Special Use Permit: A special use permit issued pursuant to this section and Article 2 of this Ordinance shall be revoked by the City, if by action of the city council using the procedures delineated in Section 11-6, Permit Revocation, it finds the following:
- (1) A misstatement of fact contained in the application is discovered after issuance of the permit.
 - (2) The applicant allows persons or corporations to own in interest in or be employed by the business after issuance of the permit which would have been in violation of subsection (d)(2) above if the same had owned an interest or been employed at the time of filing the application.
 - (3) The applicant has violated any provision of this ordinance.
 - (4) The applicant or beneficial owner or an employee is convicted of any crime after issuance of the permit which are listed in subsection (d)(2) above.
 - (5) The permittee violates any unified development, building or fire prevention ordinance.
- (g) Restriction of Uses on the Same Property or in the Same Building: There shall not be more than one adult business in the same building, structure, or portion thereof. No other principal or accessory use may occupy the same building, structure, property, or portion thereof with any adult business.
- (h) Signs: Except for a business identification sign permitted in accordance with Section 6-6, Signs, no other exterior advertising, promotional materials, or signage that is visible to the public from a road, sidewalk, or walkway shall be permitted.
- (i) Hours and Days of Operation: The hours of operation shall be compatible with the land uses adjacent to the proposed site and shall be limited to the hours of 10 am to midnight, Monday through Saturday.

~~C. Planned Multiple Occupancy Group; Commercial, Office or Industrial~~

~~1. Where Development Standards are Required: O&I, B-1, B-2, B-3, M-1, and M-2 districts:~~

~~2. General Requirements:~~

~~(a) A planned multiple occupancy group is a group of uses or buildings (commercial, office or industrial) developed as part of a unified plan, served by common parking facilities, drives, entrances and exits. Those uses or buildings under single ownership and serving a commercial purpose are subject to the development standards of a Shopping Center, 4-7.8.I.~~

~~(b) Plans for all planned multiple occupancy group, commercial or office, must receive a special use permit except for those totalling 15,000 square feet or smaller in gross floor area on a single property. Single buildings on a property that house multiple industrial uses shall not require a special use permit.~~

~~(Amended October 7, 2019)~~

D. Video Gaming Arcade

(Amended March 4, 2019)

1. **Where Development Standards are Required:** B-2 districts.

2. **General Requirements:**

(a) Definitions: See the definition of 'Video Gaming Arcade' in Section 12-4.

(b) Location Restrictions: No video gaming arcade may be located within 1,500 feet of a:

- (1) Residence
- (2) School
- (3) Church or other place of worship
- (4) Community center
- (5) Community college
- (6) Community recreational facility
- (7) Another video gaming arcade

All measurements shall be made by drawing straight lines from the nearest point of the lot line where the proposed video gaming arcade is to be located to the nearest point of the lot line or boundary of the closest residence or other use enumerated above.

(d) Light: Flashing lights or fluttering devices designed and used to attract attention are not permitted.

Commented [CS80]: Staff is satisfied that the commercial and office needs that this use is intended to address are redundant with those identified in "Shopping Center" and "Office Park". Article 4-4 of the UDO allows for Nonresidential Group Developments that addresses the manufacturing application that is currently addressed as a special use in this development standard. Requiring a SUP for industrial/manufacturing multi-building and -tenant sites is uncommon among our peers and neighbors and is an impediment to economic development. All other development standards still apply to all tenants and users of a multiple occupant site and are satisfactorily protective of the City, particularly with the clarification that all subdivision design standards are applicable to all development in the city.

- (e) Signs: Except for a business identification sign permitted in accordance with Section 6-6, Signs, no other exterior advertising, promotional materials, or signage that is visible to the public from a road, sidewalk, or walkway shall be permitted.
- (f) Hours and Days of Operation: The hours of operation allowed shall be compatible with the land uses adjacent to the proposed site. In no case, however, shall such use be conducted between the hours of 10 p.m. and 10 a.m.
- (g) Procedure: The application for a special use permit for a video gaming arcade shall be acted on as prescribed by this Ordinance for any special use application. In addition,
 - a. The City shall be given 30 days from receipt of a properly completed application form to verify the information contained in the application before any further steps are taken.
 - b. The application must contain no misstatement of fact.
 - c. The applicant, or any person having a legal or beneficial interest in the establishment, or any employee cannot have been convicted of any crime, including but not limited to NCGS14-177, NCGS 14-202.1, NCGS 14-203, NCGS 14-208, or any local, state or federal law related to racketeering or the possession, sale or distribution of a controlled substance.
 - d. The applicant must conform to all requirements of applicable law, including building and fire prevention codes and the approval has been obtained pursuant to zoning requirements provided by law.
- (h) Conditions Leading to Revocation of the Special Use Permit: A special use permit issued pursuant to this section and Article 2 of this Ordinance shall be revoked by the City, if by action of the city council using the procedures delineated in Section 11-6, Permit Revocation, it finds the following:
 - a. A misstatement of fact contained in the application is discovered after issuance of the permit.
 - b. The applicant allows persons or corporations to own in interest in or be employed by the business after issuance of the permit which would have been in violation of subsection (d)(2) above if the same had

owned an interest or been employed at the time of filing the application.

- c. The applicant has violated any provision of this ordinance.
- d. The applicant or beneficial owner or an employee is convicted of any crime after issuance of the permit which are listed in subsection (d)(2) above.
- e. The permittee violates any unified development, building or fire prevention ordinance.

E. Highway Corridor Overlay District Requirements

The Highway Corridor Overlay (HCO) District, as described in Section 3-1, C., is established to provide specific appearance and operational standards for specifically designated highway corridors while accommodating development along the corridors. All uses, with the exception of single-family detached dwellings and two-family dwellings located on their own separate lots unless specifically provided for herein, proposed to be located in the Highway Corridor Overlay District are subject to the additional requirements of this Section. All buildings, parking and loading areas, or open uses of land which are expanded in excess of 3,000 square feet of their gross square footage after the effective date of this Ordinance are subject to the requirements of this Section. All other requirements of the underlying zoning districts shall also apply, with the more stringent regulations prevailing when standards conflict.

Commented [CS81]: Relocated from Article 5 to allow it to be exclusively focused on environmental regulations. This overlay district is currently not used in Mebane but offers a reference to consider when discussing any HCOs in the City. It will need to be amended at that time to reflect concerns that come out of public meetings discussing HCO needs and how it will serve Mebane.

1. Procedures

- (a) The applicant shall submit a site plan of the parcel and the proposed use to the Zoning Administrator. The City Council shall review the site plan in accordance with the provisions of this Section. Approval of the site plan and the proposed uses by the City Council authorizes the issuance of a zoning permit or special use permit.
- (b) Permits are issued at each phase of development and only in accordance with the approved site plan.
- (c) If a site plan was approved and a use permit was issued for the development of a lot or lots, no subsequent change or expansion which was not shown on the site plan shall be allowed unless also approved by the City Council.

2. General Standards Applicable to All Highway Corridor Overlay Districts

- (a) Site development plan:
 - (i) A site plan shall be prepared to provide a complete and accurate description of the proposed use; building

- footprint of existing and proposed structures; proposed landscaping and buffering areas; proposed points of ingress and egress; proposed pedestrian facilities, parking, loading, and trash containment areas; proposed type and location of outdoor lighting; and proposed type and location of signs.
- (ii) Site plans shall also include building schematics showing proposed front and side elevations to scale with materials noted.
 - (iii) All site plans shall be submitted to and reviewed by the Planning Director for completeness and accuracy prior to being forwarded to the City Council for approval.
- (b) A traffic analysis indicating the estimated effect of the proposed development on adjacent existing road traffic, including volume flows to and from the development prepared by a registered professional engineer may be required if, in the opinion of the Zoning Administrator and upon the recommendation of the City Engineer, such an analysis is warranted based upon the intensity of the proposed development.
 - (c) A preliminary plan or engineering feasibility report providing for the site grading, landscaping, storm drainage, sanitary sewerage, and water supply prepared by a licensed professional engineer shall be submitted along with the site plan.
 - (d) The maximum lot coverage by total impervious surfaces such as rooftops, paving, walkways, etc. shall be ~~50~~ 70 percent of the lot area except when stormwater is retained or detained on the site. Any additional runoff resulting from lot coverage in excess of ~~50~~ 70 percent must be compensated for by such on-site detention or retention measures.
 - (e) All new driveway access shall be permitted in accordance with the NCDOT 'Policy on Street and Driveway Access to North Carolina Highways' Rev. Jul. 03'.
 - (f) If the owners of two or more lots jointly provide a direct point of both ingress and egress to serve their lots, adequate provisions shall be made by dedication, covenants, restrictions, or other legal instruments for ensuring that such point of ingress and egress on such streets are provided and maintained consistent with the regulations and intent of this Section.
 - (g) Loading docks, service areas, and trash facilities shall be located at the rear of structures, and shall not be visible from the street. Parking and loading areas shall be screened from abutting properties in accordance with the requirements of Section 6-4.8.

- (h) A required streetscape buffer yard shall comply with the requirements of Section 6-3, D, 4 except that the additional minimum standards shall also be applicable to properties in the HCO District:
 - (i) Two canopy trees for every 40 linear feet of highway frontage;
 - (ii) Two understory trees for every 20 linear feet of highway frontage; and
 - (iii) Thirty-four shrubs for every 100 linear feet of highway frontage.
- (i) Signs shall be architecturally compatible with the style, composition, materials, colors, and details of the structure as well as with other signs used on the structure.
- (j) General building design standards:
 - (i) No awnings or canopy fascias shall be internally lit.
 - (ii) Building and roof colors shall consist of natural earth tones, white, black, or shades of gray. Primary colors or bright colors shall be limited to trim and signage. Day glow or neon colors shall be avoided.
 - (iii) Building color schemes shall blend in with surroundings. Multiple colors and garish or unusual patterns or geometric shapes shall be avoided.
 - (iv) Applicants are required to submit color renderings, color elevation drawings, or color photographs with the site plan or to place a note on the site plan indicating that compliance with subsections (ii) and (iii) above shall be achieved and approved by the City Council prior to installation.
 - (v) Appropriate screening shall be provided to obscure as much as reasonably possible all roof-mounted equipment, roof vents, or other unsightly building appurtenances from view from the highway corridor.

**ARTICLE 5- WSW BUFFERS UPDATE- 5-18-16
OVERLAY, ENVIRONMENTAL, AND SPECIAL PURPOSE REGULATIONS**

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ARTICLE 5

~~OVERLAY, ENVIRONMENTAL, AND SPECIAL PURPOSE REGULATIONS~~

~~5-1 Manufactured Housing Overlay District Requirements~~

~~A. Purpose and Intent~~

~~The Manufactured Housing Overlay District is intended to provide for alternative housing opportunities by allowing the placement of manufactured homes on individual lots within specific defined areas which overlay the R-10, Residential general zoning districts. Such overlay districts are designated R-10MH on the official zoning map. The Manufactured Housing Overlay District is established pursuant to Article 9, Section 160D of the North Carolina General Statutes and this Ordinance.~~

~~Amended June 7, 2021~~

~~B. Minimum Criteria for Manufactured Dwellings on Single Family Lots~~

~~1. Class A manufactured dwellings may be permitted on single family lots in the R-10 residential zoning district provided overlay district zoning is approved by the City Council in accordance with the provisions of Ordinance. All requirements of this Ordinance applicable in the R-10 zoning district shall apply. In addition each manufactured dwelling shall be:~~

- ~~(a) Occupied only as a single family dwelling;~~
- ~~(b) Have a minimum width of 16 feet;~~
- ~~(c) Have a length not exceeding four times its width, with length measured along the longest axis and width measured perpendicular to the longest axis at the narrowest part (towing apparatus, wheels, and transporting lights are not included in length and width measurements);~~
- ~~(d) Have a minimum of 1,000 square feet of enclosed and heated space;~~
- ~~(e) Have the towing apparatus, wheels, axis and transporting lights removed;~~
- ~~(f) Have the longest axis oriented parallel or within a ten degree deflection of being parallel to the lot frontage, unless other orientation is permitted as a variance approved by the Board of Adjustment following a public hearing;~~
- ~~(g) Set up in accordance with the standards established by the NC Department of Insurance. In addition, a continuous, permanent masonry foundation or masonry curtain wall constructed in accordance with the standards of the NC Building Code for One and Two Family Dwellings, unpierced except for required ventilation and access, shall be installed under the perimeter;~~

Commented [CS82]: There is value in streamlining this article to be exclusively Environmental Regulations. There are several complex standards herein and introducing MHO & HCOs into this section is inconsistent with the larger theme of watershed, stormwater, and stream buffer regulations.

Commented [CS83]: Relocated to Article 3 & 4

- ~~(h) Have exterior siding comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction, consisting of one or more of the following:
 - ~~(1) Vinyl or aluminum lap siding (whose reflectivity does not exceed that of flat white paint);~~
 - ~~(2) Cedar or other wood siding;~~
 - ~~(3) Wood grain, weather-resistant press-board siding;~~
 - ~~(4) Stucco siding; or~~
 - ~~(5) Brick or stone siding.~~~~
- ~~(i) Have a roof pitch minimum vertical rise of three feet for each twelve feet of horizontal run;~~
- ~~(j) Have the roof finished with a Class C or better roofing material that is commonly used in standard residential construction;~~
- ~~(k) Have an eave projection for all roof structures of no less than six inches, which may include a gutter;~~
- ~~(l) Have stairs, porches, entrance platforms, ramps, and other means of entrance and exit installed or constructed in accordance with the standards set forth in the NC Building Code, anchored securely to the ground. Wood stairs shall only be used in conjunction with a porch or entrance platform with a minimum of 24 square feet; and~~
- ~~(m) Be connected to the municipal water and sewer system.~~

~~C. Minimum Development Size~~

- ~~1. Ten existing contiguous lots in single ownership covering at least 90,000 square feet, excluding public street right-of-way; or~~
- ~~2. 120,000 square feet of land, excluding public street right-of-way.~~

5-2 Stormwater Management

Amended June 7, 2021

The general standards contained in this Section shall apply throughout the planning jurisdiction. However, developments located within watershed protection overlay districts shall comply with the applicable additional stormwater management requirements of Section 5-2. All residential development disturbing one acre or more and all nonresidential development disturbing one-half acre or more shall prepare stormwater management plans in accordance with subsection F below. All residential and non-residential development disturbing one-half acre or more shall prepare stormwater management plans in accordance with section 5-2 in addition to compliance with section 5-3, 5-4, and 5-5.

A. Natural Drainage System Utilized to Extent Feasible

1. To the extent practicable, all development shall conform to the natural contours of the land and natural and pre-existing man-made drainage ways shall remain undisturbed.
2. To the extent practicable, lot boundaries shall be made to coincide with natural and pre-existing man-made drainage ways within subdivisions to avoid the creation of lots that can be built upon only by altering such drainage ways.

B. Developments Must Drain Properly

1. All developments shall be provided with a drainage system that is adequate to prevent the undue retention of surface water on the development site. Surface water shall not be regarded as unduly retained if:
 - (a) The retention results from a technique, practice or device deliberately installed as part of an approved sedimentation or stormwater runoff control plan; or
 - (b) The retention is not substantially different in location or degree than that experienced by the development site in its pre-development stage, unless such retention presents a danger to health or safety.
2. No surface water may be channeled or directed into a sanitary sewer.
3. Whenever practicable, the drainage system of a development shall coordinate with and connect to the drainage systems or drainage ways on surrounding properties or streets.
4. All developments shall be constructed and maintained so that adjacent properties are not unreasonably burdened with surface waters as a result of such developments. More specifically:
 - (a) No development may be constructed or maintained so that such development unreasonably impedes the natural flow of water from higher adjacent properties across such development, thereby unreasonably causing substantial damage to such higher adjacent properties; and
 - (b) No development may be constructed or maintained so that surface waters from such development are unreasonably collected and channeled onto lower adjacent properties at such locations or at such volumes as to cause substantial damage to such lower adjacent properties.

C. Design Standards

New and extended stormwater systems shall be designed to the specifications maintained by the City of Mebane City Engineer and calculated to accommodate ten-year design frequency stormwater runoff. Additional requirements may be required based upon the City Engineer's professional judgement and the City's Storm Sewer Design Manual.

D. Construction of Systems by Developers; Responsibility for Maintenance

Storm drainage systems shall be constructed by developers as part of the public improvements of new subdivisions.

1. A site plan illustrating all drainage facilities shall be submitted to the City Engineer for approval prior to construction.
2. Street storm drains which discharge water onto lots within a development shall be extended by the developer to a point fifteen feet beyond any structure on or to be constructed on said subdivision lots.
3. The City maintenance responsibility for storm drainage systems is restricted to structures and piping within street rights-of-way and within dedicated public storm sewer easements.
4. Owners of private property containing stormwater channels, ditches, and drainageways in private drainage easements or private storm sewer easements shall be responsible for maintaining them open, clean, and properly functioning as parts of the stormwater runoff system. A property owners association may be established to assume this responsibility.

E. Installation and Maintenance by Private Property Owners

Private property owners are permitted to install storm piping in runoff channels, in accordance with specification and calculations of pipe and structure size approved by the City Engineer.

1. Property owners with stormwater runoff systems on their property will be responsible for maintaining these channels, systems and structures open to accommodate the free flow of stormwater away from the street right-of-way.
2. Culverts under driveway connections to public streets shall be maintained clear of obstructions and capable of freely carrying stormwater flow by the private property owner owning and utilizing the driveway.

F. Stormwater Management Plans

1. All development disturbing one acre or more shall comply with the stormwater management provisions of the Mebane Post Construction Runoff Ordinance. (**Note:** *developments within a Watershed Overlay District shall comply with the stormwater control requirements of Section 5-2, E*).
2. Structural stormwater controls must meet the following criteria:
 - (a) Remove an 85% average annual amount of Total Suspended Solids (TSS).
 - (b) For wet detention ponds draw down the treatment volume no faster than 48 hours, but no slower than 120 hours.

- (c) Discharge the storage volume at a rate equal or less than the pre-development discharge rate for the 1-year, 24-hour storm.
 - (d) Meet the General Engineering Design Criteria set forth in 15A NCAC 02H.1008(c).
- 3. Setbacks for impervious surfaces from receiving waters shall be as follows:
 - (a) All new impervious or partially pervious surfaces, except for streets, paths, and water-dependent structures, shall be located at least 30 feet landward of all perennial and intermittent surface waters.
- 4. In addition to all other requirements specified above, all development activities that are located within a NC Environmental Management Commission-designated Critical Area of a Water Supply Watershed shall be limited to a maximum impervious surface density of 24 percent.
- 5. Stormwater management plans shall be certified by a North Carolina registered stormwater professional to be in conformity with the North Carolina Stormwater Best Management Practices Manual. Stormwater management plans shall contain the information required in Appendix D for stormwater management plans.
- 6. A stormwater management and maintenance plan shall be submitted to the Zoning Administrator prior to the approval of a final subdivision plat. The plan shall identify the party or entity responsible for ownership and maintenance activities. Plans for the operation and maintenance of stormwater control structures shall comply with the requirements of Section 5-2, E, 5 (b) and Section 5-2, E, 6. Recorded deed restrictions shall be required to ensure management and maintenance consistent with approved stormwater management plans. The operation and maintenance agreement shall require the owner of each stormwater control structure to submit a maintenance inspection report on each stormwater control structure annually to the Zoning Administrator.
- 7. All engineered stormwater control structures shall be designed by a North Carolina registered professional with qualifications appropriate for the type of system required; these registered professionals are defined as professional engineers, landscape architects, to the extent that the General Statutes, Chapter 89A allow, and land surveyors, to the extent that the design represents incidental drainage within a subdivision, as provided in General Statutes 89(C)-3(7).
- 8. All new stormwater control structures shall be conditioned on the posting, in accordance with provisions of Section 5-2, E, 6, of adequate financial assurance for the purpose of maintenance, repairs or reconstruction necessary for adequate performance of the stormwater control structures.
- 9. The storm drainage system shall follow existing topography as nearly as practical, shall divert stormwater away from surface waters, and shall incorporate stormwater Best Management Practices to minimize adverse

water quality impacts. The banks of ditches shall be immediately seeded upon grading and installation of utilities and the ditch itself shall be improved with appropriate vegetative cover to retard erosion.

10. No surface water shall be channeled into a sanitary sewer.

5-3 Phase 2 Stormwater New Development Regulations

Amended June 7, 2021

A. General Provisions

Development and redevelopment alter the hydrologic response of local watersheds and increases stormwater runoff rates and volumes, flooding, soil erosion, stream channel erosion, nonpoint and point source pollution, and sediment transport and deposition, as well as reducing groundwater recharge;

These changes in stormwater runoff contribute to increased quantities of water-borne pollutants and alterations in hydrology which are harmful to public health and safety as well as to the natural environment; and

These effects can be managed and minimized by applying proper design and well-planned controls to manage stormwater runoff from development sites.

Further, the Federal Water Pollution Control Act of 1972 ("Clean Water Act") and federal Phase II Stormwater Rules promulgated under it, as well as rules of the North Carolina Environmental Management Commission promulgated in response to federal Phase II requirements, compel certain urbanized areas, including this jurisdiction, to adopt the minimum stormwater controls such as those included in this section.

Therefore, the Mebane City Council establishes this set of water quality and quantity regulations to meet the requirements of state and federal law regarding control of stormwater runoff and discharge.

B. Purpose

1. General

The purpose of this section is to protect, maintain and enhance the public health, safety, environment and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased post-development stormwater runoff and nonpoint and point source pollution associated with new development and redevelopment. It has been determined that proper management of construction-related and post-development stormwater runoff will minimize damage to public and private property and infrastructure, safeguard the public health, safety, and general welfare, and protect water and aquatic resources. This section is intended to comply with North Carolina General Statute 143-214.7 and rules promulgated by the Environmental Management Commission thereunder; Session Law 2006-246; Chapter 160A, §§ 174, 185 as amended.

2. Specific

This section seeks to meet its general purpose through the following specific objectives and means:

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

C. Applicability and Jurisdiction

1. General

Beginning with and subsequent to its effective date, this section shall be applicable to all development and redevelopment, including, but not limited to, site plan applications, and subdivision applications within the corporate limits and extraterritorial jurisdiction of the City of Mebane, unless exempt pursuant to Subsection (B) of this Section, Exemptions.

2. Exemptions

Development that cumulatively disturbs less than one acre and is not part of a larger common plan of development or sale is exempt from the provisions of this section.

Redevelopment that does not result in a net increase in built-upon area and that provides greater or equal stormwater control than the previous development, and is not part of a larger common plan of development.

Development and redevelopment that disturb less than one acre are not exempt if such activities are part of a larger common plan of development or sale, even though multiple, separate or distinct activities take place at different times on different schedules.

Activities that are exempt from permit requirements of Section 404 of the federal Clean Water Act, as specified in 40 CFR 232 (primarily, ongoing farming and forestry activities) are exempt from the provisions of this section.

(a) Transitional Provisions and Exemptions

(i) Final Approvals, Complete Applications

All development and redevelopment projects for which complete and full applications were submitted and approved by the City of Mebane prior to the effective date of this original section and which remain valid, unexpired, unrevoked and not otherwise terminated at the time of development or redevelopment shall be exempt from complying with all provisions of this section dealing with the control and/or management of post-construction runoff, but shall be required to comply with all other applicable provisions included in the project approval documents.

A phased development plan shall be deemed approved prior to the effective date of this section if it has been approved by all necessary government units, it remains valid, unexpired, unrevoked and not otherwise terminated, and it shows:

- For the initial or first phase of development, the type and intensity of use for a specific parcel or parcels, including at a minimum, the boundaries of the project and a subdivision plan that has been approved.
- For any subsequent phase of development, sufficient detail so that implementation of the requirements of this section to that phase of development would require a material change in that phase of the plan.

(b) Violations Continue

Any violation of provisions existing on the effective date of this section shall continue to be a violation under this section and be subject to penalties and enforcement under this section unless the use, development, construction, or other activity complies with the provisions of this section.

(c) No Development or Redevelopment Until Compliance and Permit

No development or redevelopment shall occur except in compliance with the provisions of this section or unless exempted. No development for which a permit is required pursuant to this section shall occur except in compliance with the provisions, conditions, and limitations of the permit.

(d) Stormwater Map

The provisions of this section shall apply within the areas designated on the map titled "Stormwater Map of City of Mebane, North Carolina" ("the Stormwater Map"), which is adopted simultaneously herewith. The Stormwater Map and all explanatory matter contained thereon accompanies and is hereby made a part of this section.

The Stormwater Map shall be kept on file by the Stormwater Administrator and shall be updated to take into account changes in the land area covered by this section and the geographic location of all structural BMPs permitted under this section. In the event of a dispute, the applicability of this section to a particular area of land or BMP shall be determined by reference to the North Carolina

Statutes, the North Carolina Administrative Code, and local zoning and jurisdictional boundary sections.

D. Interpretation

1. Meaning and Intent

All provisions, terms, phrases, and expressions contained in this section shall be construed according to the general and specific purposes set forth in Section 104, Purpose. If a different or more specific meaning is given for a term defined elsewhere in The City of Mebane's code of ordinances, the meaning and application of the term in this section shall control for purposes of application of this section.

2. Text Controls in Event of Conflict

In the event of a conflict or inconsistency between the text of this section and any heading, caption, figure, illustration, table, or map, the text shall control.

3. Authority for Interpretation

The Stormwater Administrator has authority to determine the interpretation of this section. Any person may request an interpretation by submitting a written request to the Stormwater Administrator who shall respond in writing within 30 days. The Stormwater Administrator shall keep on file a record of all written interpretations of this section.

4. References to Statutes, Regulations, and Documents

Whenever reference is made to a resolution, section, statute, regulation, manual (including the Stormwater BMP Design Manual), or document, it shall be construed as a reference to the most recent edition of such that has been finalized and published with due provision for notice and comment, unless otherwise specifically stated.

5. 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 City of Mebane, the deadline or required date of action shall be the next day that is not a Saturday, Sunday or holiday observed by the City of Mebane. References to days are calendar days unless otherwise stated.

6. Delegation of Authority

Any act authorized by this Section to be carried out by the Stormwater Administrator of the City of Mebane may be carried out by his or her designee.

7. Usage

1. 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.

2. Conjunctions

Unless the context clearly indicates the contrary, conjunctions shall be interpreted as follows: The word "and" indicates that all connected items, conditions, provisions and events apply. The word "or" indicates that one or more of the connected items, conditions, provisions or events apply.

8. Tense, Plurals, and Gender

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.

9. Measurement and Computation

Lot area refers to the amount of horizontal land area contained inside the lot lines of a lot or site.

E. Stormwater BMP Design Manual

1. Reference to the Manual of Stormwater Best Management Practices (BMP).

The Stormwater Administrator shall use the policy, criteria, and information, including technical specifications and standards, in the latest published edition or revision of the North Carolina Department of Environmental Quality's Stormwater Design Manual as the basis for the City's Stormwater BMP Design Manual (referred to herein as the Stormwater BMP Design Manual). The City's Stormwater BMP Design Manual will serve as the basis for decisions about stormwater permits and about the design, implementation and performance of structural and non-structural stormwater BMPs.

The Stormwater BMP Design Manual includes a list of acceptable stormwater treatment practices, including specific design criteria for each stormwater practice. Stormwater treatment practices that are designed, constructed, and maintained in accordance with these design and sizing criteria will be presumed to meet the minimum water quality performance standards of the Phase II laws.

2. Relationship of Stormwater BMP Design Manual to Other Laws and Regulations

If the specifications or guidelines of the Stormwater BMP Design Manual are more restrictive or apply a higher standard than other laws or regulations, that fact shall not prevent application of the specifications or guidelines in the Stormwater BMP Design Manual.

3. Changes to Standards and Specifications

If the standards, specifications, guidelines, policies, criteria, or other information in the Stormwater BMP Design Manual are amended subsequent to the submittal of an application for approval pursuant to this section but prior to approval, the new information shall control and shall be utilized in reviewing the application and in implementing this section with regard to the application.

F. Relationship to Other Laws, Regulations and Private Agreements

1. Conflict of Laws

This section is not intended to modify or repeal any other section, rule, regulation or other provision of law. The requirements of this section are in addition to the requirements of any other section, rule, regulation or other provision of law. Where any provision of this section imposes restrictions different from those imposed by any other section, rule, regulation or other provision of law, whichever provision is

more restrictive or imposes higher protective standards for human or environmental health, safety, and welfare shall control.

2. Private Agreements

This section is not intended to revoke or repeal any easement, covenant, or other private agreement. However, where the regulations of this section are more restrictive or impose higher standards or requirements than such easement, covenant, or other private agreement, the requirements of this section shall govern. Nothing in this section shall modify or repeal any private covenant or deed restriction, but such covenant or restriction shall not legitimize any failure to comply with this section. In no case shall City of Mebane be obligated to enforce the provisions of any easements, covenants, or agreements between private parties.

G. Severability

If the provisions of any section, subsection, paragraph, subdivision or clause of this section shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this section.

H. Effective Date

1. Effective Date

This Section shall take effect on July 1, 2007.

I. Administration and Procedures

Review and Decision-Making Entities

1. Stormwater Administrator

1. Designation

Unless otherwise designated by the Mebane City Council, the Stormwater Administrator shall be the City Manager or his designee. The Stormwater Administrator shall administer and enforce this section.

2. Powers and Duties

In addition to the powers and duties that may be conferred by other provisions of the City of Mebane code and other laws, the Stormwater Administrator shall have the following powers and duties under this section:

- (a) To review and approve, approve with conditions, or disapprove applications for approval of plans pursuant to this section.
- (b) To make determinations and render interpretations of this section.
- (c) To establish application requirements and schedules for submittal and review of applications and appeals, to review and make recommendations to the Mebane City Council on applications for development or redevelopment approvals.
- (d) To enforce the provisions of this section in accordance with its enforcement provisions.

- (e) To maintain records, maps, forms and other official materials as relate to the adoption, amendment, enforcement, and administration of this section.
- (f) To provide expertise and technical assistance to the Mebane City Council, upon request.
- (g) To designate appropriate other person(s) who shall carry out the powers and duties of the Stormwater Administrator.
- (h) To take any other action necessary to administer the provisions of this section.

3. Review Procedures

(a) Required; Must Apply for Permit

A stormwater permit is required for all development and redevelopment unless exempt pursuant to this section. A permit may only be issued subsequent to a properly submitted and reviewed permit application, pursuant to this section.

(b) Effect of Permit

A stormwater permit shall govern the design, installation, and construction of stormwater management and control practices on the site, including structural BMPs and elements of site design for stormwater management other than structural BMPs.

The permit is intended to provide a mechanism for the review, approval, and inspection of the approach to be used for the management and control of stormwater for the development or redevelopment site consistent with the requirements of this section, whether the approach consists of structural BMPs or other techniques such as low-impact or low-density design. The permit does not continue in existence indefinitely after the completion of the project; rather, compliance after project construction is assured by the maintenance provisions of this section.

(c) Authority to File Applications

All applications required pursuant to this Code shall be submitted to the Stormwater Administrator by the land owner or the land owner's duly authorized agent.

(d) Establishment of Application Requirements, Schedule, and Fees

(i) Application Contents and Form

The Stormwater Administrator shall establish requirements for the content and form of all applications and shall amend and update those requirements from time to time. At a minimum, the stormwater permit application shall describe in detail how post-development stormwater runoff will be controlled and managed, the design of all stormwater facilities and practices, and how the proposed project will meet the requirements of this section.

(ii) Submission Schedule

The Stormwater Administrator shall establish a submission schedule for applications. The schedule shall establish deadlines by which complete

applications must be submitted for the purpose of ensuring that there is adequate time to review applications, and that the various stages in the review process are accommodated.

(iii) Permit Review Fees

The Mebane City Council shall establish permit review fees as well as policies regarding refund of any fees upon withdrawal of an application, and may amend and update the fees and policies from time to time.

(iv) Administrative Manual

For applications required under this Code, the Stormwater Administrator shall compile the application requirements, submission schedule, fee schedule, a copy of this section, and information on how and where to obtain the Stormwater BMP Design Manual in an Administrative Manual, which shall be made available to the public.

(e) Submittal of Complete Application

Applications shall be submitted to the Stormwater Administrator pursuant to the application submittal schedule in the form established by the Stormwater Administrator, along with the appropriate fee established pursuant to this section.

An application shall be considered as timely submitted only when it contains all elements of a complete application pursuant to this section, along with the appropriate fee. If the Stormwater Administrator finds that an application is incomplete, the applicant shall be notified of the deficient elements and shall be provided with an opportunity to submit a complete application. However, the submittal of an incomplete application shall not suffice to meet a deadline contained in the submission schedule established above.

(f) Review

Within 15 working days after a complete application is submitted, the Stormwater Administrator shall review the application and determine whether the application complies with the standards of this section.

(g) Approval

If the Stormwater Administrator finds that the application complies with the standards of this section, the Stormwater Administrator shall approve the application. The Stormwater Administrator may impose conditions of approval as needed to ensure compliance with this section. The conditions shall be included as part of the approval.

(h) Fails to Comply

If the Stormwater Administrator finds that the application fails to comply with the standards of this section, the Stormwater Administrator shall notify the applicant and shall indicate how the application fails to comply. The applicant shall have an opportunity to submit a revised application.

(i) Revision and Subsequent Review

A complete revised application shall be reviewed by the Stormwater Administrator within 15 working days after its re-submittal and shall be approved, approved with conditions or disapproved.

If a revised application is not re-submitted within thirty (30) calendar days from the date the applicant was notified, the application shall be considered withdrawn, and a new submittal for the same or substantially the same project shall be required along with the appropriate fee for a new submittal.

One re-submittal of a revised application may be submitted without payment of an additional permit review fee. Any re-submittal after the first re-submittal shall be accompanied by a permit review fee additional fee, as established pursuant to this section.

4. Applications for Approval

(a) Concept Plan and Consultation Meeting

Before a stormwater management permit application is deemed complete, the Stormwater Administrator or developer may request a consultation on a concept plan for the post-construction stormwater management system to be utilized in the proposed development project. This consultation meeting should take place at the time of the sketch or preliminary plan of subdivision or other early step in the development process.

The purpose of this meeting is to discuss the post-construction stormwater management measures necessary for the proposed project, as well as to discuss and assess constraints, opportunities and potential approaches to stormwater management designs before formal site design engineering is commenced. Watershed Overlay Districts and other relevant resource protection plans should be consulted in the discussion of the concept plan.

To accomplish this goal the following information should be included in the concept plan, which should be submitted in advance of the meeting:

(i) Existing Conditions / Proposed Site Plans

Existing conditions and proposed site layout sketch plans, which illustrate at a minimum: existing and proposed topography; perennial and intermittent streams; mapping of predominant soils from soil surveys (if available); boundaries of existing predominant vegetation, proposed limits of clearing and grading; and location of existing and proposed roads, buildings, parking areas and other impervious surfaces.

Existing and proposed topography shall be shown at two-foot contour intervals on the tract to be developed and a minimum of 100-feet beyond the property lines. All contour information shall be based on mean sea level and accurate to within one-half foot. The benchmark, with its description and the datum, shall be clearly shown on the plan.

(ii) Natural Resources Inventory

A written or graphic inventory of natural resources at the site and surrounding area as it exists prior to the commencement of the project. This description should include a discussion of soil conditions, forest cover, geologic features, topography, wetlands, and native vegetative areas on the site, as well as the location and boundaries of other natural feature protection and conservation areas such as lakes, ponds, floodplains, stream buffers and other setbacks (e.g., drinking water well setbacks, septic setbacks, etc.). Particular attention

should be paid to environmentally sensitive features that provide particular opportunities or constraints for development and stormwater management.

(iii) Stormwater Management System Concept Plan

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

(b) Stormwater Management Permit Application

The stormwater management permit application shall detail how post-development stormwater runoff will be controlled and managed and how the proposed project will meet the requirements of this section, including the section on Standards. All such plans shall be prepared by a qualified registered North Carolina professional engineer, surveyor, soil scientist or landscape architect, and the engineer, surveyor, soil scientist or landscape architect shall perform services only in their area of competence.

The plans shall contain a signed and sealed statement certifying that the design of all stormwater management facilities and practices will control and treat the runoff generated from one inch of rainfall over the total project area, that the designs and plans are sufficient to comply with applicable standards and policies found in the Stormwater BMP Design Manual, and that the designs and plans ensure compliance with this section.

The submittal shall include all of the information required in the submittal checklist established by the Stormwater Administrator. Incomplete submittals shall be treated pursuant to other portions of this ordinance.

(a) As-Built Plans and Final Approval

Upon completion of a project, and before a certificate of occupancy shall be granted, the applicant shall certify, under seal, that the completed project is in accordance with the approved stormwater management plans and designs and with the requirements of this section. The applicant shall submit all of the information required in the As-Built submittal checklist established by the Stormwater Administrator. As-built submittals shall be certified by a qualified registered North Carolina professional engineer, surveyor, soil scientist or landscape architect. A final inspection and approval by the Stormwater Administrator shall occur before the release of any performance securities.

(b) Other Permits

No certificate of compliance or occupancy shall be issued by the City of Mebane without final as-built plans and a final inspection and approval by the Stormwater Administrator.

5. Approvals

(a) Effect of Approval

Approval authorizes the applicant to go forward with only the specific plans and activities authorized in the permit. The approval shall not be construed to exempt the applicant from obtaining other applicable approvals from local, state, and federal authorities.

6. Time Limit/Expiration

An approved plan shall become null and void if the applicant has failed to make substantial progress on the site within one year after the date of approval. The Stormwater Administrator may grant a single, one-year extension of this time limit, for good cause shown, upon receiving a written request from the applicant before the expiration of the approved plan.

In granting an extension, the Stormwater Administrator may require compliance with standards adopted since the original application was submitted unless there has been substantial reliance on the original permit and the change in standards would infringe the applicant's vested rights.

7. Appeals

(a) Right of Appeal

Any aggrieved person affected by any decision, order, requirement, or determination relating to the interpretation or application of this section made by the Stormwater Administrator may file an appeal to the Mebane City Council within 30 days.

(b) Filing of Appeal and Procedures

Appeals shall be taken within the specified time period by filing a notice of appeal and specifying the grounds for appeal on forms provided by City of Mebane. The Stormwater Administrator shall forthwith transmit to the Mebane City Council all documents constituting the record on which the decision appealed from was taken.

The hearing conducted by the Mebane City Council shall be conducted in the nature of a quasi-judicial proceeding with all findings of fact supported by competent, material evidence, in accordance with N.C.G.S. 160D-406.

(c) Review by Superior Court

The decision of the Mebane City Council shall be subject to Superior Court review by proceedings in the nature of certiorari, as provided in N.C.G.S 160D, Article 14. Petition for review by the Superior Court shall be filed with the Clerk of Superior Court within thirty (30) days after the latter of the following:

(i) The decision of the Mebane City Council is filed; or

(ii) A written copy of the decision is delivered to every aggrieved party who has filed a written request for such copy with the Mebane City Council at the time of its hearing of the case.

J. Standards

1. General Standards

All development and redevelopment to which this section applies shall comply with the standards of this section. The design and construction of stormwater improvements shall be according to the City of Mebane Storm Sewer Design Manual and the City's Stormwater BMP Design Manual which requirements are hereby adopted and made a part of this Section as if set out in full.

2. Development Standards for Low-Density Projects

Low-density projects may not exceed either two dwelling units per acre or twenty-four percent built-upon area for all residential and non-residential development and shall comply with each of the following standards:

(a) Stormwater Conveyance

Stormwater runoff from the development shall be transported from the development by vegetated conveyances to the maximum extent practicable.

(b) Stream Buffers

All built-upon area shall be at a minimum of 30 feet landward of all perennial and intermittent surface waters. A perennial or intermittent surface water shall be deemed present if the feature is approximately shown on either the most recent version of the soil survey map prepared by the Natural Resources Conservation Service of the United States Department of Agriculture (USDA) or the most recent version of the 1:24,000 scale (7.5 minute) quadrangle topographic maps prepared by the United States Geologic Survey (USGS). An exception to this requirement may be allowed when surface waters are not present in accordance with the provisions of 15A NCAC 2B .0233 (3)(a) or similar site-specific determination made using Division-approved methodology. Stream buffers within this section are subservient to more stringent buffers per other portions of this section.

(c) Density Provision

A project with an overall density at or below the low-density thresholds, but containing areas with a density greater than the overall project density, may be considered low density as long as the project meets or exceeds the post-construction model practices for low-density projects and locates the higher density in upland areas and away from surface waters and drainageways to the maximum extent practicable.

(d) Restrictions on Property Use

The approval of the stormwater permit shall require an enforceable restriction on property usage that runs with the land, such as recorded deed restrictions or protective covenants, to ensure that future development and redevelopment maintains the site consistent with the approved project plans.

3. Development Standards for High-Density Projects

High-density projects any project that exceeds either the low density thresholds for dwelling units per acre or built-upon area shall implement

structural stormwater management systems that comply with each of the following standards:

- (a) Treatment Volume
The measures shall be designed to control and treat the stormwater runoff generated by the 1" (one inch) of rain;
 - (b) Drawdown Time
Runoff volume drawdown time shall be a minimum of 48 hours, but not more than 120 hours;
 - (c) Post-Development Flows
Stormwater shall not leave the project site at a rate greater than the predevelopment discharge rate for the ten-year, 24-hour storm;
 - (d) Total Suspended Solids Removal
All structural stormwater treatment systems used to meet the requirements of the program shall be designed to have a minimum of 85% average annual removal for Total Suspended Solids (TSS);
 - (e) General Design Criteria
General engineering design criteria for all projects shall be in accordance with 15A NCAC 2H .1008(c), as explained in the Design Manual;

All stormwater control measures that incorporate a permanent or temporary water pool with depth greater than two feet shall be fenced. The fence shall meet the design standards maintained by the Stormwater Administrator.
 - (f) Stream Buffers
All built-upon area shall be at a minimum of 30 feet landward of all perennial and intermittent surface waters. A surface water shall be deemed present if the feature is approximately shown on either the most recent version of the soil survey map prepared by the Natural Resources Conservation Service of the United States Department of Agriculture (USDA) or the most recent version of the 1:24,000 scale (7.5 minute) quadrangle topographic maps prepared by the United States Geologic Survey (USGS). An exception to this requirement may be allowed when surface waters are not present in accordance with the provisions of 15A NCAC 2B .0233 (3)(a) or similar site-specific determination made using Division-approved methodology. Stream buffers within this section are subservient to more stringent buffers per other portions of this section.
 - (g) Restrictions on Property Use
The approval of the stormwater permit shall require an enforceable restriction on property usage that runs with the land, such as recorded deed restrictions or protective covenants, to ensure that future development and redevelopment maintains the site consistent with the approved project plans.
4. Standards for Stormwater Control Measures
- (a) Evaluation According to Contents of Stormwater BMP Design Manual

All stormwater control measures and stormwater treatment practices (also referred to as Best Management Practices (BMPs) or Stormwater Control Measures (SCMs), required under this section shall be evaluated by the Stormwater Administrator according to the policies, criteria, and information, including technical specifications and standards and the specific design criteria for each stormwater practice, in the Stormwater BMP Design Manual. The Stormwater Administrator shall determine whether proposed BMPs will be adequate to meet the requirements of this section.

- (b) **Determination of Adequacy; Presumptions and Alternatives**
Stormwater treatment practices that are designed, constructed, and maintained in accordance with the criteria and specifications in the Stormwater BMP Design Manual will be presumed to meet the minimum water quality and quantity performance standards of this section. Whenever an applicant proposes to utilize a practice or practices not designed and constructed in accordance with the criteria and specifications in the Stormwater BMP Design Manual, the applicant shall have the burden of demonstrating that the practice(s) will satisfy the minimum water quality and quantity performance standards of this section. The Stormwater Administrator may require the applicant to provide the documentation, calculations, and examples necessary for the Stormwater Administrator to determine whether such an affirmative showing is made.
- (c) **Separation from Seasonal High Water Table**
For BMPs that require a separation from the seasonal high-water table, the separation shall be provided by as required within the Stormwater BMP Design Manual.

5. Dedication of BMP's, Facilities, and Improvements
Unless otherwise approved, ownership of any existing or future stormwater management facilities shall remain with the owner of the property or a legally established property owner's association. Such facilities shall meet all the requirements of this section and include adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

6. Variances

- (a) **Petition**
Any person may petition the City of Mebane for a variance granting exceptions from the 30-foot landward location of built-upon area requirement as well as the deed restrictions and protective covenants requirement as follows:
 - (i) Unnecessary hardships would result from strict application of this section but it shall not be necessary to demonstrate, in the absence of the variance, no reasonable use of the property can be made.
 - (ii) The hardships result from conditions that are peculiar to the property, such as the location, size, or topography of the property.

- (iii) The hardships did not result from actions taken by the petitioner.
- (iv) The requested variance is consistent with the spirit, purpose, and intent of this section; will secure public safety and welfare; and will preserve substantial justice.

The City of Mebane may impose reasonable and appropriate conditions and safeguards upon any variance it grants.

7. Statutory exceptions

Notwithstanding subdivision (A) of this section, exceptions from the 30-foot landward location of built-upon area requirement as well as the deed restrictions and protective covenants requirements shall be granted in any of the following instances:

- (i) When there is a lack of practical alternatives for a road crossing, railroad crossing, bridge, airport facility, or utility crossing as long as it is located, designed, constructed, and maintained to minimize disturbance, provide maximum nutrient removal, protect against erosion and sedimentation, have the least adverse effects on aquatic life and habitat, and protect water quality to the maximum extent practicable through the use of BMPs.
- (ii) When there is a lack of practical alternatives for a stormwater management facility; a stormwater management pond; or a utility, including, but not limited to, water, sewer, or gas construction and maintenance corridor, as long as it is located 15 feet landward of all perennial and intermittent surface waters and as long as it is located, designed, constructed, and maintained to minimize disturbance, provide maximum nutrient removal, protect against erosion and sedimentation, have the least adverse effects on aquatic life and habitat, and protect water quality to the maximum extent practicable through the use of BMPs.
- (iii) A lack of practical alternatives may be shown by demonstrating that, considering the potential for a reduction in size, configuration, or density of the proposed activity and all alternative designs, the basic project purpose cannot be practically accomplished in a manner which would avoid or result in less adverse impact to surface waters.

8. Nutrient Sensitive Waters Program

In addition to the standards for stormwater handling set out in the Stormwater BMP Design Manual, development and redevelopment shall design and implement the best stormwater practices that reduce nutrient loading, while still meeting the other requirements of this section.

9. Nutrient Management and Application Program

This section requires both inorganic fertilizer and organic nutrient application to be performed with the most current state-recognized technical guidance on proper nutrient management.

(a) Applicability

This Program shall apply to the following persons within the corporate limits and extraterritorial jurisdiction of the City of Mebane as follows.

- (i) Persons who own or manage cropland areas for commercial purposes;
- (ii) Persons who own or manage commercial ornamental and floriculture areas and greenhouse production areas;
- (iii) Persons who own or manage golf courses, grassed public recreational lands, grassed road or utility rights-of-way, or other institutional lands totaling at least five acres in size;
- (iv) Persons hired to apply nutrients to the lands described in Sub-Items (1) through (3) above or to residential, commercial, industrial or institutional properties, if the total area of the properties served exceeds 10 acres. This shall not apply to residential, commercial, or industrial landowners who apply nutrients to their own property.
- (v) Nutrient management consultants hired by persons listed in this Item to provide nutrient management advice for lands in the City's jurisdiction.

(b) Requirements

Persons to whom this Section applies shall meet the following requirements:

- (a) Any person subject to this rule who applies nutrients to, or who is hired to provide nutrient management advice for, land within the City's jurisdiction shall either:
 - a. Attend and complete nutrient management training pursuant to Item 308(C) of this Section; or
 - b. Complete and properly implement a nutrient management plan for all lands to which they apply or manage the application of nutrients, or for which they provide nutrient management advice, pursuant to Item 308(D) of this Section.
- (b) Persons who hire an applicator to apply nutrients to the land that they own or manage shall either:
 - (a) Ensure that the applicator they hire has attended and completed nutrient management training pursuant to Item 308(C) of this Section; or
 - (b) Ensure that the applicator they hire has completed a nutrient management plan for the land that they own or manage pursuant to Item 308(D) of this Section; or
 - (c) Complete a nutrient management plan for the land that they own or manage pursuant to Item 308(D) of this Section and ensure that the applicator they hire follows this plan.

10. Nutrient Management Training

Persons who choose to meet this requirement by completing nutrient management training shall meet the following requirements.

- (a) Persons who are subject to this Section as of its effective date, and persons who become subject to this Section after its effective date, shall complete training provided by either the Cooperative Extension Service or the North Carolina Department of Environment and Natural Resources - Division of

Water Quality within five years and obtain a certificate from the training entity to that effect. Training shall be sufficient to provide participants with an understanding of the value and importance of proper management of nitrogen and phosphorus, and the water quality impacts of poor nutrient management, and the ability to understand and properly carry out a nutrient management plan.

- (b) Persons who become subject to this Section after its effective date shall complete the training provided by either the Cooperative Extension Service or the North Carolina Department of Environment and Natural Resources - Division of Water Quality and obtain a certificate to that effect from the training entity within one year from the date that they become subject verifying completion of training that addresses the elements identified in 308(C)1.
- (c) Persons who fail to obtain the nutrient management certificate within the required timeframes or who are found by the Stormwater Administrator to have knowingly failed to follow nutrient management requirements as referenced in 308(D)1 through 308(D)1.c of this section shall develop and properly implement nutrient management plans pursuant to Item (e) of this Section.
- (d) Training certificates must be kept on-site, at the job site, or be produced within 24 hours of a request by the City of Mebane.

11. Nutrient Management Plans

Persons who choose to meet the nutrient application requirement by completing and implementing a nutrient management plan shall meet the following requirements.

- (a) Persons who are subject to this Section as of its effective date and persons who become subject to this Section after its effective date shall develop and implement a nutrient management plan that meets the following standards within five years of the effective date or within 6 months from the date that they become subject, whichever is later.
- (b) Nutrient management plans for cropland shall meet the standards and specifications adopted by the NC Soil and Water Conservation Commission, including those found in 15A NCAC 06E .0104 and 15A NCAC 06F .0104, which are incorporated herein by reference, including any subsequent amendments and additions to such rules that are in place at the time that plans are approved by a technical specialist as required under 308(D)2 of this section.
- (c) Nutrient management plans for turfgrass shall follow the North Carolina Cooperative Extension Service guidelines in "Water Quality and Professional Lawn Care" (NCCES publication number WQMM-155), "Water Quality and Home Lawn Care" (NCCES publication number WQMM-151), or other equivalent or more stringent guidance distributed by land-grant universities for turfgrass management.
- (d) Nutrient management plans for nursery crops and greenhouse production shall follow the Southern Nurserymen's Association guidelines promulgated in "Best

Management Practices Guide For Producing Container-Grown Plants" or guidelines distributed by land-grant universities. The materials related to nutrient management plans for turfgrass, nursery crops and greenhouse production are hereby incorporated by reference including any subsequent amendments and editions and are available for inspection at the Department of Environment and Natural Resources Library, 512 North Salisbury Street, Raleigh, North Carolina.

- (e) The person who writes the nutrient management plan shall have the plan approved in writing by a technical specialist. Appropriate technical specialists shall be as follows.
 - (f) Nutrient management plans for cropland using either inorganic fertilizer or organic nutrients shall be approved by a technical specialist designated pursuant to the process and criteria specified in Rules adopted by the Soil and Water Conservation Commission for nutrient management planning, including 15A NCAC 06F .0105, excepting Sub-Item (a)(2) of that Rule.
 - (g) Nutrient management plans for turfgrass and nursery crops and greenhouse production shall be approved by a technical specialist designated by the Soil and Water Conservation Commission pursuant to the process and criteria specified in 15A NCAC 06F .0105, excepting Sub-Item (a)(2) of that Rule. If the Soil and Water Conservation Commission does not designate such specialists, then the Environmental Management Commission shall do so using the same process and criteria.
 - (h) Nutrient management plans and supporting documents must be kept on-site or be produced within 24 hours of a request by the City.
12. On-site Wastewater Treatment Systems
For new development and redevelopment that includes the use of on-site wastewater treatment systems, a copy of the approved system permit issued by the Alamance County Environmental Health Department shall be provided to the Stormwater Administrator.

K. Maintenance

1. General Standards for Maintenance

(a) Function of BMPs As Intended

The owner of each structural BMP installed pursuant to this section shall maintain and operate it so as to preserve and continue its function in controlling stormwater quality and quantity at the degree or amount of function for which the structural BMP was designed.

(b) Annual Maintenance Inspection and Report

The person responsible for maintenance of any structural BMP installed pursuant to this section shall submit to the Stormwater Administrator an annual inspection report from one of the following persons performing services only in their area of competence: a qualified registered North Carolina professional engineer, surveyor, or landscape architect, soil scientist, aquatic biologist, or person certified by the North Carolina

Cooperative Extension Service for stormwater treatment practice inspection and maintenance. The inspection report shall contain all of the following:

- (i) The name and address of the land owner;
- (ii) The recorded book and page number of the lot of each structural BMP;
- (iii) A statement that an inspection was made of all structural BMPs;
- (iv) The date the inspection was made;
- (v) A statement that all inspected structural BMPs are performing properly and are in compliance with the terms and conditions of the approved maintenance agreement required by this section; and
- (vi) The original signature and seal of the engineer, surveyor, or landscape architect.

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

2. Operation and Maintenance Agreement

(a) In General

Prior to the conveyance or transfer of any lot or building site to be served by a *structural BMP* pursuant to this section, and prior to issuance of any permit for *development* or *redevelopment* requiring a *structural BMP* pursuant to this section, the applicant or *owner* of the site must execute an operation and maintenance agreement that shall be binding on all subsequent *owners* of the site, portions of the site, and lots or parcels served by the *structural BMP*. Until the transference of all property, sites, or lots served by the *structural BMP*, the original *owner* or applicant shall have primary responsibility for carrying out the provisions of the maintenance agreement.

The operation and maintenance agreement shall require the *owner* or *owners* to maintain, repair and, if necessary, reconstruct the *structural BMP*, and shall state the terms, conditions, and schedule of maintenance for the *structural BMP*. In addition, it shall grant to City of Mebane a right of entry in the event that the Stormwater Administrator has reason to believe it has become necessary to inspect, monitor, maintain, repair, or reconstruct the *structural BMP*; however, in no case shall the right of entry, of itself, confer an obligation on City of Mebane to assume responsibility for the *structural BMP*.

The operation and maintenance agreement must be approved by the Stormwater Administrator prior to plan approval, and it shall be referenced on the final plat and shall be recorded with the county Register of Deeds upon final plat approval. A copy of the recorded maintenance agreement shall be given to the Stormwater Administrator within fourteen (14) days following its recordation.

(b) Special Requirement for Homeowners' and Other Associations

For all structural BMPs required pursuant to this section and that are to be or are owned and maintained by a homeowners' association, property owners' association, or similar entity, the required operation and maintenance agreement shall include all of the following provisions:

- (c) Acknowledgment that the association shall continuously operate and maintain the stormwater control and management facilities.
- (d) Establishment of a financial guarantee per the City of Mebane's standard operation and maintenance agreement that provides for maintenance of the BMP. The City of Mebane's standard operation and maintenance agreement is to be reviewed and approved the City Attorney.
- (e) Granting to the City of Mebane a right of entry to inspect, monitor, maintain, repair, and reconstruct structural BMPs.
- (f) Allowing the City of Mebane to recover from the association any and all costs the City of Mebane expends to maintain or repair the structural BMPs or to correct any operational deficiencies. Failure to pay the City of Mebane all of its expended costs, after forty-five days written notice, shall constitute a breach of the agreement. In case of a deficiency, the City of Mebane shall thereafter be entitled to bring an action against the association and its members to pay, or foreclose upon the lien hereby authorized by the agreement against the property, or both. Interest, collection costs, and attorney fees shall be added to the recovery.
- (g) A statement that this agreement shall not obligate the City of Mebane to maintain or repair any structural BMPs, and the City of Mebane shall not be liable to any person for the condition or operation of structural BMPs.
- (h) A statement that this agreement shall not in any way diminish, limit, or restrict the right of the City of Mebane to enforce any of its ordinances as authorized by law.
- (i) A provision indemnifying and holding harmless the City of Mebane for any costs and injuries arising from or related to the structural BMP, unless the City of Mebane has agreed in writing to assume the maintenance responsibility for the BMP and has accepted dedication of any and all rights necessary to carry out that maintenance.

3. Inspection Program

Inspections and inspection programs by City of Mebane may be conducted or established on any reasonable basis, including but not limited to routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to, reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in BMPs; and evaluating the condition of BMPs.

If the owner or occupant of any property refuses to permit such inspection, the Stormwater Administrator shall proceed to obtain an

administrative search warrant pursuant to G.S. 15-27.2 or its successor. No person shall obstruct, hamper or interfere with the Stormwater Administrator while carrying out his or her official duties.

4. Performance Security for Installation and Maintenance

(a) May Be Required

The City of Mebane may, at its discretion, require the submittal of a performance security or bond with surety, cash escrow, letter of credit or other acceptable legal arrangement prior to issuance of a permit in order to ensure that the structural BMPs are:

(b) installed by the permit holder as required by the approved stormwater management plan, and/or

(c) maintained by the owner as required by the operation and maintenance agreement.

(d) Amount

(e) Installation

The amount of an installation performance security shall be the total estimated construction cost of the BMPs approved under the permit, plus 25%.

(f) Maintenance

The amount of a maintenance performance security shall be the equal to forty (40) percent of the total estimated construction cost of the BMP approved under the permit.

(g) Uses of Performance Security

(i) Forfeiture Provisions

The performance security shall contain forfeiture provisions for failure, after proper notice, to complete work within the time specified, or to initiate or maintain any actions which may be required of the applicant or owner in accordance with this section, approvals issued pursuant to this section, or an operation and maintenance agreement established pursuant to this section.

(ii) Default

Upon default of the owner to construct, maintain, repair and, if necessary, reconstruct any structural BMP in accordance with the applicable permit or operation and maintenance agreement, the Stormwater Administrator shall obtain and use all or any portion of the security to make necessary improvements based on an engineering estimate. Such expenditure of funds shall only be made after requesting the owner to comply with the permit or maintenance agreement. In the event of a default triggering the use of installation performance security, the City of Mebane shall not return any of the unused deposited cash funds or other security, which shall be retained for maintenance.

(iii) Costs in Excess of Performance Security

If City of Mebane takes action upon such failure by the applicant or owner, the City may collect from the applicant or owner the difference between the amount

of the reasonable cost of such action and the amount of the security held, in addition to any other penalties or damages due.

(iv) Refund

Within sixty days of the final approval, the installation performance security shall be refunded to the applicant or terminated, with the exception of any amount attributable to the cost (plus 25%) of landscaping installation and ongoing maintenance associated with the BMPs covered by the security. Any such landscaping shall be inspected one (1) year after installation with replacement for compliance with the approved plans and specifications and, if in compliance, the portion of the financial security attributable to landscaping shall be released.

5. Notice to owners

(a) Deed Recordation and Indications On Plat

The applicable operations and maintenance agreement pertaining to every structural BMP shall be referenced on the final plat and shall be recorded with the county Register of Deeds upon final plat approval. If no subdivision plat is recorded for the site, then the operations and maintenance agreement shall be recorded with the county Register of Deeds so as to appear in the chain of title of all subsequent purchasers under generally accepted searching principles.

(b) Signage

Where appropriate in the determination of the Stormwater Administrator to assure compliance with this section, structural BMPs shall be posted with a conspicuous sign stating who is responsible for required maintenance and annual inspection. The sign shall be maintained so as to remain visible and legible.

6. Records of Installation and Maintenance Activities

The owner of each structural BMP shall keep records of inspections, maintenance, and repairs for at least five years from the date of creation of the record and shall submit the same upon reasonable request to the Stormwater Administrator.

7. Nuisance

The owner of each stormwater BMP, whether structural or non-structural BMP, shall maintain it so as not to create or result in a nuisance condition.

8. Maintenance Easement

Every structural BMP installed pursuant to this section shall be made accessible for adequate maintenance and repair by a maintenance easement. This access maintenance easement shall have a minimum width of 20 feet, a maximum slope of 15%, be connected to public right-of-way, be cleared, and be traversable by construction equipment. The easement shall be recorded and its terms shall specify who may make use of the easement and for what purposes.

L. Enforcement and Violations

1. General

(a) Authority to Enforce

The provisions of this section shall be enforced by the Stormwater Administrator, his or her designee, or any authorized agent of City of Mebane. Whenever this section refers to the Stormwater Administrator, it includes his or her designee as well as any authorized agent of City of Mebane.

(b) Violation Unlawful

Any failure to comply with an applicable requirement, prohibition, standard, or limitation imposed by this section, or the terms or conditions of any permit or other development or redevelopment approval or authorization granted pursuant to this section, is unlawful and shall constitute a violation of this section.

(c) Each Day a Separate Offense

Each day that a violation continues shall constitute a separate and distinct violation or offense.

(d) Responsible Persons/Entities

Any person who erects, constructs, reconstructs, alters (whether actively or passively), or fails to erect, construct, reconstruct, alter, repair or maintain any structure, BMP, practice, or condition in violation of this section shall be subject to the remedies, penalties, and/or enforcement actions in accordance with this section. Persons subject to the remedies and penalties set forth herein may include any architect, engineer, builder, contractor, developer, agency, or any other person who participates in, assists, directs, creates, causes, or maintains a condition that results in or constitutes a violation of this section, or fails to take appropriate action, so that a violation of this section results or persists; or an owner, any tenant or occupant, or any other person, who has control over, or responsibility for, the use or development of the property on which the violation occurs.

For the purposes of this Section, responsible person(s) shall include but not be limited to:

(e) Person Maintaining Condition Resulting In or Constituting Violation

An architect, engineer, builder, contractor, developer, agency, or any other person who participates in, assists, directs, creates, causes, or maintains a condition that constitutes a violation of this section, or fails to take appropriate action, so that a violation of this section results or persists.

(f) Responsibility For Land or Use of Land

The owner of the land on which the violation occurs, any tenant or occupant of the property, any person who is responsible for stormwater controls or practices pursuant to a private agreement or public document, or any person, who has control over, or responsibility for, the use, development or redevelopment of the property.

2. Remedies and Penalties

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

(a) Remedies

- (i) **Withholding of Certificate of Occupancy**
The Stormwater Administrator or other authorized agent may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site and served by the stormwater practices in question until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.
- (ii) **Disapproval of Subsequent Permits and Development Approvals**
As long as a violation of this section continues and remains uncorrected, the Stormwater Administrator or other authorized agent may withhold, and the Planning Board of the City of Mebane may disapprove, any request for permit or development approval or authorization provided for by this section or the Planning Board of the City of Mebane for the land on which the violation occurs.
- (iii) **Injunction, Abatements, etc.**
The City Attorney, with the authorization of the City Council, may institute an action in a court of competent jurisdiction for a mandatory or prohibitory injunction and order of abatement to correct a violation of this section. Any person violating this section shall be subject to the full range of equitable remedies provided in the General Statutes or at common law.
- (iv) **Correction as Public Health Nuisance, Costs as Lien, etc.**
If the violation is deemed dangerous or prejudicial to the public health or public safety and is within the geographic limits prescribed by North Carolina G.S. § 160A-193, the Stormwater Administrator, with the authorization of the City Council, may cause the violation to be corrected and the costs to be assessed as a lien against the property.
- (v) **Stop Work Order**
The Stormwater Administrator may issue a stop work order to the person(s) violating this section. The stop work order shall remain in effect until the person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein. The stop work order may be withdrawn or modified to enable the person to take the necessary remedial measures to cure such violation or violations.
- (vi) **Civil Penalties**
Violation of this section may subject the violator to a civil penalty to be recovered in a civil action in the nature of a debt if the violator does not pay the penalty within 30 days after notice of the violation is issued by the Stormwater Administrator. Civil penalties may be assessed up to the full amount of penalty to which the City of Mebane is subject for violations of its Phase II Stormwater permit.
- (vii) **Criminal Penalties**
Violation of this section may be enforced as a misdemeanor subject to the maximum fine permissible under North Carolina law.

3. Procedures

(a) Initiation/Complaint

Whenever a violation of this section occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint shall state fully the alleged violation and the basis thereof, and shall be filed with the Stormwater Administrator, who shall record the complaint. The complaint shall be investigated promptly by the Stormwater Administrator.

(b) Inspection

The Stormwater Administrator shall have the authority, upon presentation of proper credentials, to enter and inspect any land, building, structure, or premises to ensure compliance with this section.

(c) Notice of Violation and Order to Correct

When the Stormwater Administrator finds that any building, structure, or land is in violation of this section, the Stormwater Administrator shall notify, in writing, the property owner or other person violating this section. The notification shall indicate the nature of the violation, contain the address or other description of the site upon which the violation is occurring, order the necessary action to abate the violation, and give a deadline for correcting the violation. If civil penalties are to be assessed, the notice of violation shall also contain a statement of the civil penalties to be assessed, the time of their accrual, and the time within which they must be paid or be subject to collection as a debt.

The Stormwater Administrator may deliver the notice of violation and correction order personally, by the City Police Department, City Planning Department, by certified or registered mail, return receipt requested, or by any means authorized for the service of documents by Rule 4 of the North Carolina Rules of Civil Procedure.

If a violation is not corrected within a reasonable period of time, as provided in the notification, the Stormwater Administrator may take appropriate action under this section to correct and abate the violation and to ensure compliance with this section.

(d) Extension of Time

A person who receives a notice of violation and correction order, or the owner of the land on which the violation occurs, may submit to the Stormwater Administrator a written request for an extension of time for correction of the violation. On determining that the request includes enough information to show that the violation cannot be corrected within the specified time limit for reasons beyond the control of the person requesting the extension, the Stormwater Administrator may extend the time limit as is reasonably necessary to allow timely correction of the violation, up to, but not exceeding 30 days. The Stormwater Administrator may grant 15-day extensions in addition to the foregoing extension if the violation cannot be corrected within the permitted time due to circumstances beyond the control of the person violating this section. The Stormwater Administrator may grant an extension only by written notice of extension. The notice of extension shall state the date prior to which correction must be made, after which the violator will be subject to the penalties described in the notice of violation and correction order.

(e) Enforcement After Time to Correct

After the time has expired to correct a violation, including any extension(s) if authorized by the Stormwater Administrator, the Stormwater Administrator shall determine if the violation is corrected. If the violation is not corrected, the Stormwater Administrator may act to impose one or more of the remedies and penalties authorized by this section.

(f) **Emergency Enforcement**

If delay in correcting a violation would seriously threaten the effective enforcement of this section or pose an immediate danger to the public health, safety, or welfare, then the Stormwater Administrator may order the immediate cessation of a violation. Any person so ordered shall cease any violation immediately. The Stormwater Administrator may seek immediate enforcement, without prior written notice, through any remedy or penalty authorized by this Section.

M. Definitions

Refer to Article 12 "Definitions".

5-4 Watershed Overlay District Regulations

A. Purpose and Intent

The watershed protection overlay districts, as described in Section 3-1, C, 2, (b) and (c) are designed to protect designated public water supply watershed from activities which could degrade water quality. The following separate watershed protection overlay districts have been established:

1. WCA, Watershed Critical Area Overlay District and
2. GWA, General Watershed Area Overlay District.

The above water supply watershed overlay districts are within public water supply watersheds that have been classified by the State of North Carolina as a WS-II watershed. The WCA Overlay District represents the Graham-Mebane Lake Public Water Supply Watershed WS-II Critical Area and the Upper Eno River Public Water Supply Watershed WS-II Critical Area, the GWA Overlay District represents the Graham-Mebane Lake Public Water Supply Watershed WS-II Balance of Watershed Area and the Upper Eno River Public Water Supply Watershed WS-II Balance of Watershed Area, all as designated by the NC Environmental Management Commission. The purpose of this Section is to implement the provisions of the Water Supply Watershed Protection Act (NCGS 143-214.5) which requires the City of Mebane to adopt minimum land use regulations, consistent with the WS-II Critical Area and Balance of Watershed management rules as adopted by the North Carolina Environmental Management Commission, to protect the water quality of the Graham-Mebane Lake Watershed and Upper Eno River Watershed located within the city's planning and zoning jurisdictional area.

Amended June 7, 2021

B. General Provisions Applicable to Water Supply Watershed Overlay Districts

Amended June 7, 2021

1. The construction of new roads and bridges and non-residential development should minimize built-upon area, divert stormwater away from surface water supply waters as much as possible, and employ best management practices (BMPs) to minimize water quality impacts. To the extent practicable, construction of new roads in the critical area should be avoided. The Department of Transportation BMPs as outlined in their document entitled *Best Management Practices for the Protection of Surface Waters* shall be used in all road and bridge construction projects in the Watershed Overlay Districts.
2. All development activities within Watershed Overlay Districts, in addition to those activities specifically regulated by these provisions, are subject to the standards, usage conditions and other regulations contained in the Rules and Requirements of the Surface Water Supply Protection Rules adopted by the North Carolina Environmental Management Commission.
3. A minimum 30-foot vegetative buffer for development activities is required along all perennial waters, including streams, rivers and impoundments, indicated on the most recent versions of the United States Geodetic Survey (USGS) 1:24,000 scale topographic maps; provided, that a 50-foot buffer shall be required along Graham-Mebane Lake. Nothing in this subsection shall prevent artificial streambank or shoreline stabilization. No new development is allowed in the buffer, except that water-dependent structures and public works projects such as road crossings and greenways, may be allowed where no practicable alternative exists. These activities shall minimize built-upon surface area, direct runoff away from the surface water, and maximize the utilization of BMPs. The City's Riparian Buffer Protection Ordinance shall have precedence over all other stream or riparian buffer regulations within the City of Mebane's Jordan Lake Watershed jurisdiction. Stream buffers within the Falls Lake Watershed are administered by the NC Department of Environmental Quality.
4. Existing development, as defined in this Ordinance, is not subject to the requirements of the overlay provisions. Expansions to structures, other than single-family, classified as existing development must meet the requirements of these provisions, provided however, the built-upon area of the existing development is not required to be included in the density calculations. In determining expansions to existing development, the maximum permitted additional built-upon area is derived by multiplying the area of the portion of the property that is not built-upon by the appropriate percent built-upon limitation for the Overlay District in which the property is located.
5. A pre-existing lot created prior to the effective date of this Ordinance, regardless of whether or not a vested right has been established, may be developed or redeveloped for single-family residential purposes without being subject to the restrictions of these overlay provisions.

6. Any existing building or built-upon area not in conformance with the limitations of these provisions that has been damaged or removed for any reason may be repaired and/or reconstructed, provided:
 - (a) Repair or reconstruction is initiated within 12 months and completed within 2 years of such damage or removal.
 - (b) The total amount of space devoted to built-upon area may not be increased.
 - (c) The repair or reconstruction is otherwise permitted under the provisions of this Ordinance.
7. Clustering of development if permitted by the underlying use district is allowed on a project by project basis as follows: overall density of the project meets associated density or stormwater control requirements; built upon areas are designed and sited to minimize stormwater runoff impact to the receiving waters and minimizes concentrated stormwater flow; remainder of tract to remain in vegetated or natural state.
8. No activity, situation, structure or land use shall be permitted or allowed to operate within a watershed which poses a threat to water quality and the public health, safety and welfare. Such conditions may arise from inadequate on-site sewage systems which utilize ground absorption; inadequate sedimentation and erosion control measures; the improper storage or disposal of junk, trash or other refuse within a buffer area; the absence or improper implementation of a spill containment plan for toxic and hazardous materials; the improper management of stormwater runoff; or any other situation found to pose a threat to water quality.
9. The Zoning Administrator may require such information on subdivision plat, zoning and special use permit and site development plan applications, including density/built-upon area calculations, as he/she may deem necessary to determine compliance with Watershed Overlay District provisions. Preliminary and final subdivision plat approval and other such plan approvals may be required to note density/built-upon limitations on the plat. For example, plats may be required to show such information as total area of the development, the amount and percent of impervious area in streets and sidewalks, the amount and percent of impervious area in other public improvements, and the amount and percent of impervious area that is allocated to the various lots for future development. Such information shall be displayed in such a manner that the Zoning Administrator can readily determine compliance with these provisions on a project by project basis.
10. The Zoning Administrator may, prior to the issuance of any permit in a Watershed Overlay District, require evidence of a valid Sedimentation Control Permit issued by the State of North Carolina or evidence satisfactory to the Zoning Administrator that no permit is required.

11. The Zoning Administrator shall maintain records of the administration of the Watershed Overlay District regulations and shall submit any modifications of the regulations and/or Map to the Division of Community Assistance. The Zoning Administrator shall also maintain a record of variances issued pursuant to Article 8, Section 8-2, C of this Ordinance and shall submit an annual report of each project receiving a variance and the reason for the variance to the Division of Environmental Management.

C. WCA, Watershed Critical Area Overlay District Regulations

Amended August 2, 2021

1. General Development Standards:

- (a) No new sites for land application of sludge/residual or petroleum contaminated soils are allowed.
- (b) No new landfills are allowed.
- (c) Existing non-residential development shall maintain an inventory of all toxic and hazardous materials and shall implement a spill/failure containment plan approved by the Fire Chief or his designated agent.
- (d) No new use which uses, stores or manufactures hazardous or toxic materials on the premises shall be allowed.
- (e) No new use which is first permitted in either the M-1 or M-2 manufacturing zoning districts shall be allowed.
- (f) No new underground fuel or chemical storage tanks are allowed.

2. Density-Built-upon Limitations:

- (a) Residential development shall not exceed one dwelling unit per two acres or, optionally, 6 percent built-upon area, on a project by project basis.
- (b) Non-residential development shall not exceed 6 percent built-upon area, on a project by project basis.

D. GWA, General Watershed Area Overlay District (Balance of Watershed) Regulations

Amended August 2, 2021

1. General Development Standards:

- (a) No new discharging landfills are allowed.

- (b) Existing non-residential development shall maintain an inventory of all toxic and hazardous materials and shall implement a spill/failure containment plan approved by the Fire Chief or his designated agent.

2. Density/Built-Upon Limitations:

- (a) Residential development shall not exceed one dwelling unit per acre or, optionally 12 percent built-upon area, on a project by project basis.
- (b) Non-residential development shall not exceed 12 percent built-upon area, on a project by project basis.
- (c) Notwithstanding the limitations of subsection (b) above, 10 percent of the GWA area may be developed with new projects of up to 70 percent built-upon area as Special Intensity Allocations (SIAs). SIAs shall be allocated and developed in accordance with the following rules:

- (1) SIAs shall be allocated by the Zoning Administrator through the Zoning Permit/Development Plan process. The Zoning Administrator shall maintain a record of the total acreage in the GWA area eligible for SIAs, the acreage that has been allocated and the acreage that has been used as of the latest date. In no case shall allocated acreage exceed the acreage eligible for allocation.
- (2) SIAs shall be allocated on a 'first come, first served' basis upon the approval and issuance of the appropriate permit, provided that no SIA shall be allocated to a development unless it is served by or is to be served by City of Mebane water and sewer service.
- (3) The right to develop a SIA shall terminate with the loss of the right to develop due to the expiration of a zoning permit, zoning permit with vested right, or building permit. In such a case, the allocated acreage, or unused allocated acreage, shall be returned to the unallocated total acreage eligible for allocation.

Amended August 2, 2021

- (4) All SIA development shall be located so that all stormwater from the development drains into an engineered stormwater control facility designed and constructed in accordance with all the requirements of subsection E, 5, (c) below.

E. Exceeding Basic Density/Built-upon Limitations; Permit to Exceed

Development in the Watershed Overlay Districts may exceed the basic density/built-upon limitations established in subsections C, 2 and D, 2 above upon the receipt of a Permit to Exceed from the Zoning Administrator. No Permit to Exceed shall be issued except for development which is in conformance with the following conditions and limitations:

1. Built-upon Limitations

In no case, other than the above listed SIA, shall the built-upon area of any development, on a project by project basis, exceed the following limitations and all development shall be calculated on a built-upon area basis only:

- (a) WCA 24% built-upon area
- (b) GWA 30% built-upon area

Nothing in this Section, however, shall permit any development to exceed the maximum permissible lot coverage limitations for principal and accessory buildings as set forth in this Ordinance for Use Districts.

Amended June 7, 2021

2. Buffer

A minimum 50 foot vegetative buffer is required for any new development activity within the Jordan Lake watershed and a minimum 100 foot vegetative buffer is required for any new development activity within the Falls Lake watershed which exceeds the basic density/built-upon limitations along all perennial waters indicated on the most recent versions of USGS 1:24,000 scale topographic maps. Nothing in this subsection shall prevent artificial streambank or shoreline stabilization. No new development is allowed in the buffer, except that water dependent structures and public works projects such as road crossings, utilities and greenways may be allowed where no practicable alternatives exist. These activities shall minimize built-upon surface area, direct runoff away from surface water, and maximize the use of BMPs. The City's Riparian Buffer Protection Ordinance shall have precedence over all other stream or riparian buffer regulations within the City of Mebane's jurisdiction.

Amended June 7, 2021

3. Development Location

All development which exceeds the basic density/built-upon limitations shall be located so that all stormwater from the development drains into an engineered stormwater control facility designed and constructed in conformance with the requirements of this Section.

4. Facility Approval

No Permit to Exceed shall be issued for any development until such facility is fully constructed and approved by the Zoning Administrator or his/her agent to be capable of functioning in accordance with the requirements of this Section. Prior to inspection by the Zoning Administrator or his/her agent to determine compliance, the developer shall furnish a certification sealed by an engineer or landscape architect stating that the facility is complete and consistent with the approved plans and specifications.

5. Facility Requirements

Engineered stormwater control facilities intended to serve development which exceeds the basic density/built-upon limitations of this Ordinance shall conform with the following requirements:

- (a) **Developer Responsible for Costs.** The developer or his designee shall be responsible for all costs associated with the construction, operation, maintenance and repair of any such facility.
- (b) **Plans Required.** No construction shall begin on any such facility until the construction, operation and maintenance and related plans have been submitted to and approved by the Zoning Administrator. The maintenance and operation plan shall specify a facility ownership plan and the entity to be responsible for maintenance, operation, and repair. The plan shall designate sufficient area and access to perform inspections maintenance, repairs and reconstruction. The plan shall also provide a cost estimate for routine and non-routine maintenance over a 20 year period. At the time the plans are submitted, the developer shall pay to the City of Mebane a plan review and construction inspection fee as set by the City Council.
- (c) **Design Standards.** All stormwater control facilities shall be designed in accordance with the City's Stormwater BMP Design Manual with a primary treatment system unless alternative stormwater management measures, as outlined in subsection (f) below, are used. Specific requirements for these systems shall be in accordance with the following design criteria:
 - (1) Stormwater Control Systems shall be designed to control and treat the stormwater run-off generated by the 1" (one inch) of rain;
 - (2) Runoff volume drawdown time shall be a minimum of 48 hours, but not more than 120 hours;
 - (3) Stormwater shall not leave the project site at a rate greater than the predevelopment discharge rate for the ten-year, 24-hour storm;
 - (4) All structural stormwater treatment systems used to meet the requirements of the program shall be designed to have a minimum of 85% average annual removal for Total Suspended Solids (TSS);
 - (5) General engineering design criteria for all projects shall be in accordance with applicable state law, as explained in the Design Manual;
 - (6) All stormwater control measures that incorporate a permanent or temporary water pool with depth greater than two feet shall be fenced. The fence shall meet the design standards within the Design Manual.

- (7) All disturbed land areas shall be provided with a ground cover sufficient to restrain erosion within 15 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 and operations plan.

Amended June 7, 2021

- (d) A description of the area containing the stormwater control structure shall be prepared and filed as a separate deed with the applicable county Register of Deeds along with any easements necessary for general access to the stormwater control structure. The deeded area shall include the stormwater control structure, vegetative filters, all pipes and water control structures, berms, dikes, etc., and sufficient area to perform inspections, maintenance, repairs, and reconstruction.
- (e) 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 built-upon area for one site, it shall not be used to compute built-upon area for any other site or area.
- (f) Alternative Stormwater Management Measures. Alternative stormwater management systems, as detailed in the NC Stormwater Best Management Practices Manual, consisting of one treatment option or a combination of treatment options, may be used. The design criteria for approval shall be 85 percent average annual removal of Total Suspended Solids.
- (g) Additional Water Quantity Restrictions. The City of Mebane may, at its discretion, require matching of the predevelopment discharge rate for up to the one hundred year, 24 hour storm. This basis shall be defined by pre-existing excessive downstream flooding.

Amended June 7, 2021

- 6. Finance Guarantee and Maintenance Agreement
Before the Zoning Administrator shall approve the completed facility and issue any Permit to Exceed, the developer and/or maintaining entity shall furnish the City of Mebane with a financial guarantee ensuring future maintenance, operation and repair of the facility. The financial guarantee shall be in the form of cash, an irrevocable letter of credit or other instrument readily convertible to cash at face value and shall be deposited and made payable to the City of Mebane. The amount of the deposit shall be equal to 40 percent of the total cost of constructing the facility. The initial cost estimates shall be the responsibility of the developer but the approval of the final cost estimate shall be made by the Zoning Administrator or his/her agent. At this time the developer and/or maintaining entity

shall also pay to the City of Mebane a fee as set by the City Council to cover annual inspections by the City for 20 years.

The initial duration of the financial guarantee shall be for 20 years. At the end of that period the City of Mebane may, at its own option, require extension of the guarantee for an additional period of up to 20 years based upon future maintenance cost or take whatever lawful action it may deem appropriate at that time. The financial guarantee may be dissolved at any time in its lifetime by mutual agreement when the need for such guarantee no longer exists.

As part of the financial guarantee, the developer or maintaining entity shall enter into a binding Operation and Maintenance Agreement in a form acceptable to and enforceable by the City of Mebane. Such agreement shall require the responsible entity to maintain, repair and, if necessary, reconstruct the facility in accordance with the approved operation and maintenance plan. The plan shall clearly indicate the steps that will be taken for restoring a stormwater control structure to design specifications if a failure occurs.

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 any easement or access to the stormwater control structure.

The agreement shall pledge the financial guarantee in support of the agreement but also shall acknowledge that default does not release the entity from liability/responsibility for operation, maintenance and repair/reconstruction. The agreement shall provide that in case of default by the operating entity, the City of Mebane, at any time after default, may on its own motion assume actual maintenance and operation of the facility and convert for its use in maintenance and operation any and all funds remaining in the financial guarantee. The agreement shall be recorded with the appropriate County Register of Deeds by the Zoning Administrator after it is executed by both parties. No changes to the agreement or its terms including ownership and responsible entity shall be made except upon agreement of the parties.

Amendments to the plans and specifications of the stormwater control structure and/or the operation and maintenance plan shall be approved by the Zoning Administrator. Proposed changes shall be prepared by a North Carolina registered professional engineer or landscape architect (to the extent that the General Statutes, Chapter 89A, allow) and submitted to and reviewed by the City Engineer.

7. Inspections

The Zoning Administrator or his/her agent shall inspect all facilities at least on an annual basis to determine whether the controls are performing as designed or intended and whether maintenance is

being performed as required. Records of inspections shall be maintained on forms approved or supplied by the NC Division of Environmental Management. The first annual inspection shall be made during the 12 months following the date of certification.

8. Failure to Perform

In the event the Zoning Administrator should find that the facility is not performing as designed or intended or that maintenance and repairs are not being made as required or that any action is being done or not done that is in violation of this Ordinance or the agreement related to the facility, the Zoning Administrator shall notify the responsible entity who shall be given a reasonable time to correct the defect(s). Should the responsible entity fail to act, fail to act in a timely manner, or otherwise fail to correct the defect(s), the Zoning Administrator shall institute appropriate action to obtain compliance including criminal or civil penalties, or both. In addition, the City of Mebane may declare the responsible entity in default of the agreement and financial guarantee and use part or all of the proceeds of the guarantee to correct the defect(s) and may assume actual operation and maintenance. Default in the agreement does not release the responsible entity from liability/responsibility for the defect(s), nor release the entity from the agreement. Likewise, default in the agreement does not prevent the City of Mebane from taking criminal or civil action, or other.

F. Variances

Requests for variances from the watershed district overlay requirements of Section 5-4 shall be reviewed by the Board of Adjustment in accordance with the provisions of Section 8-2, C.

5.5 Falls Lake Watershed Stormwater Regulations For New Development

Amended June 7, 2021

This section shall be officially known as "The Falls Watershed Stormwater Regulations for New Development." It is referred to herein as "this section."

A. Authority

It is hereby determined that:

Development and redevelopment alter the hydrologic response of local watersheds and increases stormwater runoff rates and volumes, flooding, soil erosion, stream channel erosion, nonpoint and point source pollution, and sediment transport and deposition, as well as reducing groundwater recharge;

These changes in stormwater runoff contribute to increased quantities of water-borne pollutants and alterations in hydrology that are harmful to public health and safety as well as to the natural environment; and

These effects can be managed and minimized by applying proper design and well-planned controls to manage stormwater runoff from development sites.

Further, the Commission has identified Falls of Neuse reservoir, a water supply reservoir, as nutrient sensitive waters; has identified all or a portion of the reservoir as impaired waters under the federal Clean Water Act due to exceedances of the chlorophyll a standard; and has promulgated rules (the "Falls Rules") to reduce the average annual loads of nitrogen and phosphorus delivered to Falls Reservoir from all point and nonpoint sources of these nutrients located within its watershed, including stormwater from new development in this jurisdiction;

Therefore, the City of Mebane establishes this set of water quality and quantity regulations to meet the requirements of state and federal law regarding control of stormwater runoff and discharge for development.

B. Purpose

The purpose of this ordinance is to protect, maintain and enhance the public health, safety, environment and general welfare by establishing minimum requirements and procedures to control the adverse effects of nitrogen and phosphorus in stormwater runoff and nonpoint and point source pollution associated with new development and redevelopment in the watershed of Falls of Neuse reservoir. It has been determined that proper management of construction-related and post-development stormwater runoff will minimize damage to public and private property and infrastructure; safeguard the public health, safety, and general welfare; and protect water and aquatic resources.

This ordinance seeks to meet its general purpose through the following specific objectives and means:

1. Establishing decision-making processes for development that protects the integrity of watersheds and preserve the health of water resources;
2. Requiring that new development and redevelopment maintain the pre-development hydrologic response in their post-development state for the applicable design storm to reduce flooding, streambank erosion, nonpoint and point source pollution and increases in stream temperature, and to maintain the integrity of stream channels and aquatic habitats;
3. Establishing minimum post-development stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality;
4. Establishing design and review criteria for the construction, function, and use of structural stormwater BMPs that may be used to meet the minimum post-development stormwater management standards;
5. Encouraging the use of better management and site design practices, such as the use of vegetated conveyances for stormwater and the preservation of greenspace, riparian buffers and other conservation areas to the maximum extent practicable;
6. Establishing provisions for the long-term responsibility for and maintenance of structural and nonstructural stormwater BMPs to ensure

that they continue to function as designed, are maintained appropriately, and pose no threat to public safety;

7. Establishing administrative procedures for the submission, review, approval and disapproval of stormwater management plans, for the inspection of approved projects, and to assure appropriate long-term maintenance.

C. Applicability and Jurisdiction

1. General

Beginning with and subsequent to its effective date, this ordinance shall be applicable to all development and redevelopment, including, but not limited to, site plan applications, subdivision applications, and grading applications, unless exempt pursuant to this ordinance. The provisions of this ordinance shall apply within the areas of the City of Mebane that fall within the Falls Lake Watershed as shown on the City of Mebane's Stormwater Map or as which drain to Falls Lake. Projects within this watershed are to fully comply with Sections 5-2, 5-3, and 5-4 as well as additional regulations included in this section

2. Exemptions

Single family and duplex residential and recreational development and redevelopment that cumulatively disturbs less than one half acre and is not part of a larger common plan of development or sale is exempt from the provisions of this ordinance.

Commercial, industrial, institutional, multifamily residential or local government development and redevelopment that cumulatively disturbs less than 12,000 square feet and is not part of a larger common plan of development or sale is exempt from the provisions of this ordinance.

Development and redevelopment that disturbs less than the above thresholds are not exempt if such activities are part of a larger common plan of development or sale and the larger common plan exceeds the relevant threshold, even though multiple, separate or distinct activities take place at different times on different schedules.

Development that is exempt from permit requirements of Section 404 of the federal Clean Water Act as specified in 40 CFR 232 (primarily, ongoing farming and forestry activities) are exempt from the provisions of this ordinance.

3. No Development or Redevelopment Until Compliance and Permit
No development or redevelopment shall occur except in compliance with the provisions of this ordinance or unless exempted. No development or redevelopment for which a permit is required pursuant to this ordinance shall occur except in compliance with the provisions, conditions, and limitations of the permit.

4. Map

The provisions of this ordinance shall apply within the areas of the City of Mebane that fall within the Falls Lake Watershed as shown on the City of Mebane's Stormwater Map or as which drain to Falls Lake. The Stormwater Map and all explanatory matter contained thereon accompanies and is hereby made a part of this ordinance.

The Stormwater Map shall be kept on file by the Stormwater Administrator and shall be updated to take into account changes in the land area covered by this ordinance and the geographic location of all engineered stormwater controls permitted under this ordinance. In the event of a dispute, the applicability of this ordinance to a particular area of land or BMP shall be determined by reference to the North Carolina Statutes, the North Carolina Administrative Code, and local zoning and jurisdictional boundary ordinances.

D. Interpretation

Interpretation of this section is to be in compliance with Section 5-4 of this article.

E. Design Manual

The Stormwater Administrator shall use the policy, criteria, and information, including technical specifications and standards, in the latest published edition or revision of the North Carolina Department of Environmental Quality's Stormwater Design Manual as the basis for the City's Stormwater BMP Design Manual (referred to herein as the Stormwater BMP Design Manual and/or Design Manual). The City's Stormwater BMP Design Manual will serve as the basis for decisions about stormwater permits and about the design, implementation and performance of structural and non-structural stormwater BMPs for compliance with the minimum water quality performance standard of the Falls Rules. The City's Stormwater BMP Design Manual is further reflected in Section 5-5.

F. Relationship to Other Laws, Regulations and Private Agreements

1. Conflict of Laws

This section is not intended to modify or repeal any other ordinance, rule, regulation or other provision of law. The requirements of this ordinance are in addition to the requirements of any other ordinance, rule, regulation or other provision of law. Where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human or environmental health, safety, and welfare shall control.

2. Private Agreements

This ordinance is not intended to revoke or repeal any easement, covenant, or other private agreement. However, where the regulations of this ordinance are more restrictive or impose higher standards or requirements than such an easement, covenant, or other private agreement, the requirements of this ordinance shall govern. Nothing in this ordinance shall modify or repeal any private covenant or deed restriction, but such covenant or restriction shall not legitimize any

failure to comply with this ordinance. In no case shall City of Mebane be obligated to enforce the provisions of any easements, covenants, or agreements between private parties.

G. Severability

If the provisions of any section, subsection, paragraph, subdivision or clause of this ordinance shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this ordinance

H. Effective Date and Transitional Provisions

1. Effective Date

This Section shall take effect on _____, 201_____.

2. Final Approvals, Complete Applications

All *development* and *redevelopment* projects for which complete and full applications were submitted and approved by the City of Mebane prior to the effective date of this ordinance and which remain valid, unexpired, unrevoked and not otherwise terminated at the time of *development* shall be exempt from complying with all provisions of this ordinance dealing with the control and/or management of stormwater.

A phased development plan shall be deemed approved prior to the effective date of this ordinance if it has been approved by all necessary government units, it remains valid, unexpired, unrevoked and not otherwise terminated, and it shows:

- (a) For the initial or first phase of *development* or *redevelopment*, the type and intensity of use for a specific parcel or parcels, including at a minimum, the boundaries of the project and a subdivision plan that has been approved.
- (b) For any subsequent phase of *development* or *redevelopment*, sufficient detail so that implementation of the requirements of this ordinance to that phase of *development* would require a material change in that phase of the plan.

3. Violations Continue

Any violation of provisions existing on the effective date of this ordinance shall continue to be a violation under this ordinance and be subject to penalties and enforcement under this ordinance unless the use, *development*, construction, or other activity complies with the provisions of this ordinance.

I. Review and Decision-Making Entities

1. Stormwater Administrator

- (a) Designation, Powers, and Duties

A Stormwater Administrator shall be designated by the City Manager to administer and enforce this ordinance as defined in Section 5-4 with the powers and duties as defined in Section 5-4.

J. Review Procedures

The City shall require a permit for development in accordance with this section as defined in Section 5-4. The City shall review development as defined in Section 5-4.

K. Review of Applications for Approval, Processing, and Approval

Applications for approval shall be reviewed, processed, and approved as defined in Section 5-4.

L. Appeals

Any aggrieved *person* affected by any decision, order, requirement, or determination relating to the interpretation or application of this ordinance made by the Stormwater Administrator, may file an appeal to the Board of Adjustment within 30 days. Appeals shall be addressed as provided in Section 5-4.

M. Standards

1. General Standards

All *development* and *redevelopment* to which this ordinance applies shall comply with the standards of this section. The approval of the stormwater permit shall require an enforceable restriction on property usage that runs with the land, such as a recorded deed restriction or protective covenants, to ensure that future *development* and *redevelopment* maintains the site consistent with the approved project plans. Development standards from Section 5-4 shall also apply to this section.

2. Nitrogen and Phosphorus Loading

(a) Nitrogen and phosphorus loads contributed by the proposed new *development* shall not exceed the following unit-area mass loading rates: [2.2 and 0.33 pounds per acre per year for nitrogen and phosphorus, respectively.

(b) Notwithstanding 15A NCAC 2B.104(q), *redevelopment* subject to this ordinance that would replace or expand existing structures or improvements and would result in a net increase in *built-upon area* shall have the option of either meeting the loading standards identified in subsection (a) or meeting a loading rate that achieves the following nutrient loads compared to the *existing development* : 40 percent and 77 percent reduction for nitrogen and phosphorus, respectively.

(c) The developer shall determine the need for engineered stormwater controls to meet these loading rate targets by using the *approved accounting tool*.

3. Nitrogen and Phosphorus Standard is Supplemental

The nitrogen and phosphorus loading standards in this ordinance are supplemental to, not replacements for, stormwater standards otherwise

required by federal, state or local law, including without limitation any riparian buffer requirements applicable to the location of the *development*. This includes, without limitation, the riparian buffer protection requirements of 15A NCAC 2B.0233 and .0242.

4. Control and Treatment of Runoff Volume
Stormwater systems shall be designed to control and treat the runoff generated from all surfaces by one inch of rainfall. The treatment volume shall be drawn down pursuant to standards specific to each practice as provided in the *Design Manual*. To ensure that the integrity and nutrient processing functions of receiving waters and associated riparian buffers are not compromised by erosive flows, stormwater flows from the *development* shall not contribute to degradation of waters of the State. At a minimum, the *development* shall not result in a net increase in peak flow leaving the site from pre-development conditions for the *ten-year, 24-hour storm event*.
5. Partial Offset of Nutrient Control Requirements
Development subject to this ordinance shall attain nitrogen and phosphorus loading rate reductions on-site that meet the following criteria prior to using an offsite offset measure:
 - 30 percent or more reduction in both nitrogen and phosphorus loading from the untreated conditions for any single-family, detached and duplex residential development disturbing one half acre but less than one acre.
 - 50 percent or more reduction in both nitrogen and phosphorus loading from the untreated conditions for any single-family, detached and duplex residential development disturbing more than one acre.
 - 30 percent or more reduction in both nitrogen and phosphorus loading from the untreated condition for other development, including multi-family residential, commercial and industrial development disturbing 12,000 square feet but less than one acre.
 - 50 percent or more reduction in both nitrogen and phosphorus loading from the untreated condition for other development, including multi-family residential, commercial and industrial development disturbing more than one acre.
 - 30 percent or more reduction in both nitrogen and phosphorus loading from the untreated condition for proposed redevelopment activities in a designated downtown area that would replace or expand structures or improvements that existed as of December 2006.

A developer subject to this ordinance may achieve the additional reductions in nitrogen and phosphorus loading required by this ordinance by making offset payments to the NC Ecosystem Enhancement Program contingent upon acceptance of payments by that Program. A developer may use an offset option provided by the City of Mebane. A developer

may propose other offset measures to City of Mebane, including providing his or her own offsite offset or utilizing a private seller. All offset measures permitted by this ordinance shall meet the requirements of 15A NCAC 02B .0282 and 15A NCAC 02B .0240 or as amended.

6. Evaluation of Standards for Stormwater Control Measures

- (a) Evaluation According to Contents of Design Manual
All stormwater control measures, *stormwater systems* and stormwater treatment practices (also referred to as Best Management Practices, or BMPs) required under this ordinance shall be evaluated by the Stormwater Administrator according to the policies, criteria, and information, including technical specifications and standards and the specific design criteria for each stormwater practice, in the *Design Manual*. The Stormwater Administrator shall determine whether proposed BMPs will be adequate to meet the requirements of this ordinance.
- (b) Determination of Adequacy; Presumptions and Alternatives
Stormwater treatment practices that are designed, constructed, and maintained in accordance with the criteria and specifications in the *Design Manual* and the *approved accounting tool* will be presumed to meet the minimum water quality and quantity performance standards of this ordinance. Whenever an applicant proposes to utilize a practice or practices not designed and constructed in accordance with the criteria and specifications in the *Design Manual*, the applicant shall have the burden of demonstrating that the practice(s) will satisfy the minimum water quality and quantity performance standards of this ordinance. The Stormwater Administrator may require the applicant to provide the documentation, calculations, and examples necessary for the Stormwater Administrator to determine whether such an affirmative showing is made.

7. Dedication of BMPS, Facilities & Improvements

Unless otherwise approved, ownership of any existing or future stormwater management facilities shall remain with the owner of the property or a legally established property owner's association. Such facilities shall meet all the requirements of this section and include adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

8. Variances

Any *person* may petition the City of Mebane for a variance granting permission to use the *person's* land in a manner otherwise prohibited by this ordinance. For all proposed major and minor variances from the requirements of this section shall be reviewed by the Board of Adjustment in accordance with the provisions of Section 8-2, C. Major variances require Environmental Management Commission approval.

N. Maintenance

1. General Standards for Maintenance

The *owner* of each *engineered stormwater control* installed pursuant to this section shall maintain and operate it so as to preserve and continue its function in controlling stormwater quality and quantity at the degree or amount of function for which the *engineered stormwater control* was designed. General standards of maintenance are defined in Section 5-4.

O. Enforcement and Violations

The provisions of this ordinance shall be enforced by the Stormwater Administrator, his or her designee, or any authorized agent of City of Mebane. Whenever this section refers to the Stormwater Administrator, it includes his or her designee as well as any authorized agent of City of Mebane. Enforcement and Violations are defined in Section 5-4.

P. Definitions

Refer to Article 12 "Definitions".

5.6 Jordan Lake Riparian Buffer Regulations

Amended June 7, 2021

A. Authority

This Section of the Unified Development Ordinance is adopted pursuant to the authority vested in the City of Mebane by the Session Laws and the General Statutes of North Carolina, particularly Session Law 2009-216 (House Bill 239), Session Law 2009-484 (Senate Bill 838), N.C. Gen. Stat §153A-121, 153A-140, Chapter 153A, Article 18, N.C. Gen. Stat §160A-174, 160A-193, Chapter 160D, and any special legislation enacted by the General Assembly for the City of Mebane

B. Purpose and Intent

The purposes of the City of Mebane in adopting the following Section is to protect and preserve existing riparian buffers throughout the Jordan Watershed as generally described in Rule 15A NCAC 02B .0262 (Jordan Water Supply Nutrient Strategy: Purpose and Scope), in order to maintain their nutrient removal and stream protection functions. Additionally, this Section will help protect the water supply uses of Jordan Reservoir and of designated water supplies throughout the Jordan watershed.

Buffers adjacent to streams provide multiple environmental protection and resource management benefits. Forested buffers enhance and protect the natural ecology of stream systems, as well as water quality through bank stabilization, shading, and nutrient removal. They also help to minimize flood damage in flood prone areas. Well-vegetated streamside riparian areas help to remove nitrogen and prevent sediment and sediment-bound pollutants such as phosphorous from reaching the streams.

C. Title

This Ordinance shall be known as the *City of Mebane Riparian Buffer Protection Regulations*.

D. Jurisdiction

This Ordinance shall be applied to all land in the planning jurisdiction of the City of Mebane that falls within the Jordan Lake watershed. This watershed is reflected within the general statutes identified in Section 1 as well as on the City of Mebane's Stormwater Map.

E. Applicability

This Ordinance applies to all landowners and other persons conducting activities in the area described in Section 4, with the exception of activities conducted under the authority of the State, the United States, multiple jurisdictions, or local units of government, and forest harvesting and agricultural activities. The NC Division of Water Quality shall administer the requirements of Rule 15A NCAC 02B .0267 and .0268 (Jordan Water Supply Nutrient Strategy: Protection of Existing Riparian Buffers and Mitigation of Existing Riparian Buffers, respectively) for these activities.

F. Relation to Other Ordinances

The requirements of this Ordinance shall supersede all locally implemented buffer requirements stated in Rules 15A NCAC 02B .0214 through .0216 as applied to WS-II, WS-III, and WS-IV waters in the Jordan watershed. If the provisions of this ordinance otherwise conflict with the provisions of any other validly enforceable ordinance(s) or laws, the most stringent provisions shall control. This Ordinance is not intended to interfere with, abrogate, or annul any other ordinance, rule, regulation, or other provision of law.

G. Riparian Area Protection within the Jordan Reservoir Watershed

1. Buffers Protected

The following minimum criteria shall be used for identifying regulated buffers:

- (a) This Ordinance shall apply to activities conducted within, or outside of with hydrologic impacts in violation of the diffuse flow requirements set out in Section 7.(E) upon, 50-foot wide riparian buffers directly adjacent to surface waters in the Jordan watershed (intermittent streams, perennial streams, lakes, reservoirs and ponds), excluding wetlands.
- (b) Wetlands adjacent to surface waters or within 50 feet of surface waters shall be considered as part of the riparian buffer but are regulated pursuant to Rules 15A NCAC 2B .0230 and .0231, Rules 15A NCAC 2H .0500, 15A NCAC 2H .1300, and Sections 401 and 404 of the Federal Water Pollution Control Act.
- (c) For the purpose of this Ordinance, a surface water is defined as being present if the feature is approximately shown on any of the following:
 - (i) The most recent version of the soil survey map prepared by the Natural Resources Conservation Service of the United States Department of Agriculture.
 - (ii) The most recent version of the 1:24,000 scale (7.5 minute) quadrangle topographic maps prepared by the United States Geologic Survey (USGS).

- (iii) A map approved by the Geographic Information Coordinating Council and by the NC Environmental Management Commission. Prior to approving a map under this Item, the Commission shall provide a 30-day public notice and opportunity for comment. Alternative maps approved by the Commission shall not be used for buffer delineation on projects that are existing and ongoing within the meaning of Section 7.(C) of this Ordinance.
- (d) Where the specific origination point of a stream regulated under this Item is in question, upon request of the NC Division of Water Quality or another party, the City of Mebane shall make an on-site determination. A City of Mebane representative who has successfully completed the Division's *Surface Water Identification Training Certification* course, its successor, or other equivalent training curriculum approved by the Division, shall establish that point using the latest version of the Division publication, *Identification Methods for the Origins of Intermittent and Perennial Streams*, available at http://h2o.enr.state.nc.us/ncwetlands/documents/NC_Stream_ID_Manual.pdf or from the NC Division of Water Quality - 401 Oversight Express Permitting Unit, or its successor. The City of Mebane may accept the results of a site assessment made by another party who meets these criteria. Any disputes over on-site determinations made according to this Item shall be referred to the Director of the Division of Water Quality c/o the 401 Oversight Express Permitting Unit, or its successor, in writing. The Director's determination is subject to review as provided in Articles 3 and 4 of G.S. 150B.
- (e) Riparian buffers protected by this Ordinance shall be measured pursuant to Section 7.(D) of this Ordinance.
- (f) Parties subject to this Ordinance shall abide by all State rules and laws regarding waters of the state including but not limited to Rules 15A NCAC 2B .0230 and .0231, Rules 15A NCAC 2H .0500, 15A NCAC 2H .1300, and Sections 401 and 404 of the Federal Water Pollution Control Act.

No new clearing, grading, or development shall take place nor shall any new building permits be issued in violation of this Ordinance.

2. Exemption Based on On-site Determination
When a landowner or other affected party including the Division believes that the maps have inaccurately depicted surface waters, he or she shall consult the City of Mebane. Upon request, a City of Mebane representative who has successfully completed the Division of Water Quality's *Surface Water Identification Training Certification* course, its successor, or other equivalent training curriculum approved by the Division, shall make an on-site determination. The City of Mebane may also accept the results of site assessments made by other parties who have successfully completed such training. Any disputes over on-site determinations shall be referred to the Director of the Division of Water

Quality c/o the 401 Oversight Express Permitting Unit, or its successor, in writing. A determination of the Director as to the accuracy or application of the maps is subject to review as provided in Articles 3 and 4 of G.S. 150B. Surface waters that appear on the maps shall not be subject to these buffer requirements if a site evaluation reveals any of the following cases:

- (a) Man-made ponds and lakes that are not part of a natural drainage way that is classified in accordance with 15A NCAC 2B .0100, including ponds and lakes created for animal watering, irrigation, or other agricultural uses. (A pond or lake is part of a natural drainage way when it is fed by an intermittent or perennial stream or when it has a direct discharge point to an intermittent or perennial stream.)
- (b) Ephemeral streams.
- (c) The absence on the ground of a corresponding intermittent or perennial stream, lake, reservoir, or pond.
- (d) Ditches or other man-made water conveyances, other than modified natural streams.

3. Exemption when Existing Uses are Present and Ongoing

This Ordinance shall not apply to uses that are existing and ongoing; however, this Ordinance shall apply at the time an existing, ongoing use is changed to another use. Change of use shall involve the initiation of any activity that does not meet either of the following criteria for existing, ongoing activity:

- (a) It was present within the riparian buffer as of the effective date of this Ordinance and has continued to exist since that time. Existing uses shall include agriculture, buildings, industrial facilities, commercial areas, transportation facilities, maintained lawns, utility lines and on-site sanitary sewage systems, any of which involve either specific, periodic management of vegetation or displacement of vegetation by structures or regular activity. Only the portion of the riparian buffer occupied by the footprint of the existing use is exempt from this Ordinance. Change of ownership through purchase or inheritance is not a change of use. Activities necessary to maintain uses are allowed provided that the site remains similarly vegetated, no impervious surface is added within 50 feet of the surface water where it did not previously exist as of the effective date of this Ordinance, and existing diffuse flow is maintained. Grading and revegetating Zone Two is allowed provided that the health of the vegetation in Zone One is not compromised, the ground is stabilized and existing diffuse flow is maintained.
- (b) Projects or proposed development that are determined by the City of Mebane to meet at least one of the following criteria:

- (i) Project requires a 401 Certification/404 Permit and these were issued prior to the effective date this Ordinance, and prior to the effective date of this Ordinance.
- (ii) 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 the effective date of this Ordinance;
- (iii) Projects that are being 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 have reached agreement with DENR on avoidance and minimization by the effective date of this Ordinance; or
- (iv) 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 and the project has the written approval of the City of Mebane prior to the effective date of this Ordinance.
- (v) Projects that have a vested right per North Carolina General Statutes §160D.

4. Zones of the Riparian Buffer

The protected riparian buffer shall have two zones as follows:

- (a) Zone One shall consist of a vegetated area that is undisturbed except for uses provided for in the Table of Uses, Section 8.(B) of this Ordinance. The location of Zone One shall be as follows:
 - (i) For intermittent and perennial streams, Zone One shall begin at the top of the bank and extend landward a distance of 30 feet on all sides of the surface water, measured horizontally on a line perpendicular to a vertical line marking the top of the bank.
 - (ii) For ponds, lakes and reservoirs located within a natural drainage way, Zone One shall begin at the normal water level and extend landward a distance of 30 feet, measured horizontally on a line perpendicular to a vertical line marking the normal water level.

Zone Two shall consist of a stable, vegetated area that is undisturbed except for uses provided for in the Table of Uses, Section 8.(B) of this Ordinance. Grading and revegetating in Zone Two is allowed provided that the health of the vegetation in Zone One is not compromised. Zone Two shall begin at the outer edge of Zone One and extend landward 20

feet as measured horizontally on a line perpendicular to the surface water. The combined width of Zones One and Two shall be 50 feet on all sides of the surface water.

5. Diffuse Flow Requirements

Diffuse flow of runoff shall be maintained in the riparian buffer by dispersing concentrated flow prior to its entry into the buffer and reestablishing vegetation as follows:

1. Concentrated runoff from new ditches or man-made conveyances shall be converted to diffuse flow at non-erosive velocities before the runoff enters Zone Two of the riparian buffer;
2. Periodic corrective action to restore diffuse flow shall be taken as necessary and shall be designed to impede the formation of erosion gullies; and

As set out in Sections 7.(D) and 8.(B) of this Ordinance, The Zones of the Riparian Buffer and Table of Uses respectively, no new stormwater conveyances are allowed through the buffers except for those specified in the Table of Uses, Section 8.(B) of this Ordinance, addressing stormwater management ponds, drainage ditches, roadside ditches, and stormwater conveyances.

H. Potential Uses and Associated Requirements

1. Approval for New Development

City of Mebane shall issue an approval for new development only if the development application proposes to avoid impacts to riparian buffers defined in Section 7.(A) of this Ordinance, or where the application proposes to impact such buffers, it demonstrates that the applicant has done the following, as applicable:

- (a) Determined the activity is exempt from requirements of this Ordinance;
- (b) Received an Authorization Certificate from the City of Mebane pursuant to Section 9.A of this Ordinance;
- (c) For uses designated as Allowable with Mitigation in the Table of Uses in Section 8.(B), received approval of mitigation plan pursuant to Section 9.(C) of this Ordinance; and
- (d) Received a variance pursuant to Section 9.(B).

2. Table of Uses

The following chart sets out potential new uses within the buffer, or outside the buffer with impacts on the buffer, and categorizes them as exempt, allowable, or allowable with mitigation. All uses not categorized as exempt, allowable, or allowable with mitigation are considered prohibited and may not proceed within the riparian buffer or outside the buffer if the use would impact the buffer, unless a variance is granted pursuant to Section 9.(C) of this Ordinance, Variances. The requirements for each category are given in Section 8.(C) of this Section following the Table of Uses.

Use	Exempt *	Allowable *	Allowable with Mitigation*
<p>Access trails: Pedestrian access trails leading to the surface water, docks, fishing piers, boat ramps and other water dependent activities:</p> <p>Pedestrian access trails that are restricted to the minimum width practicable and do not exceed 4 feet in width of buffer disturbance, and provided that installation and use does not result in removal of trees as defined in this Ordinance and no impervious surface is added to the riparian buffer</p> <p>Pedestrian access trails that exceed 4 feet in width of buffer disturbance, the installation or use results in removal of trees as defined in this Ordinance or impervious surface is added to the riparian buffer</p>	X	X	
<p>Airport facilities:</p> <p>Airport facilities that impact equal to or less than 150 linear feet or one-third of an acre of riparian buffer</p> <p>Airport facilities that impact greater than 150 linear feet or one-third of an acre of riparian buffer</p> <p>Activities necessary to comply with FAA requirements (e.g. radar uses or landing strips)¹</p>		X	X
Archaeological activities	X		
Bridges		X	
Canoe Access provided that installation and use does not result in removal of trees as defined in this Ordinance and no impervious surface is added to the buffer.	X		
<p>Dam maintenance activities:</p> <p>Dam maintenance activities that do not cause additional buffer disturbance beyond the footprint of the existing dam or those covered under the U.S. Army Corps of Engineers Nationwide Permit No. 3</p> <p>Dam maintenance activities that do cause additional buffer disturbance beyond the footprint of the existing dam or those not covered under the U.S. Army Corps of Engineers Nationwide Permit No.3</p>	X	X	

Use	Exempt *	Allowable *	Allowable with Mitigation*
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* To qualify for the designation indicated in the column header, an activity must adhere to the limitations defined for it in a given listing as well as the requirements established in Section 8.(C) of this Ordinance.

<p>Drainage ditches, roadside ditches and stormwater conveyances through riparian buffers:</p> <p>New stormwater flows to existing drainage ditches, roadside ditches, and stormwater conveyances provided flows do not alter or result in the need to alter the conveyance and are managed to minimize the sediment, nutrients and other pollution that convey to waterbodies.</p> <p>Realignment of existing roadside drainage ditches retaining the design dimensions, provided that no additional travel lanes are added and the minimum required roadway typical section is used based on traffic and safety considerations.</p> <p>New or altered drainage ditches, roadside ditches and stormwater outfalls provided that a stormwater management facility is installed to control nutrients and attenuate flow before the conveyance discharges through the riparian buffer</p> <p>New drainage ditches, roadside ditches and stormwater conveyances applicable to linear projects that do not provide a stormwater management facility due to topography constraints provided that other practicable BMPs are employed.</p>	<p>X</p>	<p>X</p> <p>X</p>	<p>X</p>
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* To qualify for the designation indicated in the column header, an activity must adhere to the limitations defined for it in a given listing as well as the requirements established in Section 8.(C) of this Ordinance.

Use	Exempt *	Allowable *	Allowable with Mitigation*
Driveway crossings of streams and other surface waters subject to this Ordinance:			
Driveway crossings on single family residential lots that disturb equal to or less than 25 linear feet or 2,500 square feet of riparian buffer	X		
Driveway crossings on single family residential lots that disturb greater than 25 linear feet or 2,500 square feet of riparian buffer		X	
In a subdivision that cumulatively disturb equal to or less than 150 linear feet or one-third of an acre of riparian buffer		X	
In a subdivision that cumulatively disturb greater than 150 linear feet or one-third of an acre of riparian buffer			X
Driveway impacts other than crossing of a stream or other surface waters subject to this Ordinance			X
Fences:			
Fences provided that disturbance is minimized and installation does not result in removal of trees as defined in this Ordinance	X		
Fences provided that disturbance is minimized and installation results in removal of trees as defined in this Ordinance		X	
Fertilizer application: one-time application to establish vegetation	X		
Grading and revegetation in Zone Two provided that diffuse flow and the health of existing vegetation in Zone One is not compromised and disturbed areas are stabilized until they are revegetated.	X		

* To qualify for the designation indicated in the column header, an activity must adhere to the limitations defined for it in a given listing as well as the requirements established in Section 8.(C) of this Ordinance.

Use	Exempt *	Allowable *	Allowable with Mitigation*
Greenway / hiking trails designed, constructed and maintained to maximize nutrient removal and erosion protection, minimize adverse effects on aquatic life and habitat, and protect water quality to the maximum extent practical.		X	
Historic preservation	X		
Maintenance access on modified natural streams: a grassed travel way on one side of the water body when less impacting alternatives are not practical. The width and specifications of the travel way shall be only that needed for equipment access and operation. The travel way shall be located to maximize stream shading.		X	
Mining activities: Mining activities that are covered by the Mining Act provided that new riparian buffers that meet the requirements of Sections 7.(D) and 7.(E) of this Ordinance are established adjacent to the relocated channels Mining activities that are not covered by the Mining Act OR where new riparian buffers that meet the requirements of Sections 7.(D) and 7.(E) of this Ordinance are not established adjacent to the relocated channels Wastewater or mining dewatering wells with approved NPDES permit	X	X	X
Playground equipment: Playground equipment on single family lots provided that installation and use does not result in removal of vegetation Playground equipment installed on lands other than single-family lots or that requires removal of vegetation	X	X	

* To qualify for the designation indicated in the column header, an activity must adhere to the limitations defined for it in a given listing as well as the requirements established in Section 8.(C) of this Ordinance.

Use	Exempt *	Allowable *	Allowable with Mitigation*
Ponds created by impounding streams and not used as stormwater BMPs: New ponds provided that a riparian buffer that meets the requirements of Sections 7.(D) and 7.(E) of this Ordinance is established adjacent to the pond New ponds where a riparian buffer that meets the requirements of Sections 7.(D) and 7.(E) of this Ordinance is NOT established adjacent to the pond		X	X
Protection of existing structures, facilities and stream banks when this requires additional disturbance of the riparian buffer or the stream channel		X	
Railroad impacts other than crossings of streams and other surface waters subject to this Ordinance.			X
Railroad crossings of streams and other surface waters subject to this Ordinance: Railroad crossings that impact equal to or less than 40 linear feet of riparian buffer Railroad crossings that impact greater than 40 linear feet but equal to or less than 150 linear feet or one-third of an acre of riparian buffer Railroad crossings that impact greater than 150 linear feet or one-third of an acre of riparian buffer	X	X	X

* To qualify for the designation indicated in the column header, an activity must adhere to the limitations defined for it in a given listing as well as the requirements established in Section 8.(C) of this Ordinance.

Use	Exempt *	Allowable *	Allowable with Mitigation*
<p>Recreational and accessory structures in Zone Two:</p> <p>Sheds and gazebos in Zone Two, provided they are not prohibited under local water supply ordinance:</p> <ul style="list-style-type: none"> o Total footprint less than or equal to 150 square feet per lot. o Total footprint greater than 150 square feet per lot. <p>Wooden slatted decks and associated steps, provided the use meets the requirements of Sections 7.(D) and 7.(E) of this Ordinance:</p> <ul style="list-style-type: none"> o Deck at least eight feet in height and no vegetation removed from Zone One. o Deck less than eight feet in height or vegetation removed from Zone One. 		X	X
Removal of previous fill or debris provided that diffuse flow is maintained and vegetation is restored	X		
Road impacts other than crossings of streams and other surface waters subject to this Ordinance			X
<p>Road crossings of streams and other surface waters subject to this Ordinance:</p> <p>Road crossings that impact equal to or less than 40 linear feet of riparian buffer</p> <p>Road crossings that impact greater than 40 linear feet but equal to or less than 150 linear feet or one-third of an acre of riparian buffer</p> <p>Road crossings that impact greater than 150 linear feet or one-third of an acre of riparian buffer</p>	X	X	X
<p>Road relocation: Relocation of existing private access roads associated with public road projects where necessary for public safety:</p> <p>Less than or equal to 2,500 square feet of buffer impact</p> <p>Greater than 2,500 square feet of buffer impact</p>		X	X

Use	Exempt *	Allowable *	Allowable with Mitigation*
<p>* To qualify for the designation indicated in the column header, an activity must adhere to the limitations defined for it in a given listing as well as the requirements established in Section 8.(C) of this Ordinance.</p>			
Stormwater BMPs:			
Wet detention, bioretention, and constructed wetlands in Zone Two if diffuse flow of discharge is provided into Zone One		X	
Wet detention, bioretention, and constructed wetlands in Zone One			X
Scientific studies and stream gauging	X		
Streambank or shoreline stabilization		X	
Temporary roads, provided that the disturbed area is restored to pre-construction topographic and hydrologic conditions immediately after construction is complete and replanted immediately with comparable vegetation, except that tree planting may occur during the dormant season. A one-time application of fertilizer may be used to establish vegetation: At the end of five years the restored buffer shall comply with the restoration criteria in Section 9.(C)(7) of this Ordinance:			
Less than or equal to 2,500 square feet of buffer disturbance	X		
Greater than 2,500 square feet of buffer disturbance		X	
Associated with culvert installation or bridge construction or replacement.		X	

* To qualify for the designation indicated in the column header, an activity must adhere to the limitations defined for it in a given listing as well as the requirements established in Section 8.(C) of this Ordinance.

Use	Exempt *	Allowable *	Allowable with Mitigation*
<p>Temporary sediment and erosion control devices, provided that the disturbed area is restored to pre-construction topographic and hydrologic conditions immediately after construction is complete and replanted immediately with comparable vegetation, except that tree planting may occur during the dormant season. A one-time application of fertilizer may be used to establish vegetation. At the end of five years the restored buffer shall comply with the restoration criteria in Section 9.(C)(7) of this Ordinance:</p> <p>In Zone Two provided ground cover is established within timeframes required by the Sedimentation and Erosion Control Act, vegetation in Zone One is not compromised, and runoff is released as diffuse flow in accordance with Section 7.(E) of this Ordinance.</p> <p>In Zones one and two to control impacts associated with uses approved by the City of Mebane or that have received a variance, provided that sediment and erosion control for upland areas is addressed, to the maximum extent practical, outside the buffer.</p> <p>In-stream temporary erosion and sediment control measures for work within a stream channel that is authorized under Sections 401 and 404 of the Federal Water Pollution Control Act.</p> <p>In-stream temporary erosion and sediment control measures for work within a stream channel.</p>	<p>X</p> <p>X</p>	<p>X</p> <p>X</p>	
<p>Utility, electric, aerial, perpendicular crossings of streams and other surface waters subject to this Ordinance^{2,3,5}:</p> <p>Disturb equal to or less than 150 linear feet of riparian buffer</p> <p>Disturb greater than 150 linear feet of riparian buffer</p>	<p>X</p>	<p>X</p>	

* To qualify for the designation indicated in the column header, an activity must adhere to the limitations defined for it in a given listing as well as the requirements established in Section 8.(C) of this Ordinance.

Use	Exempt *	Allowable *	Allowable with Mitigation*
Utility, electric, aerial, other than perpendicular crossings ⁵ : Impacts in Zone Two Impacts in Zone One ^{2,3}		X	X
Utility, electric, underground, perpendicular crossings ^{3,4,5} : Disturb less than or equal to 40 linear feet of riparian buffer Disturb greater than 40 linear feet of riparian buffer	X	X	
Utility, electric, underground, other than perpendicular crossings ⁴ : Impacts in Zone Two Impacts in Zone One	X X		
Utility, non-electric, perpendicular crossings of streams and other surface waters subject to this Ordinance ^{3,5} : Disturb equal to or less than 40 linear feet of riparian buffer with a maintenance corridor equal to or less than 10 feet in width Disturb equal to or less than 40 linear feet of riparian buffer with a maintenance corridor greater than 10 feet in width Disturb greater than 40 linear feet but equal to or less than 150 linear feet of riparian buffer with a maintenance corridor equal to or less than 10 feet in width Disturb greater than 40 linear feet but equal to or less than 150 linear feet of riparian buffer with a maintenance corridor greater than 10 feet in width Disturb greater than 150 linear feet of riparian buffer	X	X X X	X X

* To qualify for the designation indicated in the column header, an activity must adhere to the limitations defined for it in a given listing as well as the requirements established in Section 8.(C) of this Ordinance.

Use	Exempt *	Allowable *	Allowable with Mitigation*
Utility, non-electric, other than perpendicular crossings ^{3,5} Impacts in Zone Two Impacts in Zone One ¹	X		X
Vegetation management: Emergency fire control measures provided that topography is restored Mowing or harvesting of plant products in Zone Two Planting vegetation to enhance the riparian buffer Pruning forest vegetation provided that the health and function of the forest vegetation is not compromised Removal of individual trees that are in danger of causing damage to dwellings, other structures or human life, or are imminently endangering stability of the streambank. Removal of individual trees which are dead, diseased or damaged. Removal of poison ivy Removal of invasive exotic vegetation as defined in: <i>Smith, Cherri L. 1998. Exotic Plant Guidelines. Dept. of Environment and Natural Resources. Division of Parks and Recreation. Raleigh, NC. Guideline #30</i>	X X X X X X X X		
Vehicular access roads leading to water-dependent structures as defined in 15A NCAC 02B .0202, provided they do not cross the surface water and have minimum practicable width not exceeding ten feet.		X	
Water dependent structures as defined in 15A NCAC 02B .0202 where installation and use result in disturbance to riparian buffers.		X	

* To qualify for the designation indicated in the column header, an activity must adhere to the limitations defined for it in a given listing as well as the requirements established in Section 8.(C) of this Ordinance.

Use	Exempt *	Allowable *	Allowable with Mitigation*
Water supply reservoirs: New reservoirs where a riparian buffer that meets the requirements of Sections 7.(D) and 7.(E) of this Ordinance is established adjacent to the reservoir New reservoirs where a riparian buffer that meets the requirements of Sections 7.(D) and 7.(E) of this Ordinance is not established adjacent to the reservoir		X	X
Water wells Single family residential water wells All other water wells	X	X	
Wetland, stream and buffer restoration that results in impacts to the riparian buffers: Wetland, stream and buffer restoration that requires NC Division of Water Quality approval for the use of a 401 Water Quality Certification Wetland, stream and buffer restoration that does not require Division of Water Quality approval for the use of a 401 Water Quality Certification	X	X	
Wildlife passage structures		X	
Piping of a stream under a permit issued by the US Army Corps of Engineers		X	

* To qualify for the designation indicated in the column header, an activity must adhere to the limitations defined for it in a given listing as well as the requirements established in Section 8.(C) of this Ordinance.

¹Provided that:

- No heavy equipment is used in Zone One.
- Vegetation in undisturbed portions of the buffer is not compromised.
- Felled trees are removed by chain.
- No permanent felling of trees occurs in protected buffers or streams.
- Stumps are removed only by grinding.
- At the completion of the project the disturbed area is stabilized with native vegetation.
- Zones one and two meet the requirements of Sections 7.(D) and 7.(E)

²Provided that, in Zone One, all of the following BMPs for overhead utility lines are used. If all of these BMPs are not used, then the overhead utility lines shall require a no practical alternative evaluation by the City of Mebane, as defined in Section 9.(A).

- A minimum zone of 10 feet wide immediately adjacent to the water body shall be managed such that only vegetation that poses a hazard or has the potential to grow tall enough to interfere with the line is removed.
- Woody vegetation shall be cleared by hand. No land grubbing or grading is allowed.
- Vegetative root systems shall be left intact to maintain the integrity of the soil. Stumps shall remain where trees are cut.
- Riprap shall not be used unless it is necessary to stabilize a tower.
- No fertilizer shall be used other than a one-time application to re-establish vegetation.
- Construction activities shall minimize the removal of woody vegetation, the extent of the disturbed area, and the time in which areas remain in a disturbed state.
- Active measures shall be taken after construction and during routine maintenance to ensure diffuse flow of stormwater through the buffer.
- In wetlands, mats shall be utilized to minimize soil disturbance.

³Provided that poles or aerial infrastructure shall not be installed within 10 feet of a water body unless the City of Mebane completes a no practical alternative evaluation as defined in Section 9.(A).

⁴Provided that, in Zone One, all of the following BMPs for underground utility lines are used. If all of these BMPs are not used, then the underground utility line shall require a no practical alternative evaluation by the City of Mebane, as defined in Section 9.(A).

Woody vegetation shall be cleared by hand. No land grubbing or grading is allowed.

Vegetative root systems shall be left intact to maintain the integrity of the soil.

Stumps shall remain, except in the trench where trees are cut.

Underground cables shall be installed by vibratory plow or trenching.

The trench shall be backfilled with the excavated soil material immediately following cable installation.

No fertilizer shall be used other than a one-time application to re-establish vegetation.

Construction activities shall minimize the removal of woody vegetation, the extent of the disturbed area, and the time in which areas remain in a disturbed state.

Measures shall be taken upon completion of construction and during routine maintenance to ensure diffuse flow of stormwater through the buffer.

In wetlands, mats shall be utilized to minimize soil disturbance.

⁵Perpendicular crossings are those that intersect the surface water at an angle between 75 degrees and 105 degrees.

3. Uses designated in Section 8.(B) of this Section as exempt, allowable, and allowable with mitigation within a riparian buffer shall have the following requirements:
 - (a) Exempt.
Uses designated as exempt are permissible without authorization by the City of Mebane provided that they adhere to the limitations of the activity as defined in Section 8.(B) of this Section, the Table of Uses. In addition, exempt uses shall be designed, constructed and maintained to minimize soil disturbance and to provide the maximum water quality protection practicable, including construction, monitoring, and maintenance activities.
 - (b) Allowable.
Uses designated as allowable may proceed provided that there are no practical alternatives to the requested use pursuant to Section 9.(A) of this Section. This includes construction, monitoring, and maintenance activities. These uses require written authorization from the City of Mebane.
 - (c) Allowable with Mitigation.
Uses designated as allowable with mitigation may proceed provided that there are no practical alternatives to the requested use pursuant to Section 9.(A) of this Section and an appropriate mitigation strategy has been approved pursuant to Section 9.(C). These uses require written authorization from the City of Mebane

I. Permits Procedures, Requirements, and Approvals

1. Determination of No Practical Alternatives / Request for Authorization Certificate
 - (a) Persons who wish to undertake uses designated as allowable or allowable with mitigation shall submit a request for a “no practical alternatives” determination to the City of Mebane. The applicant shall certify that the project meets all the following criteria for finding “no practical alternatives”:
 - (i) The basic project purpose cannot be practically accomplished in a manner that would better minimize disturbance, preserve aquatic life and habitat, and protect water quality;
 - (ii) The use cannot practically be reduced in size or density, reconfigured or redesigned to better minimize disturbance, preserve aquatic life and habitat, and protect water quality; and
 - (iii) Best management practices shall be used if necessary to minimize disturbance, preserve aquatic life and habitat, and protect water quality.

- (b) The applicant shall also submit at least the following information in support of their assertion of "no practical alternatives":
 - (i) The name, address and phone number of the applicant;
 - (ii) The nature of the activity to be conducted by the applicant;
 - (iii) The location of the activity, including the jurisdiction;
 - (iv) A map of sufficient detail to accurately delineate the boundaries of the land to be utilized in carrying out the activity, the location and dimensions of any disturbance in riparian buffers associated with the activity, and the extent of riparian buffers on the land;
 - (v) An explanation of why this plan for the activity cannot be practically accomplished, reduced or reconfigured to better minimize disturbance to the riparian buffer, preserve aquatic life and habitat and protect water quality; and
 - (vi) Plans for any best management practices proposed to be used to control the impacts associated with the activity.

- (c) Within 60 days of a submission that addresses Section 9.(A)(2) , the City of Mebane shall review the entire project and make a finding of fact as to whether the criteria in Section 9.(A)(1) of this Section have been met. A finding of "no practical alternatives" shall result in issuance of an Authorization Certificate. Failure to act within 60 days shall be construed as a finding of "no practical alternatives" and an Authorization Certificate shall be issued to the applicant unless one of the following occurs:
 - (i) The applicant agrees, in writing, to a longer period;
 - (ii) The City of Mebane determines that the applicant has failed to furnish requested information necessary to the City of Mebane decision;
 - (iii) The final decision is to be made pursuant to a public hearing; or
 - (iv) The applicant refuses access to its records or premises for the purpose of gathering information necessary to the City of Mebane's decision.

- (d) The City of Mebane may attach conditions to the Authorization Certificate that support the purpose, spirit and intent of this Ordinance.

- (e) Any appeals of determinations regarding Authorization Certificates shall be referred to the Director of the Division of Water Quality, c/o the 401 Oversight Express Permitting Unit, or its successor. The Director's decision is subject to review as provided in G.S. 150B Articles 3 and 4. .

2. Variances

- (a) Requirements for Variances.
Persons who wish to undertake prohibited uses may pursue a variance. The City of Mebane may grant minor variances. For major variances, the City of Mebane shall prepare preliminary findings and submit them to the Division of Water Quality, 4 01 Oversight Express Permitting Unit, or its successor for approval by the Environmental Management Commission. The variance request procedure shall be as follows:

- (i) For any variance request, the City of Mebane shall make a finding of fact as to whether there are practical difficulties or unnecessary hardships that prevent compliance with the riparian buffer protection requirements. A finding of practical difficulties or unnecessary hardships shall require that the following conditions are met:
 - a. 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. Moreover, the City of Mebane shall consider whether the variance is the minimum possible deviation from the terms of this Ordinance that shall make reasonable use of the property possible;
 - b. The hardship results from application of this Ordinance to the property rather than from other factors such as deed restrictions or other hardship;
 - c. 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;
 - d. The applicant did not cause the hardship by knowingly or unknowingly violating this Ordinance;
 - e. The applicant did not purchase the property after the effective date of this Ordinance, and then request a variance; and
 - f. The hardship is rare or unique to the applicant's property.
 - (ii) 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; and
 - (iii) In granting the variance, the public safety and welfare have been assured, water quality has been protected, and substantial justice has been done.
- (b) **Minor Variances**
 A minor variance request pertains to activities that will impact only Zone Two of the riparian buffer. Minor variance requests shall be reviewed and approved based on the criteria in Section 9.(A)(1) through Section 9.(A)(3) by the City of Mebane pursuant to G.S. 153A-Article 18, or G.S. 160D—705(d). The City of Mebane may attach conditions to the variance approval that support the purpose, spirit and intent of the riparian buffer protection program. Request for appeals to decisions made by the City of Mebane shall be made in writing to the Director of the Division of Water Quality c/o the 401 Oversight Express

Permitting Unit, or its successor. The Director's decision is subject to review as provided in G.S. 150B Articles 3 and 4.

(c) Major Variances

A major variance request pertains to activities that will impact any portion of Zone One or any portion of both Zones One and Two of the riparian buffer. If the City of Mebane has determined that a major variance request meets the requirements in Section 9.(B)(1) through 8.(C)(3), then it shall prepare a preliminary finding and submit it to the NC Environmental Management Commission c/o the Division of Water Quality, 401 Oversight Express Permitting Unit, or its successor, for approval. Within 90 days after receipt by the City of Mebane, the Commission shall review preliminary findings on major variance requests and take one of the following actions: approve, approve with conditions and stipulations, or deny the request. Appeals from a Commission decision on a major variance request are made on judicial review to Superior Court.

3. Mitigation

(a) This item shall apply to persons who wish to impact a riparian buffer in the Jordan watershed when one of the following applies:

- (i) A person has received an Authorization Certificate pursuant to Section 9.(A) of this Ordinance for a proposed use that is designated as "allowable with mitigation;" or
- (ii) A person has received a variance pursuant to Section 9.(B) of this Ordinance and is required to perform mitigation as a condition of a variance approval.

(b) Issuance of the Mitigation Approval

The City of Mebane shall issue a mitigation approval upon determining that a proposal meets the requirements set out in this Ordinance. The approval shall identify at a minimum the option chosen, the required and proposed areas, and either the mitigation location or the offset payment amount as applicable.

(c) Options for Meeting the Mitigation Requirement

The mitigation requirement may be met through one of the following options:

- (i) Payment of a compensatory mitigation fee to the Riparian Buffer Restoration Fund pursuant to 15A NCAC 02B .0269 (Jordan Water Supply Nutrient Strategy: Riparian Buffer Mitigation Fees to the NC Ecosystem Enhancement Program) contingent upon acceptance of payments by the NC Ecosystem Enhancement Program, or to a private mitigation bank that complies with banking requirements of the US Army Corps of Engineers, currently set out at <http://www.saw.usace.army.mil/WETLANDS/Mitigation/mitbanks.html> or from the US Army Corps of Engineers, P.O. Box 1890, Wilmington, NC, 28402-1890, and the applicable trading criteria in Rule 15A NCAC 02B .0273;
- (ii) Donation of real property or of an interest in real property pursuant to Section 9.(C)(6) of this Ordinance; or
- (iii) Restoration or enhancement of a non-forested riparian buffer pursuant to the requirements of Section 9.(C)(7) of this Ordinance.

(d) The Area of Mitigation

The City of Mebane shall determine the required area of mitigation, which shall apply to all mitigation options identified in Section 9.(C)(3) of this Ordinance and as further specified in the requirements for each option set out in this Section, according to the following:

- (i) The impacts in square feet to each zone of the riparian buffer shall be determined by the City of Mebane by adding the following:
 - a. The area of the footprint of the use causing the impact to the riparian buffer;
 - b. The area of the boundary of any clearing and grading activities within the riparian buffer necessary to accommodate the use; and
 - c. The area of any ongoing maintenance corridors within the riparian buffer associated with the use.
- (ii) The required area of mitigation shall be determined by applying the following multipliers to the impacts determined in Section 9.(4)(a) of this Ordinance to each zone of the riparian buffer:
 - a. Impacts to Zone One of the riparian buffer shall be multiplied by three;
 - b. Impacts to Zone Two of the riparian buffer shall be multiplied by one and one-half; and
 - c. Impacts to wetlands within Zones One and Two of the riparian buffer that are subject to mitigation under 15A NCAC 2H .0506 shall comply with the mitigation ratios in 15A NCAC 2H .0506.

(e) The Location of Mitigation

For any option chosen, the mitigation effort shall be located within the same subwatershed of the Jordan watershed, as defined in 15A NCAC 02B.0262, and the same distance from the Jordan Reservoir as the proposed impact, or closer to the Reservoir than the impact, and as close to the location of the impact as feasible. Alternatively, the applicant may propose mitigation anywhere within the same subwatershed of the Jordan watershed, as defined in 15A NCAC 02B.0262, provided that the mitigation proposal accounts for differences in delivery of nutrients to the affected arm of Jordan Reservoir resulting from differences between the locations of the buffer impact and mitigation. Additional location requirements for the property donation option are enumerated in Section 9.(C)(6)(c)(i) of this Ordinance.

(f) Donation of Property

Persons who choose to satisfy their mitigation determination by donating real property or an interest in real property shall meet the following requirements:

- (i) The donation of real property interests may be used to either partially or fully satisfy the payment of a compensatory mitigation fee to the Riparian Buffer Restoration Fund pursuant to 15A NCAC 02B .0269. The value of the property interest shall be determined by an appraisal performed in accordance with Section 9.(C)(6)(d)(iv) of this Ordinance. The donation shall satisfy the mitigation determination if the appraised value of the donated property interest is equal to or greater than the required fee. If the appraised value of the donated property interest is less than the required fee calculated pursuant to 15A NCAC 02B .0269, the applicant shall pay the remaining balance due.

- (ii) The donation of conservation easements to satisfy compensatory mitigation requirements shall be accepted only if the conservation easement is granted in perpetuity.
- (iii) Donation of real property interests to satisfy the mitigation determination shall be accepted only if such property meets all of the following requirements:
 - a. In addition to the location requirements of Section 9.(C)(5) of this Ordinance, the property shall be located within an area that is identified as a priority for restoration in, or is otherwise consistent with the goals of, the *Basinwide Wetlands and Riparian Restoration Plan for the Cape Fear River Basin* developed by NC Division of Water Quality pursuant to G.S. 143-214.10;
 - b. The property shall contain riparian buffers not currently protected by the State's riparian buffer protection program that are in need of restoration as defined in Section 9.(7)(d) of this Ordinance;
 - c. The restorable riparian buffer on the property shall have a minimum length of 1000 linear feet along a surface water and a minimum width of 50 feet as measured horizontally on a line perpendicular to the surface water;
 - d. The size of the restorable riparian buffer on the property to be donated shall equal or exceed the area of mitigation responsibility determined pursuant to Section 9.(C)(4) of this Ordinance;
 - e. Restoration shall not require removal of man-made structures or infrastructure;
 - f. The property shall be suitable to be successfully restored, based on existing hydrology, soils, and vegetation;
 - g. The estimated cost of restoring and maintaining the property shall not exceed the value of the property minus site identification and transaction costs;
 - h. The property shall not contain any building, structure, object, site, or district that is listed in the National Register of Historic Places established pursuant to Public Law 89-665, 16 U.S.C. 470 as amended;
 - i. The property shall not contain any hazardous substance or solid waste;
 - j. The property shall not contain structures or materials that present health or safety problems to the general public. If wells, septic, water or sewer connections exist, they shall be filled, remediated or

closed at owner's expense in accordance with state and local health and safety regulations;

- k. The property and adjacent properties shall not have prior, current, and known future land use that would inhibit the function of the restoration effort; and
 - l. The property shall not have any encumbrances or conditions on the transfer of the property interests.
- (iv) At the expense of the applicant or donor, the following information shall be submitted to the City of Mebane with any proposal for donations or dedications of interest in real property:
- a. Documentation that the property meets the requirements laid out in Section 9.(C)(6)(c) of this Ordinance;
 - b. US Geological Survey 1:24,000 (7.5 minute) scale topographic map, county tax map, USDA Natural Resource Conservation Service County Soil Survey Map, and county road map showing the location of the property to be donated along with information on existing site conditions, vegetation types, presence of existing structures and easements;
 - c. A current property survey performed in accordance with the procedures of the North Carolina Department of Administration, State Property Office as identified by the State Board of Registration for Professional Engineers and Land Surveyors in "Standards of Practice for Land Surveying in North Carolina." Copies may be obtained from the North Carolina State Board of Registration for Professional Engineers and Land Surveyors, 3620 Six Forks Road, Suite 300, Raleigh, North Carolina 27609;
 - d. A current appraisal of the value of the property performed in accordance with the procedures of the North Carolina Department of Administration, State Property Office as identified by the Appraisal Board in the "Uniform Standards of Professional North Carolina Appraisal Practice." Copies may be obtained from the Appraisal Foundation, Publications Department, P.O. Box 96734, Washington, D.C. 20090-6734; and
 - e. A title certificate.

J. Riparian Buffer Restoration or Enhancement

Persons who choose to meet their mitigation requirement through riparian buffer restoration or enhancement shall meet the following requirements:

- 1. The applicant may restore or enhance a non-forested riparian buffer if either of the following applies:
 - (a) The area of riparian buffer restoration is equal to the required area of mitigation determined pursuant to Section 9.(C)(4) of this Ordinance; or

- (b) The area of riparian buffer enhancement is three times larger than the required area of mitigation determined pursuant to Section 9.(C)(4) of this Ordinance;
2. The location of the riparian buffer restoration or enhancement shall comply with the requirements in Section 9.(C)(5) of this Ordinance;
3. The riparian buffer restoration or enhancement site shall have a minimum width of 50 feet as measured horizontally on a line perpendicular to the surface water;
4. Enhancement and restoration shall both have the objective of establishing a forested riparian buffer according to the requirements of this Item. Enhancement shall be distinguished from restoration based on existing buffer conditions. Where existing trees are sparse, that is greater than or equal to 100 trees per acre but less than 200 trees per acre, a buffer may be enhanced. Where existing woody vegetation is absent, that is less than 100 trees per acre, a buffer may be restored;
5. The applicant shall first receive an Authorization Certificate for the proposed use according to the requirements of Section 9.(A) of this Ordinance. After receiving this determination, the applicant shall submit a restoration or enhancement plan for approval by the City of Mebane. The restoration or enhancement plan shall contain the following:
 - (a) A map of the proposed restoration or enhancement site;
 - (b) A vegetation plan. The vegetation plan shall include a minimum of at least two native hardwood tree species planted at a density sufficient to provide 320 trees per acre at maturity;
 - (c) A grading plan. The site shall be graded in a manner to ensure diffuse flow through the riparian buffer;
 - (d) A fertilization plan; and
 - (e) A schedule for implementation;
6. Within one year after the City of Mebane has approved the restoration or enhancement plan, the applicant shall present proof to the City of Mebane that the riparian buffer has been restored or enhanced. If proof is not presented within this timeframe, then the person shall be in violation of both the State's and the City of Mebane riparian buffer protection program;
7. The mitigation area shall be placed under a perpetual conservation easement that will provide for protection of the property's nutrient removal functions; and
8. The applicant shall submit annual reports for a period of five years after the restoration or enhancement showing that the trees planted have survived

and that diffuse flow through the riparian buffer has been maintained. The applicant shall replace trees that do not survive and restore diffuse flow if needed during that five-year period.

K. Compliance and Enforcement

1. Site Inspections

- (a) Agents, officials, or other qualified persons authorized by the City of Mebane may periodically inspect riparian buffers to ensure compliance with this ordinance.
- (b) Notice of the right to inspect shall be included in the letter of approval of each variance and buffer authorization.
- (c) Authority to Enter Property and Conduct Investigations and Inspections
Authorized agents, officials or other qualified persons shall have the authority, upon presentation of proper credentials, to enter and inspect at reasonable times any property, public or private, for the purpose of investigating and inspecting the site of any riparian buffer. No person shall willfully resist, delay, or obstruct an authorized representative, employee, or agent of the City of Mebane, while that person is inspecting or attempting to inspect a riparian buffer nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out their official duties. The City of Mebane shall have the power to conduct such investigations as deemed reasonably necessary to carry out the duties as prescribed in this Ordinance.
- (d) Notice of Violation
 - (i) If it is determined that a person has failed to comply with the requirements of this Ordinance, or rules, or orders adopted or issued pursuant to this Ordinance, a notice of violation shall be served upon that person. The notice may be served by any means authorized under G.S. 1A-1, rule 4. In the event service cannot be accomplished by registered or certified mail, it may be accomplished in any manner provided in rule (4)j of the North Carolina Rules of Civil Procedure.
 - (ii) The notice shall specify the violation and inform the person of the actions that need to be taken to comply with this Ordinance, or rules or orders adopted pursuant to this Ordinance. The notice shall direct the person to correct the violation within a specified reasonable time. The notice shall inform the person that any person who violates or fails to act in accordance with any of the provisions of this Ordinance or rules or orders adopted or issued pursuant to this Ordinance is subject to the civil and criminal penalties and other enforcement actions as provided in this Ordinance.
- (e) Power to Require Statements
The City of Mebane shall also have the power to require written statements, or the filing of reports under oath, with respect to pertinent questions relating to land-disturbing activities.

2. Civil Penalties

(a) Assessment of Penalties

Any person who violates or fails to act in accordance with any of the provisions of this Ordinance or rules or orders adopted or issued pursuant to this Ordinance shall be subject to a civil penalty. A civil penalty for a violation may be assessed in an amount not to exceed ten thousand dollars (\$10,000) per day. If any violation for which a penalty may be assessed is continuous, a civil penalty may be assessed for each day of the violation in an amount not to exceed twenty-five thousand dollars (\$25,000) per day for as long as the violation occurs. Each day of a continuing violation shall constitute a separate violation under Section 10.(B)(1).

(b) Notice of Civil Penalty Assessment

The governing body of the City of Mebane shall provide written notice of the civil penalty amount and the basis for the assessment to the person assessed. The notice of civil penalty assessment shall be served by any means authorized under G.S. 1A-1, Rule 4, and shall direct the violator to either pay the assessment or contest the assessment, within thirty (30) days after receipt of the notice of assessment by written demand for a hearing.

(c) Hearing

A hearing on the civil penalty shall be conducted by the City of Mebane City Council within 30 days after the date the written demand for the hearing is received by the City of Mebane City Council. The board conducting the hearing shall make its recommendation to the governing body of the City of Mebane within 30 days after the date of the hearing.

(d) Final Decision.

The governing body shall issue a final decision on the civil penalty within 30 days of the recommended decision. A copy of the final decision shall be served on the violator by any means authorized under G.S. 1A-1, Rule 4.

(e) Appeal of Final Decision.

Appeal from the final decision of the governing body shall be to the Superior Court of the county in which the violation occurred. Any appeal must be filed with thirty days of receipt of the final decision. A copy of the appeal must be served on the (City manager/County board/other appropriate person) by any means authorized under G.S. 1A-1, Rule 4.

(f) Demand for Payment of Penalty

An assessment that is not contested is due when the violator is served with a notice of assessment. The civil penalty must be paid within 30 days of the assessment, if not appealed, or within 30 days after the conclusion of the administrative or judicial review of the assessment. If payment is not received within 30 days after demand for payment is made, the City of Mebane may institute a civil action to recover the amount of the assessment. The civil action may be brought in the Superior Court where the violation occurred, or the violator's residence or principal place of business is located. Such civil actions must be filed within three (3) years of the date the assessment was due.

(g) Use of Penalties

[Civil penalties collected pursuant to this Ordinance shall be credited to the general fund of the City of Mebane as nontax revenue.]

3. Criminal Penalties

- (a) A violation of the provisions of this Ordinance or a rule or order adopted pursuant to this ordinance shall be punished as provided for in the North Carolina General Statutes for the violation of local ordinances. See. E.g., Section 14-4 of the North Carolina General Statutes. Violation may also be punishable under the provisions of Section 143-215.6B of the North Carolina General Statutes.

4. Injunctive Relief

(a) Civil Action in Superior Court

Whenever the governing body of the City of Mebane has reasonable cause to believe that any person is violating or threatening to violate this Ordinance or any rule or order adopted or issued pursuant to this Ordinance, it may, either before or after the institution of any other action or proceeding authorized by this Ordinance, institute a civil action in the name of the City of Mebane for injunctive relief to restrain the violation or threatened violation. The action shall be brought in the Superior Court of Alamance County.

(b) Order to Cease Violation

Upon determination by a court that an alleged violation is occurring or is threatened, the court shall enter any order or judgment that is necessary to abate the violation, to ensure that restoration is performed, or to prevent the threatened violation. The institution of an action for injunctive relief under this section shall not relieve any party to the proceedings from any civil or criminal penalty prescribed for violations of this Ordinance.

5. Compliance with Requirements

Any person engaged in new activities as defined by this Ordinance who fails to meet the requirements of this Ordinance shall be deemed in violation of this Ordinance.

L. Severability

If any one or more sections or portions thereof of this Ordinance are held to be invalid or unenforceable, all other sections and portions thereof shall nevertheless continue in full force and effect.

M. Effective Date

This Ordinance will become effective upon approval by the NC Environmental Management Commission and adoption by the City of Mebane City Council.

N. Revisions to this Ordinance

The City of Mebane shall review any revisions to the Model Local Riparian Buffer Protection Ordinance made by the Environmental Management Commission and, within 60 days of receipt of the recommended revisions, submit draft amendments to the Commission for its consideration and

comments. Within 90 days after receipt of the Commissions' comments, the City of Mebane will incorporate amendments into this ordinance.

5.7 Flood Hazard Overlay District Requirements

5-7.1 Statutory Authorization, Purpose, Objectives, Legal Status Provisions

- A. The Flood Hazard Overlay District (FHO), as established in Section 3-1, D, 2, (d), is designed for the purpose of protecting people and property from the hazards of flooding in accordance with the authority provided in Part 6, Article 21 of Chapter 143; Article 8 of Chapter 160A; and Chapter 160D of the North Carolina General Statutes.
- B. Flood prone areas within the jurisdiction of the City of Mebane are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare. These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities and by the occupancy in flood prone areas of uses vulnerable to floods or other hazards.
- C. It is the purpose of Section 5-7 to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions within flood prone areas by provisions designed to:
 - 1. Restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights or velocities;
 - 2. Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
 - 3. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
 - 4. Control filling, grading, dredging, and all other development that may increase erosion or flood damage; and
 - 5. Prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or which may increase flood hazards to other lands.
- D. The objectives of Section 5-7 are:
 - 1. To protect human life and health;
 - 2. To minimize expenditure of public money for costly flood control projects;
 - 3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

4. To minimize prolonged business losses and interruptions;
5. To minimize damage to public facilities and utilities (i.e. water and gas mains, electric, telephone, cable and sewer lines, streets, and bridges) that are located in flood prone areas;
6. To minimize damage to private and public property due to flooding;
7. To make flood insurance available to the community through the National Flood Insurance Program;
8. To maintain the natural and beneficial function of the floodplains;
9. To help maintain a stable tax base by providing for the sound use and development of flood prone areas; and
10. To ensure that potential buyers are aware that property is in a Special Flood Hazard Area.

E. Legal Status Provisions associated with Section 5-7 are:

1. This Section in part comes forward by re-enactment of some of the provisions of the Flood Damage Prevention Ordinance enacted March 7, 1994 as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this Section shall not affect any action, suit or proceeding instituted or pending. All provisions of the Flood Damage Prevention Ordinance of the City of Mebane enacted on March 7, 1994, as amended, which are not reenacted herein are repealed.

The date of the initial Flood Damage Prevention Ordinance for Alamance County is August 15, 1994. The date of the initial Flood Damage Prevention Ordinance for Orange County is March 2, 1981.

2. Nothing herein contained shall require any change in the plans, construction, size, or designated use of any development or any part thereof for which a floodplain development permit has been granted by the Floodplain Administrator or his or her authorized agents before the time of passage of this Section; provided, however, that when construction is not begun under such outstanding permit within a period of six (6) months subsequent to the date of issuance of the outstanding permit, construction or use shall be in conformity with the provisions of this Section.
3. Section 5-7 as amended November 6, 2017, shall become effective November 17, 2017.

5-7.2 Definitions

- A. Unless otherwise specifically provided, or unless clearly required by the context, the words and phrases defined below shall have the meaning indicated when used throughout Section 5-7.
1. **Accessory Structure (Appurtenant Structure).** A structure located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.
 2. **Addition (to an existing building).** An extension or increase in the floor area or height of a building or structure.
 3. **Alteration of a watercourse.** A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.
 4. **Appeal.** A request for a review of the Zoning Administrator's interpretation of any provision of this Section.
 5. **Area of Shallow Flooding.** A designated Zone AH or AO on a community's Flood Insurance Rate Map (FIRM) with base flood depths determined to be from one to three feet. These areas are located where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.
 6. **Area of Special Flood Hazard.** See 'Special Flood Hazard Area (SFHA)'.
 7. **Basement.** Any area of the building having its floor subgrade (below ground level) on all sides.
 8. **Base Flood.** The flood having a one percent chance of being equaled or exceeded in any given year.
 9. **Base Flood Elevation (BFE).** A determination of the water surface elevations of the base flood as published in the Flood Insurance Study. When the BFE has not been provided in a 'Special Flood Hazard Area', it may be obtained from engineering studies available from a Federal, State, or other source using FEMA approved engineering methodologies. This elevation, when combined with the 'Freeboard', establishes the 'Regulatory Flood Protection Elevation'.
 10. **Building.** See 'Structure'.

11. **Chemical Storage Facility.** A building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.
12. **Design Flood.** See “Regulatory Flood Protection Elevation.”
13. **Development.** Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.
14. **Development Activity.** Any activity defined as Development which will necessitate a Floodplain Development Permit. This includes buildings, structures, and non-structural items, including (but not limited to) fill, bulkheads, piers, pools, docks, landings, ramps, and erosion control/stabilization measures.
15. **Digital Flood Insurance Rate Map (DFIRM).** The digital official map of a community, issued by the Federal Emergency Management Agency (FEMA), on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.
16. **Disposal.** As defined in NCGS 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.
17. **Elevated Building.** A non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.
18. **Encroachment.** The advance or infringement of uses, fill, excavation, buildings, structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.
19. **Existing building and existing structure.** Any building and/or structure for which the “start of construction” commenced before the initial effective date of the floodplain management regulations adopted by the community.
20. **Existing Manufactured Home Park or Manufactured Home Subdivision.** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the original effective date of the floodplain management regulations adopted by the community.
21. **Flood or Flooding.** A general and temporary condition of partial or

complete inundation of normally dry land areas from:

- (a) The overflow of inland or tidal waters; and/or
 - (b) The unusual and rapid accumulation of runoff of surface waters from any source.
22. **Flood Insurance.** Means the insurance coverage provided under the National Flood Insurance Program.
23. **Flood Insurance Rate Map (FIRM).** An official map of a community, issued by the Federal Emergency Management Agency, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.
24. **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.
25. **Flood Prone Area.** See 'Floodplain'.
26. **Floodplain.** Any land area susceptible to being inundated by water from any source.
27. **Floodplain Administrator.** See Zoning Administrator.
28. **Floodplain Development Permit.** Any type of permit (zoning or special use permit) that is required in conformance with the provisions of Section 5-7-prior to the commencement of any development activity.
29. **Floodplain Management.** The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.
30. **Floodplain Management Regulations.** This Section and other land development ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood-prone areas. This term describes federal, state or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.
31. **Floodproofing.** Any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.

32. **Flood-resistant material.** Any building product [material, component or system] capable of withstanding direct and prolonged contact (minimum 72 hours) with floodwaters without sustaining damage that requires more than low-cost cosmetic repair. Any material that is water-soluble or is not resistant to alkali or acid in water, including normal adhesives for above-grade use, is not flood-resistant. Pressure-treated lumber or naturally decay-resistant lumbers are acceptable flooring materials. Sheet-type flooring coverings that restrict evaporation from below and materials that are impervious, but dimensionally unstable are not acceptable. Materials that absorb or retain water excessively after submergence are not flood-resistant. Please refer to Technical Bulletin 2, *Flood Damage-Resistant Materials Requirements*, and available from the FEMA. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.
33. **Floodway.** The channel of a river or other watercourse, including the area above a bridge or culvert when applicable, and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
34. **Floodway encroachment analysis.** An engineering analysis of the impact that a proposed encroachment into a floodway or non-encroachment area is expected to have on the floodway boundaries and flood levels during the occurrence of the base flood discharge. The evaluation shall be prepared by a qualified North Carolina licensed engineer using standard engineering methods and models.
35. **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.
36. **Freeboard.** The height added to the Base Flood Elevation (BFE) to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization on the watershed. The Base Flood Elevation plus the freeboard establishes the 'Regulatory Flood Protection Elevation'.
37. **Functionally Dependent Facility.** A facility which cannot be used for its intended purpose unless it is located in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.
38. **Hazardous Waste Facility.** As defined in NCGS 130A, Article 9, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.
39. **Highest Adjacent Grade (HAG).** The highest natural elevation of the ground surface, prior to construction, immediately next to the proposed

walls of the structure.

40. **Historic Structure.** Any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) Individually listed on a local inventory of historic landmarks in communities with a 'Certified Local Government (CLG) Program'; or
- (d) Certified as contributing to the historical significance of a historic district designated by a community with a 'Certified Local Government (CLG) Program'.

Certified Local Government (CLG) Programs are approved by the US Department of the Interior in cooperation with the North Carolina Department of Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966 as amended in 1980.

41. **Letter of Map Change (LOMC).** An official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

- (a) **Letter of Map Amendment (LOMA):** An official amendment, by letter, to an effective National Flood Insurance Program map. A LOMA is based on technical data showing that a property had been inadvertently mapped as being in the floodplain, but is actually on natural high ground above the base flood elevation. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.
- (b) **Letter of Map Revision (LOMR):** A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.
- (c) **Letter of Map Revision Based on Fill (LOMR-F):** A determination that a structure or parcel of land has been elevated by fill above the BFE and is, therefore, no longer located within the special flood hazard area. In order to qualify

for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

- (d) **Conditional Letter of Map Revision (CLOMR):** A formal review and comment as to whether a proposed project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.
42. **Light Duty Truck.** Any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less as defined in 40 CFR 86.082-2 and is:
- (a) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
 - (b) Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
 - (c) Available with special features enabling off-street or off-highway operation and use.
43. **Lowest Adjacent Grade (LAG).** The lowest elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.
44. **Lowest Floor.** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Section.
45. **Manufactured Home.** A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term 'manufactured home' does not include a 'recreational vehicle'.
46. **Manufactured Home Park or Subdivision.** A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
47. **Market Value.** The building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal;

replacement cost depreciated for age of building and quality of construction (Actual Cash Value); or adjusted tax assessed values.

48. **New Construction.** Structures for which the 'start of construction' commenced on or after the effective date of the original version of the community's Flood Damage Prevention Ordinance and includes any subsequent improvements to such structures.
49. **Non-Encroachment Area.** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot as designated in the Flood Insurance Study report.
53. **Post-FIRM.** Construction or other development for which the 'start of construction' occurred on or after the effective date of the initial Flood Insurance Rate Map for the area.
54. **Pre-FIRM.** Construction or other development for which the 'start of construction' occurred before the effective date of the initial Flood Insurance Rate Map for the area.
55. **Principally Above Ground.** At least 51% of the actual cash value of the structure is above ground.
56. **Public Safety and/or Nuisance.** Anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.
57. **Recreational Vehicle (RV).** A vehicle, which 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;
 - (d) Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use; and
 - (e) Is fully licensed and ready for highway use.

For the purpose of this section, "Tiny Homes/Houses" and Park Models that do not meet the items listed above are not considered Recreational Vehicles and should meet the standards of and be permitted as Residential Structures.

58. **Reference Level.** The top of the lowest floor for structures within Special Flood Hazard Areas designated as Zones A, AE, AH, AO, A99.
59. **Regulatory Flood Protection Elevation.** The 'Base Flood Elevation' plus the 'Freeboard'. In 'Special Flood Hazard Areas' where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus two feet of freeboard. In 'Special Flood Hazard Areas' where no BFE has been established, this elevation shall be at least two feet above the highest adjacent grade.
60. **Remedy a Violation.** To bring the structure or other development into compliance with State and community floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the section or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.
61. **Riverine.** Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.
62. **Salvage Yard.** Any non-residential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances and related machinery.
63. **Solid Waste Disposal Facility.** As defined in NCGS 130A-290 (a) (35), any facility involved in the disposal of solid waste.
64. **Solid Waste Disposal Site.** As defined in NCGS 130A-290 (a) (36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.
65. **Special Flood Hazard Area (SFHA).** The land in the floodplain subject to a one percent or greater chance of being flooded in any given year, as determined Section 5-7
66. **Start of Construction.** Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual

start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

67. **Structure.** A walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.
68. **Substantial Damage.** Damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. See definition of 'substantial improvement'.
69. **Substantial Improvement.** Any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one-year period for which the cost equals or exceeds 50 percent of the market value of the structure before the 'start of construction' of the improvement. This term includes structures which have incurred 'substantial damage', regardless of the actual repair work performed. The term does not, however, include either:
 - (a) Any correction of existing violations of State or community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or,
 - (b) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.
70. **Technical Bulletin and Technical Fact Sheet.** A FEMA publication that provides guidance concerning the building performance standards of the NFIP, which are contained in Title 44 of the U.S. Code of Federal Regulations at Section 60.3. The bulletins and fact sheets are intended for use primarily by State and local officials responsible for interpreting and enforcing NFIP regulations and by members of the development community, such as design professionals and builders. New bulletins, as well as updates of existing bulletins, are issued periodically as needed. The bulletins do not create regulations; rather they provide specific guidance for complying with the minimum requirements of existing NFIP regulations.

It should be noted that Technical Bulletins and Technical Fact Sheets provide guidance on the minimum requirements of the NFIP regulations. State or community requirements that exceed those of the NFIP take precedence. Design professionals should contact the community officials to determine whether more restrictive State or local regulations apply to the building or site in question. All applicable standards of the State or local building code must also be met for any building in a flood hazard area.

71. **Temperature Controlled.** Having the temperature regulated by a heating and/or cooling system, built-in or appliance.

72. **Variance.** A grant of relief from the requirements of this Section.
73. **Violation.** The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Sections 5-7 is presumed to be in violation until such time as that documentation is provided.
74. **Water Surface Elevation (WSE).** The height, in relation to NAVD 1988, of floods of various magnitudes and frequencies in the floodplains of riverine areas.
75. **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.
76. **Zoning Administrator.** The individual appointed to administer and enforce the floodplain management regulations of this Section.

5-7.3 General Provisions

A. Applicability

The provisions of Section 5-7 shall apply to all Special Flood Hazard Areas within the planning and zoning jurisdiction of the City of Mebane.

B. Basis for Establishing the Special Flood Hazard Areas

The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its Flood Insurance Study FIS and its accompanying DFIRM panels, for Alamance County dated November 17, 2017, and for Orange County dated November 17, 2017 which are adopted by reference and declared to be a part of this Section. Future revisions to the FIS and DFIRM panels that do not change flood hazard data within the jurisdictional authority of the City of Mebane are also adopted by reference and declared a part of this section. Subsequent Letter of Map Revisions (LOMRs) and/or Physical Map Revisions (PMRs) shall be adopted within 3 months.

C. Compliance

No structure or land shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this Section and other applicable regulations.

D. Abrogation and Greater Restrictions

The provisions of this Section are not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where the provisions of this Section and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

E. Interpretation

In the interpretation and application of the provisions of this Section, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and
3. Deemed neither to limit nor repeal any other powers granted under State statutes.

F. Warning and Disclaimer of Liability

The degree of flood protection required by this Section is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur. Actual flood heights may be increased by man-made or natural causes. This Section does not imply that land outside the Special Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. This Section shall not create liability on the part of the City of Mebane or by any officer or employee thereof for any flood damages that result from reliance on this Section or any administrative decision lawfully made hereunder.

G. Violations and Penalties

Violations of the provisions of Section 5-7 or failure to comply with any of its requirements shall be processed in accordance with the procedures delineated in Article 11, Enforcement and Judicial Review. Penalties and remedies for violations shall be as provided for in Article 11, Sections 11-4 and 11-5. Nothing herein contained shall prevent the City of Mebane from taking such other lawful action as is necessary to prevent or remedy any violation of the provisions of Section 5-7.

5-7.4 Plans, Application, and Permit Requirements

A. Designation of Floodplain Administrator

The Zoning Administrator is hereby appointed to administer and implement the provisions of this section. In instances where the Zoning Administrator receives assistance from others to complete tasks to administer and implement this section, the Zoning Administrator shall be responsible for the coordination and community's overall compliance with the National Flood Insurance Program and the provisions of this section.

B. General

A zoning or special use permit, as applicable, shall be required in conformance with the provisions of this Section prior to the commencement of any development activities within Special Flood Hazard Areas determined in accordance with Section 5-7.3, B.

C. Application Requirements

Applications for a zoning permit or special use permit which include property that is located within a Special Flood Hazard Area shall be submitted to the Zoning Administrator and shall include the following information:

1. A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:

- (a) The nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;
 - (b) The boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as determined in Section 5-7.3, B or a statement that the entire lot is within the Special Flood Hazard Area;
 - (c) Flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in Section 5-7.3, B;
 - (d) The boundary of the floodway(s) or non-encroachment area(s) as determined in Section 5-3.3, B;
 - (e) The Base Flood Elevation (BFE) where provided as set forth in Section 5-7.3, B; Section 5-7.5, K and L; or Section 5-7.7, C;
 - (f) The old and new location of any watercourse that will be altered or relocated as a result of proposed development;
 - (g) Certification of the plot plan by a registered surveyor or professional engineer.
2. Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited to:
- (a) Elevation in relation to NAVD 1988 of the proposed reference level (including basement) of all structures;
 - (b) Elevation in relation to NAVD 1988 to which any non-residential structure in Zones A, AE, AH, AO, A99 will be flood-proofed; and
 - (c) Elevation in relation to NAVD 1988 to which any proposed utility systems will be elevated or floodproofed;
3. If floodproofing, a Floodproofing Certificate (FEMA Form 086-0-34) with supporting data and an operational plan that includes, but is not limited to, installation, exercise, and maintenance of floodproofing measures.
4. A Foundation Plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this Section are met. These details include but are not limited to:
- (a) The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls) and

- (b) Openings to facilitate equalization of hydrostatic flood forces on walls in accordance with Section 5-3.7, B, 4, (d), when solid foundation perimeter walls are used in Zones A, AE, AH, AO, A99.
- 5. Usage details of any enclosed areas below the regulatory flood protection elevation.
- 6. Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage;
- 7. Copies of all other Local, State and Federal permits required prior to floodplain development permit issuance (Wetlands, Endangered Species, Erosion and Sedimentation Control, Riparian Buffers, Mining, etc.)
- 8. Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure Section 5-7.7, B, 6 and 7 are met.
- 9. A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.

D. Permit Data Requirements

The following information shall be provided on the approved permit to ensure compliance with the provisions of Section 5-7:

- 1. A complete description of the development to be permitted under the floodplain development permit (e.g. house, garage, pool, septic, bulkhead, cabana, pier, bridge, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials, etc.).
- 2. The Special Flood Hazard Area determination for the proposed development per available data specified in Section 5-7.3, B.
- 3. The regulatory flood protection elevation required for the reference level and all attendant utilities.
- 4. The regulatory flood protection elevation required for the protection of all public utilities.
- 5. All certification submittal requirements with timelines.
- 6. A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse, as applicable.

7. The flood openings requirements, if in Zones A, AE, AH, AO, A99.
8. Limitations of below BFE enclosure uses, if applicable (i.e., parking, building access and limited storage only).
9. A statement that all materials below BFE/RFPE must be flood resistant materials.

E. Certification Requirements

1. Elevation Certificates:

- (a) An Elevation Certificate (FEMA Form 086-0-33) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Zoning Administrator a certification of the elevation of the reference level, in relation to NAVD 1988. The Zoning Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit.
- (b) An Elevation Certificate (FEMA Form 086-0-33) is required after the reference level is established. Within seven calendar days of establishment of the reference level elevation, it shall be the duty of the permit holder to submit to the Zoning Administrator a certification of the elevation of the reference level, in relation to NAVD 1988. Any work done within the seven-day calendar period and prior to submission of the certification shall be at the permit holder's risk. The Zoning Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being permitted to proceed. Failure to submit the certification or failure to make required corrections shall be cause to issue a stop-work order for the project.
- (c) A final as-built Elevation Certificate (FEMA Form 086-0-33) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Zoning Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Zoning Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy. The Finished Construction Elevation Certificate certifier shall provide at least

2 photographs showing the front and rear of the building taken within 90 days from the date of certification. The photographs must be taken with views confirming the building description and diagram number provided in Section A. To the extent possible, these photographs should show the entire building including foundation. If the building has split-level or multi-level areas, provide at least 2 additional photographs showing side views of the building. In addition, when applicable, provide a photograph of the foundation showing a representative example of the flood openings or vents. All photographs must be in color and measure at least 3" x 3".

2. Floodproofing Certificate

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

- (b) A final Finished Construction Floodproofing Certificate (FEMA Form 086-0-34), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the issuance of a Certificate of Compliance/Occupancy. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to NAVD 1988. Floodproofing certificate shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to Certificate of Occupancy. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit. Failure to construct in accordance with the certified design shall be cause to deny a Certificate of Compliance/Occupancy.

3. If a manufactured home is placed within Zones A, AE, AH, AO, or A99 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required per Section 5-7.7, B, 3, (b).
4. If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a permit.
5. Certification Exemptions. The following structures, if located within Zones A, AE, AH, AO, or A99, are exempt from the elevation/floodproofing certification requirements specified in items 1 and 2 above of this subsection:
 - a. Recreational Vehicles meeting requirements of Section 5-7.7, B, 6, (a);
 - b. Temporary Structures meeting requirements of Section 5-7.7, B, 7; and
 - c. Accessory Structures less than 150 square feet or less than \$3,000 and meeting requirements of Section 5-7.7, B, 8.

F. Determinations for existing buildings and structures

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

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

substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the NC Building Code and this section is required.

5-7.5 Duties and Responsibilities of the Zoning Administrator

The duties of the Zoning Administrator as they relate to the administration and enforcement of the provisions of Section 5-7 shall include, but not be limited to:

- A. Review all floodplain development applications and issue permits for all proposed development within Special Flood Hazard Areas to assure that the requirements of this Section have been satisfied.
- B. Review all proposed development within Special Flood Hazard Areas to assure that all necessary local, state and federal permits have been received, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
- C. Notify adjacent communities and the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
- D. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
- E. Prevent encroachments into floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of Section 5-7.7, E are met.
- F. Obtain actual elevation (in relation to NAVD 1988) of the reference level (including basement) and all attendant utilities of all new or substantially improved structures, in accordance with Section 5-7.4, E.
- G. Obtain actual elevation (in relation to NAVD 1988) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with Section 5-7.4, E.
- H. Obtain actual elevation (in relation to NAVD 1988) of all public utilities in accordance with Section 5-7.4, E.
- I. When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with Section 5-7.4, E and Section 5-7.7, B, 2.
- J. Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Section.
- K. When Base Flood Elevation (BFE) data has not been provided in accordance

with Section 5-7.3, B obtain, review, and reasonably utilize any Base Flood Elevation (BFE) data, along with floodway data or non-encroachment area data available from a Federal, State, or other source, including data developed pursuant to Section 5-7.7, C, 2, (b), in order to administer the provisions of this Section.

- L. When Base Flood Elevation (BFE) data is provided but no floodway nor non-encroachment area data has been provided in accordance with Section 5-7.3, B obtain, review, and reasonably utilize any floodway data or non-encroachment area data available from a Federal, State, or other source in order to administer the provisions of this Section.
- M. When the lowest ground elevation of a parcel or structure in a Special Flood Hazard Area is above the Base Flood Elevation, advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA. Maintain a copy of the Letter of Map Amendment (LOMA) issued by FEMA in the floodplain development permit file.
- N. Permanently maintain all records that pertain to the administration of Section 5- 3 and make these records available for public inspection.
- O. Make on-site inspections of work in progress. As the work pursuant to a permit progresses, the Zoning Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the Zoning Administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.
- P. Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this Section, the Zoning Administrator may order the work to be immediately stopped. The stop- work order shall be in writing and directed to the person doing the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.
- Q. Revoke floodplain development permits as required. The Zoning Administrator may revoke and require the return of the permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any permit mistakenly issued in violation of an applicable State or local law may also be revoked.
- R. Make periodic inspections throughout all special flood hazard areas within the jurisdiction of the community. The Zoning Administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction

of the department at any reasonable hour for the purposes of inspection or other enforcement action.

- S. Follow through with corrective procedures of Section 5-7.3, G.
- T. Review, provide input, and make recommendations for variance requests.
- U. Maintain a current map repository to include, but not limited to, the FIS Report, FIRM and other official flood maps and studies adopted in accordance with Section 5-7.3, B, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify State and FEMA of mapping needs.
- V. Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-F) and Letters of Map Revision (LOMR).

5-7.6 Variance Procedures

Requests for variances from the Flood Hazard Overlay District requirements of Section 5-7 shall be reviewed by the board of adjustment in accordance with the procedures outlined in Section 8-2, B. Any person aggrieved by the decision of the board of adjustment may appeal such decision in accordance with the provisions of Section 11- 7, Judicial Review.

5-7.7 Provisions for Flood Hazard Reduction

A. General Standards

In all Special Flood Hazard Areas, the following provisions are required:

1. All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.
2. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
3. All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.
4. All new electrical, heating, ventilation, plumbing, air conditioning equipment, and other service equipment shall be located at or above the RFPE or designed and installed to prevent water from entering or accumulating within the components during the occurrence of the base flood. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, hot water heaters, and electric outlets/switches.
 - (a) Replacements part of a substantial improvement, electrical, heating, ventilation, plumbing, air conditioning equipment, and other service equipment shall also meet the above provisions.
 - (b) Replacements that are for maintenance and not part of a

substantial improvement, may be installed at the original location provided the addition and/or improvements only comply with the standards for new construction consistent with the code and requirements for the original structure.

5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters.
7. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
8. Nothing in this Section shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this Section and located totally or partially within the floodway, non-encroachment area, or stream setback, provided there is no additional encroachment below the regulatory flood protection elevation in the floodway, non-encroachment area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this Section.
9. New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by variance as specified in Section 5-7.6, I. A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area only if the structure or tank is either elevated or floodproofed to at least the regulatory flood protection elevation and certified according to Section 5-7.4, E.
10. All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.
11. All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
12. All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
13. All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
14. When a structure is partially located in a Special Flood Hazard Area, the entire structure shall meet the requirements for new construction

and substantial improvements.

15. When a structure is located in multiple flood hazard zones or in a flood hazard risk zone with multiple base flood elevations, the provisions for the more restrictive flood hazard risk zone and the highest BFE shall apply.

B. Specific Standards

In all Special Flood Hazard Areas where Base Flood Elevation (BFE) data has been provided, as set forth in Section 5-7.3, B or Section 5-7.5, K and L, the following provisions, in addition to Section 5-7.7, A, are required:

1. **Residential Construction**
New construction and substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in Section 5-7.2.
2. **Non-Residential Construction**
New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in Section 5-7.2. Structures located in Zones A, AE, AH, AO, A99 may be floodproofed to the regulatory flood protection elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the regulatory flood protection elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. For AH and AO Zones, the floodproofing elevation shall be in accordance with Section 5-7.7, F. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Zoning Administrator as set forth in Section 5-7.4, E along with the operational and maintenance plans.
3. **Manufactured Homes:**
 - (a) New or replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the regulatory flood protection elevation, as defined in Section 5-7.2.
 - (b) Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by engineer certification, or in accordance with the most current edition of the State of North Carolina Regulations for Manufactured Homes adopted by the Commissioner of Insurance pursuant to NCGS 143-143.15. Additionally, when the elevation would be met by an elevation

of the chassis thirty-six inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above thirty-six inches in height, an engineering certification is required.

- (c) All enclosures or skirting below the lowest floor shall meet the requirements of Section 3-5.7, B, 4.
- (d) An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the Zoning Administrator and the local Emergency Management coordinator.

4. **Elevated Buildings**

Fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor:

- (a) Shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, except to enclose storage areas;
- (b) Shall not be temperature controlled.
- (c) Shall be constructed entirely of flood resistant materials below the regulatory flood protection elevation; and
- (d) Shall include, in Zones A, AE, AH, AO, A99 flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:
 - (1) A minimum of two flood openings on different sides of each enclosed area subject to flooding;
 - (2) The total net area of all flood openings must be at least one square inch for each square foot of enclosed area subject to flooding;
 - (3) If a building has more than one enclosed area, each enclosed area must have flood openings to

- (4) allow floodwaters to automatically enter and exit; The bottom of all required flood openings shall be no higher than one foot above the adjacent grade;
- (5) Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and
- (6) Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.

5. Additions/Improvements:

- (a) Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
 - (1) Not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure.
 - (2) A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.
- (b) Additions to post-FIRM structures with no modifications to the existing structure other than a standard door in the common wall shall require only the addition to comply with the standards for new construction.
- (c) Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
 - (1) Not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction.
 - (2) A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.
- (d) Where an independent perimeter load-bearing wall is provided between the addition and the existing building, the addition(s) shall be considered a separate building and only the addition must comply with the standards for new construction.

6. Recreational Vehicles

Recreational vehicles shall either:

(a) **Temporary Placement**

- (1) Be on site for fewer than 180 consecutive days; or
- (2) Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions); or

- (b) Permanent Placement. Recreational vehicles that do not meet the limitations of Temporary Placement shall meet all the requirements for new construction.

7. Temporary Non-Residential Structures

Prior to the issuance of a permit for a temporary structure, the applicant must submit to the Zoning Administrator a plan for the removal of such structure(s) in the event of a hurricane, flash flood or other type of flood warning notification. The following information shall be submitted in writing to the Zoning Administrator for review and written approval:

- (a) A specified time period for which the temporary use will be permitted. Time specified may not exceed three months, renewable up to one year;
- (b) The name, address, and phone number of the individual responsible for the removal of the temporary structure;
- (c) The time frame prior to the event at which a structure will be removed (i.e., minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);
- (d) A copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and
- (e) Designation, accompanied by documentation, of a location outside the Special Flood Hazard Area, to which the temporary structure will be moved.

8. Accessory Structures

When accessory structures (sheds, detached garages, etc.) are to be placed within a Special Flood Hazard Area, the following criteria shall be met:

- (a) Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);
- (b) Accessory structures shall not be temperature-controlled;

- (c) Accessory structures shall be designed to have low flood damage potential;
- (d) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
- (e) Accessory structures shall be firmly anchored in accordance with Section 5-7.7, A, 1;
- (f) All service facilities such as electrical shall be installed in accordance with Section 5-7.7, A, 4; and
- (g) Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below regulatory flood protection elevation in conformance with Section 5-7.7, B, 4 (c).

An accessory structure with footprint less than 150 square feet, or that is a minimal investment of \$3,000 or less, and that satisfies the criteria outlined above does not require an elevation or floodproofing certificate. Elevation or floodproofing certifications are required for all other accessory structures in accordance with Section 5-7.4, D.

9. Tanks

When gas and liquid storage tanks are to be placed within a Special Flood Hazard Area, the following criteria shall be met:

- (a) Underground Tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty;
- (b) Above-ground elevated tanks in flood hazard areas shall be elevated to or above the Regulatory Flood Protection Elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area;
- (c) Above-ground not elevated tanks that do not meet the elevation requirements of Section B (2) of this section shall be permitted in flood hazard areas provided the tanks are designed, constructed, installed, and anchored to resist all flood-related and other loads, including the effects of buoyancy, during conditions of the design flood and without release of contents in the floodwaters or infiltration by floodwaters into the tanks. Tanks shall be designed, constructed, installed, and anchored to resist the potential buoyant and other flood forces acting on an empty tank during design flood conditions.
- (d) Tank inlets and vents. Tank inlets, fill openings, outlets and

vents shall be:

- (1) At or above the Regulatory Flood Protection Elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
- (2) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

10. Other Development

- (a) Fences in regulated floodways and NEAs that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Section 5-7.7, E of this section.
- (b) Retaining walls sidewalks and driveways in regulated floodways and NEAs. Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Section 5-7.7, E of this section.
- (c) Roads and watercourse crossings in regulated floodways and NEAs. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Section 5-7.7, E of this section.

C. Standards for Floodplains without Established Base Flood Elevations

Within the Special Flood Hazard Areas designated as Approximate Zone A and established in Section 5-7.3, B, where no Base Flood Elevation (BFE) data has been provided by FEMA, the following provisions, in addition to Sections 5-7.7, A and B, shall apply:

1. No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of twenty feet each side from top of bank or five times the width of the stream, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
2. The BFE used in determining the regulatory flood protection elevation shall be determined based on one of the following criteria set in priority order:
 - (a) If Base Flood Elevation (BFE) data is available from other sources, all new construction and substantial improvements

within such areas shall also comply with all applicable provisions of this Section and shall be elevated or floodproofed in accordance with standards in Section 5-7.5, K and L.

- (b) When floodway or non-encroachment data is available from a Federal, State, or other source, all new construction and substantial improvements within floodway and non-encroachment areas shall also comply with the requirements of Section 5-7.7 B and E.
- (c) All subdivision, manufactured home park and other development proposals shall provide Base Flood Elevation (BFE) data if development is greater than five acres or has more than fifty lots/manufactured home sites. Such Base Flood Elevation (BFE) data shall be adopted by reference per Section 5-7.3, B to be utilized in implementing this Section.
- (d) When Base Flood Elevation (BFE) data is not available from a Federal, State, or other source as outlined above, the reference level shall be elevated to or above the regulatory flood protection elevation, as defined in Section 5-7.2.

D. Standards for Riverine Floodplains with BFE but without Established Floodways or Non-Encroachment Areas

Along rivers and streams where BFE data is provided but neither floodway nor non-encroachment areas are identified for a Special Flood Hazard Area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:

- 1. Standards outlined in Section 5-7.7, A and B; and
- 2. Until a regulatory floodway or non-encroachment area is designated, no encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

E. Standards for Floodways and Non-Encroachment Areas

Areas designated as floodways or non-encroachment areas are located within the Special Flood Hazard Areas established in Section 5-7.3, B. The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in Section 5-7.7, A and B, shall apply to all development within such areas:

- 1. No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless it has been demonstrated that:

- (a) The proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Zoning Administrator prior to issuance of a permit, or
 - (b) A Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained upon completion of the proposed encroachment.
2. If Section 5-7.7, E, 1 is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this Section.
 3. No manufactured homes shall be permitted, except replacement manufactured homes in an existing manufactured home park or subdivision, provided the following provisions are met:
 - (a) The anchoring and the elevation standards of Section 5-7.7. B, 3; and
 - (b) The no encroachment standard of Section 5-7.7, E, 1.

F. Standards for Areas of Shallow Flooding (Zone AO)

Located within the Special Flood Hazard Areas established in Section 5-7.3, B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to Section 5-7.7, A, all new construction and substantial improvements shall meet the following requirements:

1. The reference level shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of two feet, above the highest adjacent grade; or at least two feet above the highest adjacent grade plus a freeboard of two feet if no depth number is specified.
2. Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in subsection 1 above so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required as per Section 5-7.4, D and Section 5-7.7, B, 2.
3. Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

G. Standards for Areas of Shallow Flooding Zone ((ZONE AH)

Located within the Special Flood Hazard Areas established in Article 3, Section B, are areas designated as shallow flooding areas. These areas are subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are one (1) to three (3) feet. Base Flood Elevations are derived from detailed hydraulic analyses are shown in this zone.

In addition to Section 5-7.7, A and B, all new construction and substantial improvements shall meet the following requirements:

1. Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.
2. All drainage features have a natural floodplain but not all are shown on the FEMA through the FEMA Flood Insurance Rate Maps (FIRMs). The City may require additional flood study's or restrictions on these Non-FEMA regulated floodplains. Standards for NON-FEMA regulated areas will include a flood study that complies with the City's Storm Sewer Design Manual for developments that are 5 acres or more in size, that are adjacent to, traversed by, or cross a drainageway or storm drainage system that has 5 acres of more of contributing drainage area. Finished floor elevations are to be a minimum of 24" higher than the established flood elevation for the 1% annual storm event. This requirement may be waived by the City Engineer if, in his professional opinion, the development will have minimal impact on flood levels.

Amended June 7, 2021

5-7.8 Effect upon Outstanding Permits

Nothing herein contained shall require any change in the plans, construction, size, or designated use of any development or any part thereof for which a permit has been granted by the Zoning Administrator or his or her authorized agents before the time of passage of this Ordinance; provided, however, that when construction is not begun under such outstanding permit within a period of six months subsequent to the date of issuance of the outstanding permit, construction or use shall be in conformity with the provisions of this Ordinance.

5-8 Soil Erosion and Sedimentation Control

- A.** No final site plan approval and no final plat approval for subdivisions may be given with respect to any development that would cause land disturbing activity requiring prior approval of an erosion and sedimentation control plan by the Land Quality Section, Division of Land Resources, NC Department of Environment and Natural Resources under NCGS 113A-57(4) unless the Land Quality Section has certified to the City, either that:
1. An erosion control plan has been submitted to and approved by the Land Quality Section; or
 2. The Land Quality Section has examined the preliminary plans for the development and it reasonably appears that an erosion control plan can be approved upon submission by the developer of more detailed construction or design drawings. However, in this case, construction of the development may not begin (and no building permits may be issued) until the Land Quality Section approves the erosion control plan.
- B.** For purposes of this Section, 'land disturbing activity' means any use of the land by any person in residential, industrial, educational, institutional or commercial development, highway and street construction and maintenance that results in a

change in the natural cover or topography and that may cause or contribute to sedimentation except activities that are exempt under NCGS 113A-52(6)). Sedimentation occurs whenever solid particulate matter, mineral or organic, is transported by water, air, gravity, or ice from the site of its origin.

5-9 Highway Corridor Overlay District Requirements

~~The Highway Corridor Overlay (HCO) District, as described in Section 3-1, C., is established to provide specific appearance and operational standards for specifically designated highway corridors while accommodating development along the corridors. All uses, with the exception of single-family detached dwellings and two-family dwellings located on their own separate lots unless specifically provided for herein, proposed to be located in the Highway Corridor Overlay District are subject to the additional requirements of this Section. All buildings, parking and loading areas, or open uses of land which are expanded in excess of 3,000 square feet of their gross square footage after the effective date of this Ordinance are subject to the requirements of this Section. All other requirements of the underlying zoning districts shall also apply, with the more stringent regulations prevailing when standards conflict.~~

A. Procedures

- ~~1. The applicant shall submit a site plan of the parcel and the proposed use to the Zoning Administrator. The City Council shall review the site plan in accordance with the provisions of this Section. Approval of the site plan and the proposed uses by the City Council authorizes the issuance of a zoning permit or special use permit.~~
- ~~2. Permits are issued at each phase of development and only in accordance with the approved site plan.~~
- ~~3. If a site plan was approved and a use permit was issued for the development of a lot or lots, no subsequent change or expansion which was not shown on the site plan shall be allowed unless also approved by the City Council.~~

B. General Standards Applicable to All Highway Corridor Overlay Districts

- ~~1. Site development plan:
 - ~~(a) A site plan shall be prepared to provide a complete and accurate description of the proposed use; building footprint of existing and proposed structures; proposed landscaping and buffering areas; proposed points of ingress and egress; proposed pedestrian facilities; parking, loading, and trash containment areas; proposed type and location of outdoor lighting; and proposed type and location of signs.~~
 - ~~(b) Site plans shall also include building schematics showing proposed front and side elevations to scale with materials noted.~~
 - ~~(c) All site plans shall be submitted to and reviewed by the Planning Director for completeness and accuracy prior to being forwarded to the City Council for approval.~~~~

- ~~2. A traffic analysis indicating the estimated effect of the proposed development on adjacent existing road traffic, including volume flows to and from the development prepared by a registered professional engineer may be required if, in the opinion of the Zoning Administrator and upon the recommendation of the City Engineer, such an analysis is warranted based upon the intensity of the proposed development.~~
- ~~3. A preliminary plan or engineering feasibility report providing for the site grading, landscaping, storm drainage, sanitary sewerage, and water supply prepared by a licensed professional engineer shall be submitted along with the site plan.~~
- ~~4. The maximum lot coverage by total impervious surfaces such as rooftops, paving, walkways, etc. shall be 50 70 percent of the lot area except when stormwater is retained or detained on the site. Any additional runoff resulting from lot coverage in excess of 50 70 percent must be compensated for by such on-site detention or retention measures.~~
- ~~5. All new driveway access shall be permitted in accordance with the NCDOT 'Policy on Street and Driveway Access to North Carolina Highways' Rev. Jul. 03'.~~
- ~~6. If the owners of two or more lots jointly provide a direct point of both ingress and egress to serve their lots, adequate provisions shall be made by dedication, covenants, restrictions, or other legal instruments for ensuring that such point of ingress and egress on such streets are provided and maintained consistent with the regulations and intent of this Section.~~
- ~~7. Loading docks, service areas, and trash facilities shall be located at the rear of structures, and shall not be visible from the street. Parking and loading areas shall be screened from abutting properties in accordance with the requirements of Section 6-4.8.~~
- ~~8. A required streetscape buffer yard shall comply with the requirements of Section 6-3, D, 4 except that the additional minimum standards shall also be applicable to properties in the HCO District:
 - ~~(a) Two canopy trees for every 40 linear feet of highway frontage;~~
 - ~~(b) Two understory trees for every 20 linear feet of highway frontage; and~~
 - ~~(c) Thirty four shrubs for every 100 linear feet of highway frontage.~~~~
- ~~9. Signs shall be architecturally compatible with the style, composition, materials, colors, and details of the structure as well as with other signs used on the structure.~~
- ~~10. General building design standards:
 - ~~(a) No awnings or canopy fascias shall be internally lit.~~~~

- ~~(b) Building and roof colors shall consist of natural earth tones, white, black, or shades of gray. Primary colors or bright colors shall be limited to trim and signage. Day glow or neon colors shall be avoided.~~
- ~~(c) Building color schemes shall blend in with surroundings. Multiple colors and garish or unusual patterns or geometric shapes shall be avoided.~~
- ~~(d) Applicants are required to submit color renderings, color elevation drawings, or color photographs with the site plan or to place a note on the site plan indicating that compliance with subsections (b) and (c) above shall be achieved and approved by the City Council prior to installation.~~
- ~~(e) Appropriate screening shall be provided to obscure as much as reasonably possible all roof-mounted equipment, roof vents, or other unsightly building appurtenances from view from the highway corridor.~~

C. (Reserved) [deleted April 7, 2008]

**ARTICLE 6
DESIGN AND PERFORMANCE STANDARDS**

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**ARTICLE 6
DESIGN AND PERFORMANCE STANDARDS**

6-1 Uniform Application of Design Standards

Unless otherwise stated, all design standards herein and in Article 7, Sections 6.5, 6.6, 6.7, and 6.10, shall be applied to all new nonresidential development in the City and to bring properties into conformance, as allowed by Article 10.

Commented [CS84]: Clarifies UDO application as being citywide, including Street Design, Water & Sewer, and Sidewalk standards.

6-2 Building Design and Architectural Character

The purpose and intent of this section is to establish standards to guide development that is aesthetically pleasing and compatible within the context of the surrounding area. These guidelines are intended to allow for creativity and diversity, and avoid to monotony in design.

A. Applicability

2. The standards and guidelines contained in Section 6-2 shall apply to all new nonresidential structures or combined structures greater than 1525,000 square feet and to expansions or alterations of any such existing building where the expansion or alteration exceeds 50 percent of the building value as assessed for real property taxes except in M-1, M-2 Industrial Zoning Districts.

Commented [CS85]: Bring this into consistency with the Shopping Center threshold for spaces exempt from the Special Use Permit requirement.

Commented [CS86]: This term is not used elsewhere in the UDO.

(Amended March 4, 2013)

3. All development subject to this Section shall be compatible with the established architectural character of the City of Mebane by utilizing a design that is complementary to existing City architectural styles, designs, and forms. Compatibility shall be achieved through techniques such as the repetition of roof lines, the use of similar proportions in building mass and outdoor spaces, similar relationships to the street, similar window and door patterns, and the use of building materials that have color, shades, and textures similar to those existing in the immediate area of the proposed development.

~~B. Definitions~~

Commented [CS87]: Relocated to Article 12 with no changes.

~~Unless otherwise specifically provided, or unless clearly required by the context, the words and phrases defined in this subsection shall have the meaning indicated when used throughout Section 6-2.~~

- ~~1. **Arcade.** A continuous passageway parallel to and open to a street, open space, or building, usually covered by a canopy or permanent roofing.~~
- ~~2. **Architectural Feature.** A prominent or significant part of element of a building, structure, or site.~~
- ~~3. **Architectural Style.** The characteristic form and detail of buildings of a particular historic period.~~

- ~~4. **Awning.** An architectural projection that provides weather protection, identity and/or decoration and is wholly supported by the building to which it is attached. An awning is comprised of a lightweight, rigid or retractable skeleton over which an approved cover is attached.~~
- ~~5. **Building Mass.** The height, width, and depth of a structure.~~
- ~~6. **Bulk.** The size and shape of buildings, structures, and non-building uses and the physical relationship of their exterior walls or construction or their location to lot lines and other buildings or structures or other walls or construction of the same building or structure.~~
- ~~7. **Canopy.** A structure constructed of rigid materials, including but not limited to metal, wood, concrete, canvas, or glass, which is attached to and supported by a building, or which is free-standing and supported by columns, poles, or braces extended to the ground.~~
- ~~8. **Courtyard.** A space, open and unobstructed to the sky, located at or above grade level on a lot bounded on three or more sides by walls or a building.~~
- ~~9. **Façade.** The exterior side of a building which faces, and is most nearly parallel to, a public or private street. The façade shall include the entire building wall, including wall face, parapets, fascia, windows, doors, canopy, and visible roof structures of one complete elevation.~~
- ~~10. **Eave.** The projecting lower edges of a roof overhanging the wall of a building.~~
- ~~11. **Infill.** The development of new housing or other buildings on scattered vacant sites which is surrounded by existing development.~~
- ~~12. **Intensity.** The number of square feet per acre by land use type with respect to nonresidential land uses.~~
- ~~13. **Marquee.** Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.~~
- ~~14. **Parapet wall.** That portion of a building wall that extends above the roofline. Parapet walls are often used to shield mechanical equipment and vents.~~
- ~~15. **Plaza.** An open space that may be improved and landscaped; usually surrounded by streets and buildings.~~
- ~~16. **Roof line.** The highest edge of the roof or the top of a parapet, whichever establishes the top line of the structure when viewed in a horizontal plane.~~
- ~~17. **Scale of Development.** The relationship of a particular project or development, in terms of size, height, bulk, intensity, and aesthetics, to its surroundings.~~

C. Building Design Standards

Design standards promote creativity and innovation while discouraging obtrusive, incongruous structures. The City discourages architectural styles that do not build upon and promote the existing character of the City. The City supports the view that inspiring, well-maintained, and harmonious development is in the best economic development interests of all residents and businesses.

1. **Emphasize Human Scale**
Building design shall emphasize a human scale at ground level, at entryways, and along street frontages through the creative use of windows, doors, columns, canopies, and awnings.
2. **Major Building Design Features Proportional**
Major building design features, such as windows, doors, eaves, and parapets, shall be designed to be in proportion to one another.
3. **Structural Lines Retained at Storefront Level**
The structural lines of a building and its materials shall be retained at the storefront level. For instance, brick piers and columns shall be carried down to street level.
4. **Awnings and Canopies**
Awnings and canopies shall complement the color and material of the building to which they are affixed.
5. **Massing**
A single, large, dominant building mass shall be avoided. Where large structures are required, mass should be broken up through the use of setbacks, windows, projecting and recessed elements, and similar design techniques. Changes in mass shall be related to entrances, the integral structure, and/or the organization of interior spaces and activities and not merely for cosmetic effect.
- ~~6. **Avoiding Garage Dominance**
Where garages are located in front of, even with, or to the side of a principal dwelling, the width of garage doors on the house elevation facing the street shall not exceed 40 percent of the total width of the primary structure house and garage together.~~
- ~~7. **Front entrances must face the street whenever practicable, and combined with windows, shall comprise a minimum of 30% of the front-facing facade.**~~

Commented [CS88]: This applies to residential structures, which has not been permitted by the General Assembly since 2015.

Commented [CS89]: Per City's adopted Bike/Ped Plan.

D. Avoiding Monotony of Design

Monotony of design in single or multiple building projects shall be avoided by varying detail, form, and siting to the maximum extent practicable, within the standards set forth in this article, to provide visual interest.

E. Harmony of Design

The purpose of this subsection is to preserve the design character of existing development, to protect the visual pattern of the community, and to promote harmony in the visual relationships and transitions between new and older

buildings. New buildings should respect the scale, form, and proportion of existing development. This can be done by repeating building lines and surface treatments and by requiring some uniformity of detail, scale, proportion, texture, materials, color, and building form.

1. Building Color Shades

Building color shades shall be used to facilitate blending into the neighborhood and unify the development. The color shades of building materials shall draw from the range of color shades that already exist on the block or in the adjacent neighborhood.

2. Building Materials

Building materials shall either be similar to the materials already being used in the neighborhood or, if dissimilar materials are being proposed, other characteristics such as scale and proportions, form, architectural detailing, color, and texture, shall be utilized to ensure that enough similarity exists for the building to be compatible, despite the differences in materials.

3. Similar Size and Height for Infill Development

New infill development shall either be similar in size and height or, if larger, be articulated and subdivided into massing that is proportional to the mass and scale of other structures on the same block, or if no buildings exist thereon, then on adjoining blocks.

4. Unify Individual Storefronts

If several storefronts are located in one building, the individual storefronts shall be unified in all exterior design elements, such as mass, window and door placement, color, materials, and signage.

5. Additions and Renovations

Building additions and façade renovations should be designed to reflect existing buildings in scale, materials, window treatment, and color. A change in scale may require a transitional design element between the new development and existing buildings.

6. Varying Architectural Styles

In developments with multiple structures of varying architectural styles, buildings shall be compatible by such means as a pattern of architectural features, similar scale and proportions, and consistent location of signage.

F. Architectural Character

Architectural character focuses on the specific details that greatly affect the overall appearance of a particular development. These architectural character standards in this subsection provide direction in aspects of color, facade materials, rooflines, and the enhancement of entryways. The primary goal is to define the 'finishing touches' that provide the development with a sense of permanence, style, and compatibility. The City discourages proposals that have not taken these matters into account. The City policy is that all development be treated as a lasting contributor to the community and as a 'good neighbor' to its surroundings.

1. Roofs

The following standards are intended to foster variations in roof lines to soften and reduce the massive scale of large buildings:

- (a) Roof lines shall be varied to reduce the scale of structures and add visual interest.
- (b) Roof shape (for example: flat, hip, mansard, or gable) and material shall be architecturally compatible with façade elements and the rest of the building.
- (c) Flat roofs must be enclosed by a parapet that screens mechanical equipment from view by pedestrians at street level.
- (d) The height of the parapet shall not exceed one-third of the height of the supporting wall. Such parapet shall not be of a constant height for a distance greater than 150 feet.

2. Facades

- (a) **Recesses and Projections**
Facades greater than 100 feet in length, measured horizontally, shall incorporate building wall offsets including recesses and projections along at least 20 percent of the length of the façade. Windows, awnings, and arcades shall total at least 60 percent of the façade length abutting a public street.
- (b) **Repeating Design Patterns**
Facades greater than 100 feet in length, measured horizontally, shall incorporate a repeating pattern of change in color, texture, and material modules. All elements should repeat at intervals of no more than 30 feet, either horizontally or vertically.
- (c) **Renovations**
Façade renovations shall incorporate original building details to the maximum extent practicable.
- (d) **Materials**
Brick, stone, or wood facades shall not be covered or replaced with artificial siding or panels.
- (e) **Roof Cornices**
If roof cornices have been removed or damaged on an existing building, renovations of that building must include retaining, repairing, and replacing the roof cornices if previously removed.
- (f) **Replacement of Windows**
Replacement of windows on the façade of an existing building shall be accomplished by using windows of the same trim, size, and character as the original or by using a different style of window that complements the architectural style of the building.
- (g) **Exterior Wall Cladding**

All exterior walls visible from a parking lot or public right-of-way in any zoning district except the M-1 and M-2 Industrial zoning districts shall be clad with the same material required for the front of the building. ~~Buildings in the M-1 and M-2 zoning districts are required to provide the same material as the front of the building for at least 25% of the area of the side façades and 100% of the area of side façades directly facing a public right-of-way. All walls not visible from a parking lot or public right-of-way, or the remaining 75% of the side façades in the M-1 and M-2 zoning districts, may be constructed of alternate material(s), but shall be of a color that is complimentary to the primary material, is incorporated into the overall color scheme of the building, and is approved by the City Council. See also subsection 4 (a), Predominant Exterior Building Materials.~~

Commented [CS90]: Per the exemption in Section 2, this language is void and unnecessary

(h) **Building Orientation**

New buildings shall be oriented so that the largest and longest façade faces the primary road. To the maximum extent feasible, new buildings shall be oriented or designed to minimize shadows falling on public or semi-public spaces.

3. **Entryways**

(a) **Required Entryway Features**

Entryway design elements and variations shall provide orientation and aesthetically pleasing character to the building. The following standards identify desirable entryway design features. Each principal building on a site shall have clearly defined, highly visible customer entrances featuring no less than three of the following:

- (1) Canopies or Porticos
- (2) Arcades
- (3) Overhangs
- (4) Recesses/projections
- (5) Raised corniced parapets over the doors
- (6) Peaked roof forms
- (7) Arches
- (8) Wing walls
- (9) Outdoor patio
- (10) Display windows
- (11) Planters

(12) Architectural details such as tile work and moldings which are designed into the building structure and overall design

(b) **Sides Facing Abutting Street**

All sides of a principal building that directly face an abutting public street shall feature at least one customer entrance.

4. **Exterior Building Materials and Colors**

(a) **Predominant Exterior Building Materials**

Predominant exterior building materials shall be high quality materials, including EIFS, brick, wood, cast stone, stucco, sandstone, other native stone, and tinted/textured concrete masonry units, and high quality metal siding, including flat metal siding with a non-metallic appearance or if integrated as an ornamental feature and standing seam or batten metal siding featuring interlocking rivets. The Development Director may approve the use of similar materials not identified.

(1) **Prohibited building materials:**

Metal siding composed of sheets that are not interlocking and/or not of durable construction, including corrugated metal siding and box rib metal siding.

(b) **Colors**

(1) Façade colors shall be of low reflectance and/or subtle colors. Building trim may feature brighter colors, but neon tubing is not allowed as an accent material. The use of high intensity colors or fluorescent colors shall be prohibited.

(2) Variations in color schemes are encouraged in order to articulate entryways and public amenities so as to give greater recognition to these features.

Commented [CS91]: Provides guidance on higher quality metal materials, consistent with what is seen on the market for commercial, industrial, and residential uses, with explicit prohibition on sheet metal and the use of metal siding products that were most common when the blanket prohibition was enacted in 2008.

5. **Outdoor Plazas**

Outdoor plazas shall contain benches spaced every 250 feet and at least two of the following features:

Commented [CS92]: Per the adopted Bike/Ped Plan, allowing for refuges for patrons to rest/recreate at a plaza.

(a) Landscaping island

~~(b) Benches~~

(c) Fountains

(d) Clock tower

(e) Pond or other prominent water feature

(f) Sculptures or similar artwork

G. Evidence of Compliance

The Planning Director shall require such evidence of ability to comply with the building design standards as set forth in this Section as the Director deems necessary prior to issuance of a certificate of zoning compliance.

6-2 Compatibility Standards

The standards of Section 7-6 of this Ordinance shall apply to all lots, excepting those lots otherwise exempted by Section 4.4. The operational compatibility standards in Section 6-2 shall apply to all uses.

Commented [CS93]: Clarifies and remind the user of the exempt lot allowances.

A. Glare

Glare from arc welding, acetylene torch cutting, or similar processes shall be contained within a completely enclosed and vented building.

B. Heat and Humidity

Uses, activities, and processes shall not produce any unreasonable, disturbing, or unnecessary emissions of heat or humidity at the property line of the site on which they are situated, which cause material distress, discomfort, or injury to a reasonable person.

C. Noise

No activity or operation subject to this Ordinance shall exceed the maximum permitted sound levels as set forth in this Ordinance and in Article IV of the Mebane City Code of Ordinances.

D. Vibration

No use, activity, or process shall produce vibrations that are perceptible without instruments at the property line for more than three minutes in any one hour of the day between the hours of 7:00 a.m. and 10:00 p.m., or for more than 30 seconds in any one hour between the hours of 10:00 p.m. and 7:00 a.m.

E. Operational/Physical Compatibility

The following conditions may be imposed upon the approval of any development to ensure that it is compatible with existing uses, including but not limited to, restrictions on:

1. Hours of operation and deliveries;
2. Location on a site of activities that generate potential adverse impacts on adjacent uses, such as noise and glare;
3. Placement of trash receptacles;
4. Location of loading and delivery areas;
5. Location, intensity, and hours of illumination;
6. Placement and illumination of outdoor vending machines, telephones, ATMs, signage, bicycle parking, and similar outdoor services, structures, and activities;

7. Additional landscaping and buffering;
8. Height restrictions to preserve light and privacy and views of significant features from public property and rights-of-way;
9. Preservation of natural lighting and solar access;
10. Ventilation and control of odors and fumes; and
11. Dust-control paving.

F. Evidence of Compliance

The Planning Director shall require such evidence of ability to comply with appropriate performance standards, mitigation measures, and conditions as set forth in this Section as the Director deems necessary prior to issuance of a certificate of zoning compliance.

6-3 Landscaping, Buffering, and Screening

A. Purpose and Applicability

1. Purpose: Protection of Mebane's natural environment and enhancement of the community's built environment with installation of new landscape areas are important to the City of Mebane and its citizens. The regulations of this Section are a tool to ensure these goals are accomplished. The purposes of this Section are:

- (a) To encourage the proper use of the land by promoting an appropriate balance between the built environment and preservation/conservation of open space;
- (b) To preserve and improve property values and protect private and public investment through preservation of open space, protection of the existing tree canopy, providing buffers between incompatible uses and along roadways, and encouraging the planting of new vegetation as deemed appropriate;
- (c) To consider the guidelines and recommendations in Mebane's adopted planning documents and policies ~~Land Development Plan and the MAP 2000 strategic planning project;~~
- (d) To preserve and protect the identity and character of Mebane;
- (e) To enhance the business economy; and
- (f) To set forth development standards and requirements for preserving existing vegetation and installation of new landscape areas.

Commented [CS94]: Clarifies that ALL adopted plans are qualifying references, not just the plan adopted in 2000.

2. Application: The requirements of this Section shall apply to all uses of land, buildings, and structures located within the City of Mebane Planning and

Zoning Jurisdiction which are not exempted in subsection 3 below. ~~Fencing criteria are all applicable and available in 4-2.C.~~

Commented [CS95]: Provides clarity on an "appearance" feature that is addressed in the Accessory Uses section

3. Exemptions: None of the landscaping and screening requirements of this Section shall apply to:

(a) A detached single-family dwelling on its own separate lot, ~~with the exception of requiring one tree be planted in the front yard.~~

(b) A two-family dwelling on its own separate lot, ~~with the exception of requiring one tree be planted in the front yard.~~

Commented [CS96]: Reflects recent Council approvals

(c) Existing uses and buildings, including repairs, alterations, or improvements to the interiors and exteriors of existing buildings which do not result in additions or expansions to them.

(d) Additions or expansions made to existing buildings within any consecutive 12-month period where the gross floor area of the additions or expansions does not exceed ~~35~~ 45% of the gross floor area of the existing buildings. ~~Any required vegetation removed for this expansion shall be replaced elsewhere on site. This allowance shall not exempt a property from addressing nonconformances, subject to the criteria of Article 10.~~

Commented [CS97]: Lowers the threshold to make improvements and enables staff to require conformance when possible.

(e) Additions or expansions made to existing vehicular parking areas within any consecutive 12-month period where the total area of the additions or expansions will not exceed ~~35~~ 45% of the existing vehicular parking areas.

Commented [CS98]: What value is this exemption to the City? It only serves to make parking areas more visible.

(f) **Application to Small Developments and Lots:** ~~Notwithstanding any other provisions to the contrary contained in this Ordinance, Non-residential development of parcels that exist at the adoption of this ordinance of 2 acres or less, shall not be subject to the requirements and perimeter landscaping standards of Section 6-3.C set forth herein shall not apply to developments, uses, or expansions where the total area is 2.00 acres or less. All other provisions of this section shall apply, including streetscaping.~~ Such uses and development shall submit an ~~alternative~~ landscape plan to the Zoning Administrator showing the following landscaping and screening requirements:

Commented [CS99]: The application of this exemption has been somewhat unclear to applicants/developers. The amendments are intended to clarify its application and the standards that apply.

- An ~~aesthetic~~ perimeter buffer of average ~~linear~~ width of fifteen feet (15') with a minimum of five feet (5') buffer area in width shall be located along the outer perimeter of parcel to separate that use from adjacent residential uses. This buffer shall function as a semi-opaque Type B buffer.

- ~~Install and maintain one canopy tree or 2 understory trees for every 40 linear feet of streetscape.~~

- There shall be a minimum of one canopy tree every 2500 square feet or one understory tree for every 1400 square feet of parking

area. The trees shall all be within 60 feet of the trunk of a canopy tree or 30 feet from understory trees, should utility conflicts or circumstances prevent compliance. All vehicular parking areas shall be screened from adjacent properties and streets by evergreen plantings that will attain a height of three feet (3') within three years. The use of shrubs and ground covers is encouraged in parking area islands and along the borders of parking areas.

Adopted on May 7, 2012; Amended September 10, 2018

B. General Provisions

1. Landscaping plans

Landscaping and tree preservation plans shall be submitted for approval as part of each site plan required by this Ordinance.

2. Pre-Submittal design Conference

A 'pre~~submittal-design~~ conference with the Zoning Administrator is ~~required strongly encouraged~~ to understand the requirements of this Section.

3. Alternative Methods of Compliance

- (a) Under certain circumstances the application of the standards delineated in this Section may either be inappropriate or ineffective in achieving the purposes of this Section. When landscaping and screening is required by this Section or by other provisions of this Ordinance and the site design, ~~size~~, topography, unique relationships to other properties, lot configuration, spatial separation, natural vegetation, ~~existing or proposed utility easements~~, or other special considerations exist relative to the proposed development, the developer may submit a specific alternative plan to the Zoning Administrator. ~~The alternative landscaping plan shall indicate how the proposed alternative means of compliance are justified by site or development conditions and illustrate how compliance with the standards which need deviation can be achieved to the maximum extent practicable. This plan must demonstrate how the purposes and standards of this Ordinance will be met by measures other than those listed in this Section.~~ If approved by the Zoning Administrator, the alternative landscaping plan may be utilized to meet the requirements of this Ordinance. Any party aggrieved by the staff's approval or disapproval of an alternative landscaping plan may appeal ~~such granting or denial~~ to the ~~City Council~~ Board of Adjustment for its decision, as allowed by Section 8-1. ~~The City Council's decision on the alternative plan shall be conclusive.~~

Commented [CS100]: Amendments clarify the needs of staff in order to expediently approve alternative plans that will intend of the ordinance.

- (b) A combination of natural vegetation, fences, walls and berms may be utilized to achieve the screening requirements of this Section provided that the following standards are met:

- (1) Walls (a minimum of ~~5~~ six feet in height and constructed of masonry, stone or pressure treated lumber) or an opaque

Commented [CS101]: Reflects the appeals process otherwise required by the UDO.

fence (a minimum of ~~5~~ six feet in height) may be used to reduce the widths of the buffer yards required by 10 feet.

Commented [CS102]: Six feet is the common screening height used for fencing and the goal for understory landscaping to achieve.

(2) Understory trees shall ~~may~~ be substituted for canopy trees if, ~~in the opinion of the Zoning Administrator upon conferring with the electrical utility provider,~~ a conflict exists with overhead utility lines.

Commented [CS103]: This clarifies common practice – there are not other options if overhead utilities coincide with a landscaping area

(3) Wall planters shall be constructed of masonry, stone or pressure treated lumber and shall have a minimum height of 30 inches. The minimum height of shrubs in wall planters shall be 12 inches. The effective planting area of the wall planter shall be 4 feet in width (7 feet if the wall planter contains trees).

(4) Any berm utilized for screening purposes shall comply with the standards and requirements of subsection H, 4.

4. All portions of required perimeter and streetscape buffer yards not planted with trees or shrubs or covered by a wall, driveway, or other barrier shall be planted with grass, ground cover, or natural mulch of a minimum depth of 3 inches, ~~and shall be maintained to prevent mulch, dirt and other materials from washing into streets and sidewalks.~~

Commented [CS104]: Addresses a common enforcement concern and one that currently is unaddressed unless part of a stormwater permit, which is inapplicable to smaller sites

5. All tree and plant material selections shall be native or ~~adapted~~ to the Mebane region and its climate. ~~A minimum of three (3) species of trees shall be used in all landscaping plans.~~ A recommended plant materials list is provided in Appendix G. ~~All species identified as invasive by the NC State University Agricultural Extension or NC Department of Agriculture are prohibited from being planted to satisfy the landscaping requirements and are recommended for removal and replacement.~~

Commented [CS105]: Requires a variety of trees, which is aesthetically pleasing and deters disease.

Commented [CS106]: Provides a helpful reference in keeping unwanted plants from Mebane

~~6. Installation and construction practices should be utilized which preserve and replace existing topsoil.~~

Commented [CS107]: Limits plant death and need for replanting through the enforcement process.

C. Perimeter Buffers: Existing Vegetation or New Perimeter Landscaping, General Requirements

1. Applicability

All land uses for which site plan approval is required shall provide a buffer to separate that use from adjacent land uses in accordance with the buffer chart (see Table 6-3-1). Within the B-1 Central Business District, however, the requirements of this Section shall apply only to boundaries between properties located within the district and properties located outside the district, and not to boundaries between properties which are each located within the B-1 Central Business District. ~~In cases where a required setback is smaller than the required buffer, the width of the buffer shall not be reduced.~~

Commented [CS108]: Clarifies a common developer question

2. Purpose of buffers

Natural and landscaped buffers to separate adjacent land uses shall be provided in order to:

- (a) Shield properties from any adverse external effects of adjacent development, so as to mitigate incompatibilities between adjacent uses;
- (b) Preserve open space;
- (c) Preserve or create tree canopy and vegetation;
- (d) Minimize future increases in stormwater runoff; **and**
- (e) Improve appearance of developments; **and**
- (f) Reduce glare and moderate temperature of impervious areas; and**
- (g) Provide connectivity of buffers and dedicated open space among properties.**

Commented [CS109]: Reflects stated objectives and goals of the City's adopted Comprehensive Land Development Plan.

3. Existing Natural Buffers

Existing buffers should be preserved rather than removing existing vegetation, in order to promote the preservation of existing natural areas. Where possible, buffers should remain in an undisturbed condition; but if the buffer is not a stream buffer, some maintenance may be necessary to prevent overgrowth. If an existing buffer does not meet the required buffer type as specified in Table 6-3-1, it must be enhanced to meet the specifications. The buffer shall have the width, amount of vegetation, and other features to properly mitigate negative effects of contiguous land uses.

4. Landscaped or Re-vegetated Buffers

If the Zoning Administrator determines that there is not an existing buffer on the site or has been disturbed, then a re-vegetated natural buffer shall be installed.

5. Type and width of buffer required

Table 6-3-1 determines the type and width of existing buffer or landscaped buffer that must be installed.

Table 6-3-1: Width and Type of Buffers* for Existing Perimeter Buffers and Landscaped Perimeter Buffers

Proposed Use Class	IF DEVELOPED Adjacent Use Class							IF VACANT Adjacent Property Zoning District			
	1	2	3	4	5	6	7	Residential Zones	O&I	B-3 B-2 B-1	M-1 M-2
4	20' B	40' B	30' B	20' B	20' B	20' B	20' B	40 25' B	30 10' B	30 10' B	40 10' B
5	25' B	40' B	30' B	20' B	20' C	20' C	20' B	40 25' B	20 10' C	20 10' C	30 -10' B
6	30 50' B	50 100' B	50 70' B	40' B	20' C	20' C	25' B	50' B	20' C	20' C	20 -10' C
7	45 75' B	70 125' B	60 100' B	50' B	30' B	25' B	20' C	70' B	30 25' B	30 25' B	20 -10' C

* see subsection C, 7, (a) and (b) for descriptions of buffer types

Notes:

1. When no significant trees and shrubs occur within the perimeter buffer, new trees and shrubs are required to be planted to meet the requirements for the applicable buffer type. The new plantings shall be spread across the entire width of the buffer and not always planted in a row or rows.
2. No buffer is required between shared public uses (example a park adjacent to a school, library, or other shared public facility).
3. Buffers consistent with these land use classes are required between out-parcels and the adjacent shopping center or development to which the parcel is related. However, a required perimeter buffer between outparcels may be shifted elsewhere on the site per subsection C, 9.
4. **Buffer areas along the perimeter of a small lot subdivision shall be required to provide a greater separation from adjoining lower density residential areas.**

Commented [CS110]: The changes to Classes 6 & 7 reflect public feedback and Council discussion on Manufacturing uses abutting residential properties. The changes to the "IF VACANT" side are coupled with an elimination of other text that allows a 50% reduction in the landscaping standards if any adjoining property is vacant. The proposed change will provide a single reference and reduce confusion in application of perimeter buffers in the City.

Commented [CS111]: Reflects Council discussions on this matter and better buffers current residents from newer, denser developments.

6. Land use classes for purposes of determining buffer width and type
The seven land use classes appearing in Table 6-3-1 include the following uses and structures:

**Table 6-3-2
LAND USE CLASSES**

Land Class	Land Uses Included within the Land Class
Class 1	Parks (except for active outdoor recreation), resource conservation facilities, farms (bona fide) and like uses. Open space—No buffer is required for any use adjacent to recorded permanent open space unless it is needed to meet the buffer width and type requirements in Table 6-3-1. Buffer width and type is based on the land use on the opposite side of the open space. Setbacks from open space will be the same as those for buffers since the open space is being used to meet buffer requirements.
Class 2	Single family detached dwellings in residentially-zoned districts on lots that are 8,000 square feet in area or larger and like uses. Single family detached dwelling units on lots 8,000 square feet in area or larger that are located on non-residentially-zoned property shall be classified as vacant non-residential for determining the required buffer. In addition, 'underdeveloped' properties (larger size properties greater than 10 acres that have the potential for higher density development as specified on the Land Use Plan Map) that may presently be zoned and/or used for residential shall be placed in the class according to the future land use as shown on the adopted Land Use Plan Map. This shall not apply to properties that contain an existing residential dwelling unit within 200 feet of the proposed use property line.
Class 3	Single family detached dwellings in residentially zoned districts on lots of less than 8,000 square feet and like uses (including detached patio homes). Privately-maintained residential amenities
Class 4	Animal hospitals/clinics having no outside kennels Churches Clinics Clubs and lodges Colleges Day care centers Duplex, attached or semi-detached dwellings Golf course sales, service and maintenance areas Guest houses Libraries Manufactured home parks Multi-family dwellings Museums Nursing homes O&I District not containing retail stores and/or restaurants, nightclubs and/or bars Offices and banks with a gross floor area on the property of 50,000 square feet or less Parking lots as a principal use containing less than 50 parking spaces Patio homes attached Public safety stations Recreation centers Recreation, outdoor active public (includes those associated with schools and parks)

Commented [CS112]: Protective of residents. Not all residences zoned for non-residential uses necessarily reflect a harmonious land use situation, if developed by right.

Commented [CS113]: Pools, clubhouses, pickleball courts, etc.

	Schools
	Townhouses
	Towers: water, radio, television or telecommunication up to 75 feet in height from the finished grade elevation to the top of the tower (not including antennae)
	Walk-up teller machines and/or depositories
Class 5	Amphitheater, outdoor (government) seating not more than 250 persons
	Amusement establishments, indoor
	Assisted living facilities
	Banks (including drive-through)
	Bowling alleys
	Drive-through windows associated with banks and similar uses
	Farm markets
	Hospitals
	Hotels and motels which are not located adjacent to a residential district that have no more than 150 rooms
	Life Care Communities
	Nursery, landscape supply businesses
	O&I District containing retail stores, and/or restaurants, nightclubs and/or bars
	Offices which are not specifically listed in Class 4 above with a total gross floor area greater than 50,000 square feet
	Parking lots as a principal use containing greater than 50 parking spaces
Theaters	
Towers: water, radio, television or telecommunication, up to 150 feet in height from the finished grade elevation to the top of the tower (not including antennae)	
Utility substations	
Class 6	Amphitheater, outdoor (government) seating more than 250 persons
	Amusement establishments, outdoor
	Automobile service stations
	Car washes
	Convenience stores
	Drive-through windows with uses otherwise permitted by this class
	Event center
	Hotels and motels, 150 rooms and greater, which are not located adjacent to a residential district
	Mini-storage warehouses
	Recreation, outdoor (commercial/private)
	Retail stores, shopping centers, or restaurants, nightclubs and/or bars not included within the O&I zoning district
	Adult Establishments
	Towers: water, radio, television or telecommunication up to 199 225 feet in height from the finished grade elevation to the top of the tower (not including antennae)
	Vehicle sales, service, and rental
Warehousing and distribution establishments	
Wholesale and jobbing establishments	
Adult Establishments	
Amphitheaters, outdoor (commercial/private)	

Commented [CS114]: Emerging land use

Commented [CS115]: Relocated as a Class 7

Commented [CS116]: Brings this section into consistency with height thresholds established in Article 4.

Commented [CS117]: Relocated as a Class 7

Class 7	Dog kennels, outdoors
	Hotels and motels which are located adjacent to a residential district
	Manufacturing, heavy
	Manufacturing, light
	Outdoor storage
	Prototype process and production plants
	Public utility facilities
	Railroad lines, stations and yards
	Recycling and salvage operations
	Research laboratories
	Resource extraction
	Towers: radio, television or telecommunication above 199 225 feet in height from the finished grade elevation to the top of the tower (not including antennae)
	Vehicle raceway, motor
	Warehousing and distribution establishments

Commented [CS118]: Brings this section into consistency with height thresholds established in Article 4.

As an additional reference guide, Appendix C includes an alphabetical listing of land uses by land use class.

7. Types of Buffers and Landscaped Areas; Performance Standards
 The two types of landscaped buffers that appear in Table 6-3-1 are described below along with performance standards for each. The use of existing plantings and trees is the preferred method of meeting the buffer and landscape requirements.

These types of buffers may be achieved by meeting the requirements listed below or by an approved alternative method that meets the performance requirements.

(a) **Type B, Semi-opaque**

Performance Standards: This perimeter buffer functions as an ~~semi~~ opaque screen from the ground to at least a height 6 feet. Vegetative material within this buffer shall meet the following criteria:

- (1) Existing or planted deciduous and/or evergreen trees shall attain a height at maturity of no less than 40 feet.
- (2) ~~At least 50% of understory trees shall be evergreen and attain a height at maturity of no less than 10 feet.~~
- (3) At least 75 percent of the required shrubs shall be evergreen species locally adapted to the area.
- (4) ~~Minimum~~ ~~Maximum~~ spacing shall generally be no wider than 20 feet between tree trunks (but may be wider depending on tree type, ~~if approved by the zoning administrator~~), with evergreen shrubs spacing ranging from ~~5~~ four to ~~8~~ eight feet on center.

Commented [CS119]: Proposed amendments address current staff frustrations with interpretation and implementation of the landscaping standards in the City that result in buffers that are compliant but what the Council or staff intended.

- (5) Composition of the Semi-opaque Type B buffer may include a wall, fence, landscaped earthen berm, planted vegetation, existing vegetation, or any appropriate combination of the elements.
- (6) Plantings shall be spread across the entire span of the buffer and not planted in a single row.

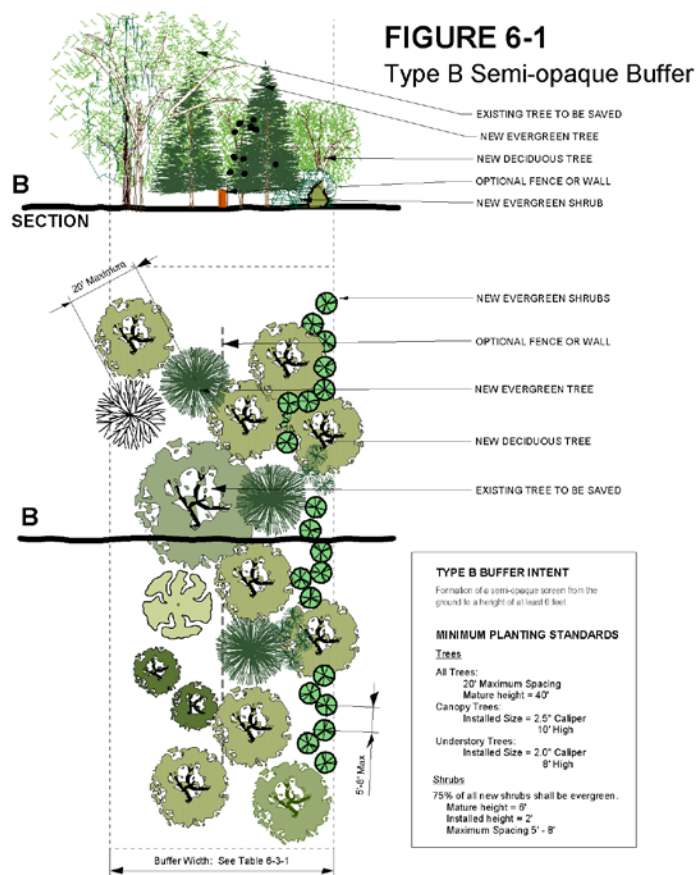


Figure 6-g: Type B Semi-Opaque Buffer

(b) Type C, Aesthetic

Performance Standards: This perimeter buffer functions as an intermittent visual obstruction from the ground to a height of at least 20 feet, and creates the impression of spatial separation without eliminating visual contact between uses. Vegetative material within this buffer shall meet the following criteria:

- (1) Existing or proposed tree plantings and shrubs of either deciduous and/or evergreen species may be installed in either a random, clustered, and/or linear fashion.
- (2) **At least 50% of shrubs shall be evergreen.**
- (3) ~~Minimum~~ **Maximum** spacing shall generally be no wider than 40 feet between canopy tree trunks, **20 feet between understory trees, and 8 feet between shrubs and no wider than 20 feet between ornamental tree trunks.** (Amended 12/05/11)
- (4) Composition of the Aesthetic Type C buffer may include a wall, fence, earth berm, planted vegetation, existing vegetation, or any appropriate combination of these elements.
- (5) **Plantings shall be spread across the entire span of the buffer and not in a single row.**

(c) General Buffer Standards

Buffer plantings shall conform to the following standards:

- (1) The new plantings comprising the buffer shall be spread across the entire span of the buffer and not always planted in a row or rows. In some cases, planting in a row or rows is necessary to achieve the desired performance objective. Specifically, the entire buffer width may not be needed to achieve the desired performance objective of the buffer type. However, the remainder of the required buffer area should have a minimum spacing of trees as required by the applicable buffer type.
- (2) Buffer performance requirements must be achieved within five years.
- (3) Additional trees and shrubs may be required in addition to the existing vegetation to meet these buffer requirements.

Commented [CS120]: Proposed amendments address current staff frustrations with interpretation and implementation of the landscaping standards in the City that result in buffers that are compliant but what the Council or staff intended.

FIGURE 6-2
Type C Aesthetic Buffer

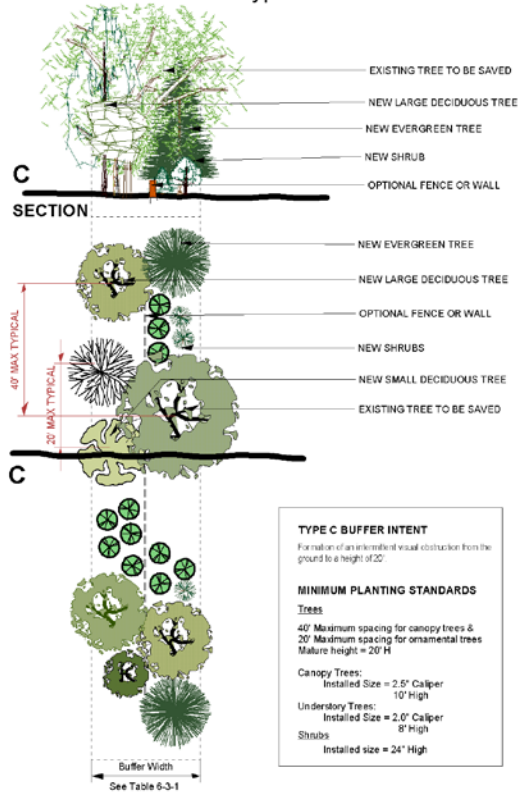


Figure 6-h: Type C Aesthetic Buffer

8. ~~Determination of buffer width and responsibility for installation:~~

~~(a) Where a developing parcel is adjacent to a vacant parcel, then the developing parcel shall provide one half of the buffer required adjacent to the vacant land as indicated in Table 6-3-1.~~

~~(b) Where a developing parcel is adjacent to an existing land use, then the developing parcel shall provide the full buffer required adjacent to the existing land use unless the existing use already has a buffer that may be credited for part of the required width. If the existing use is residential with a planted buffer, the developing lot may not credit the buffer to part of the required width. The Zoning Administrator shall determine the amount of credit based upon an assessment of the adequacy of the existing buffer. (Amended December 5, 2011)~~

9. Location of buffers

The perimeter buffers required by this Section shall be located along the outer perimeter of the parcel and shall extend to the parcel boundary line or right-of-way line; however, the buffers may be located along shared access easements between parcels in non-residential developments. Within shopping centers or other non-residential centers/developments, the perimeter buffer area between outparcels may be shifted totally or in part, elsewhere on the site. For example a 20-foot buffer between like uses may be shifted elsewhere on the site preferably interior to the site as long as the total area is provided for. ~~In Manufacturing zoning districts featuring loading docks, the parking lot trees may be shifted elsewhere on the site to enhance perimeter buffers or streetscapes in an effort to buffer adjoining land uses of lesser intensity.~~ The intent of this subsection is to provide for more flexibility in designing sites and potentially save larger natural areas elsewhere on the site.

~~Perimeter buffers shall not include any portion of an existing or proposed public or private street right of-way and public or private easements, stormwater management area, or right-of-way. Stormwater control measures management structures may be allowed in a buffer provided that it can be landscaped to meet the intent of the buffer requirements.~~

Commented [CS121]: Allows for flexibility and greater perimeter buffering of Manufacturing land uses from surrounding area.

Commented [CS122]: Amended for clarity but with no significant change in application.

10. Existing vegetation, fences, walls, and berms

Existing significant vegetation within the required buffer shall be preserved and credited toward standards for the type of buffer required, unless otherwise approved by the Zoning Administrator at the time of site plan approval. Existing berms, walls, or ~~opaque~~ fences within the buffer, but not including chain link fencing, may be used in part to fulfill the requirements for the 6-foot tall screen where required, provided that these elements are healthy and/or in a condition of good repair. Other existing site features within the required buffer area which do not otherwise function to meet the standards for the required buffer shall be screened from the

view of other properties or removed, as determined during review and approval of the site plan.

11. Installation of new vegetation and other features
If existing significant vegetation and other site features do not fully meet the standards for the type of buffer required, then additional vegetation and/or site features (such as fences) shall be planted or installed within the required buffer area to meet the performance criteria outlined in subsection 7 above (Types of Buffers/Landscaped Areas; Performance Standards).
12. No development within the required buffers
With the exceptions noted below, the required buffer shall not contain any development, impervious surfaces, or site features that do not function to meet the standards of this Section or that require removal of existing vegetation. No grading, development, or land-disturbing activities shall occur within the buffer or within the tree protection fence area unless approved by the Zoning Administrator.

Sidewalks and trails may be placed in buffers provided that damage to existing vegetation is minimized, and the intent of the buffer requirement is met. Utilities are not permitted in buffers unless no reasonable alternative exists. If utilities are placed in a buffer, they shall be located and installed in a way that minimizes disturbance of the buffer area (for example, installed not parallel but perpendicular or not less than at a 75 degree angle). Streets may not be placed within a buffer except to cross the buffer where necessary to connect to adjoining properties.

13. Ownership and maintenance of buffers
Whenever possible, buffers in residential subdivisions shall be dedicated in an easement in common area exclusive to privately-owned lots and managed by the Homeowners Association. No required buffer in a residential subdivision shall be wholly owned (in fee simple absolute) by the owner of an individual residential building lot unless adequate, legally binding covenants are in place which ensure that the buffer is properly maintained and is not removed. If the buffer is placed upon privately-owned lots, the lots shall be sized to accommodate the buffer in addition to the minimum lot standards for the zoning district.

Commented [CS123]: Addresses a common enforcement concern.

D. Streetscape Landscaping: Preservation of Existing Vegetation and Installation of New Landscape Areas

1. Preservation of Existing Vegetation along Roadways
All uses which are subject to the requirements of this Ordinance shall preserve existing healthy vegetation within the streetscape or street front along all existing and proposed streets to meet the goals of a Type B perimeter buffer. Construction access to a site should occur where an existing or proposed entrance or exit is located.
 - (a) Residential Development Perimeters: Natural and dense vegetation should be maintained along major collectors and thoroughfares to mitigate the impact of these roadways.

Commented [CS124]: Clarifies intent of this allowance.

- (b) On sites zoned for commercial or manufacturing ~~use where Type C Aesthetic buffers are applicable~~, selective thinning may occur to improve the health of trees within the buffer. In addition, existing low-growing healthy vegetation and undergrowth for typical trees may be removed, if necessary, to allow for greater visibility of the site; however, healthy native ornamental specimen species should be saved if practical. Proposals for thinning buffers must be approved by the Zoning Administrator.
- (c) The Zoning Administrator may allow the installation and maintenance of a planted streetscape in lieu of preservation of the existing vegetation along each thoroughfare or all streets which are adjacent to the site. Such modifications can be made with sound justification related to topography, drainage, site configuration, quality and quantity of existing healthy vegetation, road construction requirements or other similar issue. If a planted streetscape is permitted, then the required vegetation will be installed or in an amount comparable to what existed naturally (given time for maturity at a later date). If no existing healthy vegetation exists, then a minimum of a Type C planting is required.

Existing healthy vegetation may be removed in order to achieve required automobile sight distance triangles at intersections, driveways, or ingress/egress points, drive access to the site or to locate sidewalks or trails after review and approval by the Zoning Administrator

- (d) The applicant may appeal the Zoning Administrator's decision by electing to have the development plan forwarded to the City Council for consideration, after review and recommendation by the Planning Board.

2. Required Width of Streetscapes for All Types of Development

The width of the streetscape for non-residential uses (except when located in the B-1, Central Business District) shall be a minimum of 20 feet ~~and a Type B design along thoroughfares and major collectors, as measured from the right-of-way line~~. The width of streetscapes in the B-1 district shall be determined on a case-by-case basis in accordance with the provisions of subsection I, 2, (c).

Commented [CS125]: This shall be semi-opaque rather than a thin aesthetic buffer.

- (a) For residential developments along thoroughfares and major collectors, the width of the streetscape shall be a minimum of 20 feet in width. In accordance with subsection I, Incentives the Zoning Administrator may grant reductions in the width for residential streetscapes, only when the remaining streetscape is effective at reducing the impact of the adjacent roadway (i.e. use of walls, berms with a substantially more intensive landscape plan). The City Council may permit other reductions, after review and recommendation by the Planning Board.
- (b) On redeveloped sites or existing non-conforming sites, Council may reduce the streetscape to less than ten feet to promote

redevelopment and reuse of existing developments (see subsection I, Incentives). The following criteria shall be considered in reducing the width of a streetscape:

- (1) The relationship of existing topography to the finished street grades;
 - (2) The type, amount, and location of existing vegetation within 30 feet of the right-of-way line;
 - (3) The size and configuration of the site;
 - (4) The location and extent of existing and proposed underground and overhead utilities;
 - (5) Slopes steeper than two and one-half to one (2.5:1) next to the right-of-way;
 - (6) Natural barriers to installation or maintenance of the streetscape, such as waterways, rock formations, and soil conditions;
 - (7) Proposed landscaping within the streetscape that exceeds the minimum.
- (c) If reductions are granted, the total area or part of that area that is reduced may be required to be placed elsewhere on the site, **after review and approval by the Planning Director.**

3. Streetscape Landscaped Area

Table 6-3-2 below lists the full widths of streetscape required for the development based on land use across an adjacent street. The full width listed is required on each proposed site (not split between the two uses).

**Table 6-3-3
STREETSCAPE LANDSCAPED AREA WIDTHS**

Proposed Land Use Class*	Land Use Class Across Adjacent Street			
	1 or 2	3	4 or 5	6 or 7
4	30'	30'	10'	15'
5	30'	30'	10'	15'
6	50'75'	50'	15'	10'
7	50'75'	50'	15'	10'

* Refer to land use class descriptions in subsection C, 6.

Width represents the full width required along the street frontage of the proposed use.

If property across the adjacent street is vacant, then the existing zoning or the land use designation on the Land Use Plan Map shall be used (whichever is the most intense).

A minimum 20-foot streetscape buffer is required for all uses located adjacent to thoroughfares and major collector streets.

A minimum 50-foot streetscape buffer is required for all uses located adjacent to interstate corridors.

Subdivisions with lots fronting on interior streets which have rear yards directly adjacent to thoroughfares or collector streets shall provide a minimum 30' wide Type B Streetscape.

Commented [CS126]: Reflects recent Council discussions and approvals on buffering of Manufacturing sites from area

Commented [CS127]: Current allowance is confusing and can actually allow for two different requirements, depending upon interpretation of this language.

Commented [CS128]: Reflects recent Council discussions and approvals on buffering of Manufacturing sites from area

Commented [CS129]: Reflects recent Council discussions and approvals on buffering of Small Lot Subdivisions sites from area

4. Plantings in Streetscape

The property owner or developer shall preserve existing healthy trees or, if none exist, install or maintain one canopy tree of at least two and one-half inches in caliper for each 40 linear feet of streetscape. One understory ornamental tree every 20 feet on average is also required. Shrubs and other types of vegetation shall be planted four to eight feet from the center, depending on the type of shrub to meet the intent of the streetscape. The planting throughout the streetscape should be designed to achieve a natural tree stand area in future years. Additional trees may be required to be installed where existing healthy trees are preserved to ensure that the spacing of streetscape trees is met. The selected tree type located under overhead power lines may reach a maximum height of 20-25 feet at maturity.

Commented [CS130]: Ensures that plantings will be healthy and serve their purpose

5. Tree Placement

Trees shall be installed on the thoroughfare side of any berm or screen planting, no less than 5 feet from the sidewalk or back of curb where no sidewalk exists or is planned within the right-of-way. Trees should be installed in a staggered fashion, or in clusters or groupings of large and/or small trees in combination with associated plantings. Trees may be planted in a linear arrangement parallel to the street depending upon the area (e.g., downtown areas, neotraditional developments, etc.). Street trees shall be spaced at least 8 feet from light poles and 10 feet from electrical transformers in order to safely service these utilities (understory trees may be placed closer if approved by the Zoning Administrator). No plantings shall impede vehicular visibility or movement at any intersection with street lines. For any corner lot, a sight triangle measuring ten feet from

the right of way and extending 70 feet from the edge of each side of the corner lot shall be required when designing the landscaping dimensions.

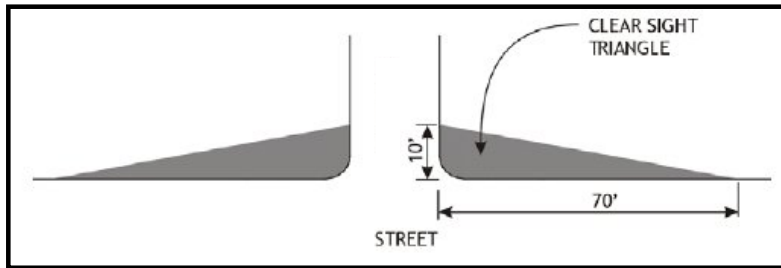


Figure 6-i: Required 10'x70' Sight Triangle

(Amended September 11, 2017)

6. Pervious Area for New Trees
A minimum of 300 square feet of pervious ground area per canopy tree shall be provided (understory trees may be allowed in less area but no less than 240 square feet). Any planting area bounded by an impervious surface should be at least ten feet wide. No canopy tree should be planted closer than 5 feet to a sidewalk, paved areas or other impervious surfaces (other types of trees may be closer).
7. Stabilizing Steep Slopes
All slopes two to one (2:1) and steeper shall be stabilized with permanent slope retention devices or a suitable combination of plantings and retention devices. Slopes greater than three to one (3:1) shall not be stabilized with turf grass (i.e. grasses that are mowed) but with other permanent ground cover such as weeping love grass, low junipers, etc.
8. Screening Parking Areas
Where there is a parking area between the thoroughfare and a non-residential building, streetscaping shall provide a semi-opaque screen or barrier between the right-of-way and the parking area. The screen or barrier may consist of plants, earthen berms, fences, walls, or any combination thereof which meets the following:
 - (a) The screen shall occupy ~~75 percent of~~ the length of the parking area except for ~~the area within any sight triangles and~~ sidewalks and driveways that cut through the screen to connect the parking area to streets and other properties. Shrubs shall be at least two feet in height above the ground and healthy at the time of installation.
 - (b) Berms may be used or installed instead of or in addition to plantings. If the berm does not meet the performance standards of this Section, then plant materials shall be installed which meet these performance standards. The installation of additional plant

Commented [CS131]: This will achieve the same screening goal while requiring less math, simply by ensuring that no safety conflicts exist at the perimeter

materials is encouraged so as to enhance the visual and aesthetic qualities of the streetscape.

- (c) Berms must, at a minimum, be planted with and maintained with a groundcover vegetation or grass that will permanently stabilize the soil.
- (d) Shrubs, plantings, hedge, or wall shall provide a screen or barrier for the first three feet of height within three years **and shrubs shall be maintained at a height of no less than three feet.**

Commented [CS132]: Reiterates the goal of this section

9. Planting Criteria for Steep Slopes adjacent to Rights-of-Way

Where the right-of-way is bounded by slopes steeper than two to one (2:1) or is otherwise not suitable for the planting of street trees, the following standards shall apply:

- (a) If natural areas are permitted to be removed and/or graded, the streetscape shall provide a planting strip at a grade no greater than 4 feet horizontal to 1 foot vertical, for street trees at least ten feet wide located parallel to the thoroughfare. All street trees required by this Section shall be located at least 6 feet from the curb or sidewalk.
- (b) Existing significant vegetation within thirty feet of and extending to the right-of-way may be used to satisfy the requirements of this Section.

10. (Reserved)

11. Ownership of Streetscapes

No required streetscape in a residential subdivision shall be wholly owned (in fee simple absolute) by the owner of an individual residential building lot zoned for residential uses unless adequate, legally binding covenants are in place which ensure proper maintenance of the areas as a streetscape. Any required buffer or streetscape for a residential development shall not be credited toward meeting the lot size requirements. The preferred method is that the residential streetscape be a separate lot and owned by a separate entity (e.g. homeowners association).

12. No Development within the Required Streetscapes

The required streetscape shall not contain any development, impervious surfaces, or site features that do not function to meet the standards of this Section or that require removal of existing vegetation, as permitted in this Ordinance. No grading, development, or land-disturbing activities shall occur within the streetscape or within the tree protection fence area unless approved by the Zoning Administrator or the City Council **and shown on City-approved drawings.** Sidewalks and trails may be placed in streetscapes provided that damage to existing vegetation is minimized, **and the screening requirements of the streetscape are met.**

Commented [CS133]: Reiterates that this is a development requirement need City approval

Access drives and roadways may be permitted to cross within streetscapes. Utilities are not permitted in streetscapes unless no reasonable alternative exists. If utilities are placed in a buffer, they shall be located and installed in a way that minimizes disturbance of the buffer area (for example, installed not parallel but perpendicular or not less than at a 75 degree angle). Streets may not be placed within a buffer except to cross the buffer where necessary to connect to adjoining properties.

E. Tree Survey

1. Purpose and Intent

Preserving existing healthy vegetation on a site during development enhances the visual character of the community by screening and softening the impact of buildings and controlling surface water runoff. The purpose of a tree survey is to identify those areas of vegetation, including specimen trees and significant vegetation, before development plans are so far advanced that it is impractical to modify the plans to protect the vegetation identified to be saved. Preserving specimen trees or significant vegetation on a site should not prevent a particular site from being developed for reasonable uses, given existing zoning.

2. Tree Survey Requirements

A tree survey is prepared by the developer and is a description of the existing vegetation to be saved on a site. This is necessary to ensure protection that appropriate measures are taken to protect the tree stands from damage during construction. Trees should be protected in stands or clusters whenever possible. ~~of native ornamental trees and significant vegetation within required protection areas.~~ The survey:

- (a) Identifies ~~the native ornamental species and~~ significant vegetation found within the ~~first ten feet of the interior part of the~~ required buffers and other undisturbed areas (This is done to protect this vegetation during construction through proper location of tree protection fencing).
- (b) Provides a written description of the forest stand(s) and understory vegetation within buffer areas and other undisturbed areas ~~that includes the composition of the tree species typically characteristic of the forest stand and typical size (average diameter at breast height [DBH]), typical spacing between trees~~ and an indication of the general health and vigor of the stand or specimen trees ~~for any existing vegetation to be preserved and counted toward required buffers and streetscape.~~
- (c) Locates all streetscapes and buffers as required under subsections C and D.
- (d) Locates all tree protection fencing as required under subsection F, Tree Protection During Construction on landscape plan sheet and grading plan sheet.

Commented [CS134]: Clarifies the intent of this section and ensures that it is applied in a way that is easy for staff to review and enforce, as well as for Council to understand when presented. Staff need more information than it is currently getting regarding the quality of tree stands recommended for preservation.

Commented [CS135]: Allows for tree protection without necessitating an onsite tree survey. There are still requirements to ensure that the trees meet the landscaping standards – that they are of higher quality. Satellite imagery is now good enough – and required for plan review – that an onsite tree survey is unnecessary.

Commented [CS136]: The goal is to have tree protection fencing everywhere on a site.

Commented [CS137]: The goal is to preserve quality tree stands, not those in poor health.

- (e) Locates all other important natural features influencing site design (including perennial and intermittent streams).
- (f) Shows buffers required under other Sections of this Ordinance and other areas proposed for preservation.
- (g) Shows other important natural features influencing site design, such as the location of wetlands, rock outcroppings, streams, lakes and other bodies of water should be shown on the survey.

F. Tree Protection During Construction

1. During development of the property, the owner shall be responsible for the erection of barriers necessary to protect any existing or installed vegetation located within the preservation or undisturbed buffer areas from damage both during and after construction. **Except for driveway access points, sidewalks, curb and gutter, no paving with concrete or other impervious material shall be allowed within a tree dripline. No nails, ropes, cables, signs or fencing shall be attached to any part of a tree that is to remain. Landscaping or other activities taking place after removal of protective fencing shall be accomplished with light machinery or hand labor.**

Commented [CS138]: Better protects trees from construction activities.

2. **Tree Protection Fencing**

All existing vegetation that is to be preserved, including buffers, shall be fenced with a sturdy and visible fence before grading begins. Fencing of these areas adjacent to existing and proposed roadways is also required. Fencing is required on all City and NCDOT road projects that are adjacent to protected streetscapes or buffers. The fencing must be a minimum 4 feet high and of durable construction and must be placed outside of the drip line of the tree to be protected. Passive forms of tree protection, such as continuous rope or flagging, may be used to delineate tree save areas that are remote from the area of land disturbance.

Both applicant and the Zoning Administrator, in determining the exact location of any tree protection fencing, will consider the existing site conditions. The fence shall be maintained on the site until all site work is completed. It shall be removed before final site inspection for the certificate of occupancy.

3. **Tree Protection Zone Signs**

Tree Protection Zone signs **stating that the area is not to be disturbed** must be installed on the tree protection fence visible on all sides of the fenced in area (minimum one on each side and/or every 300 linear feet).

Commented [CS139]: Clarifies City expectations of developers and construction contractors

G. Landscaping for Parking Areas

1. Purposes

The requirements of this subsection are intended to ensure attractive views of a property from streets and adjacent properties; to block views of parking lots from the adjacent rights-of-way, to moderate temperatures of impervious areas and abate glare from parking lots or service areas; to filter

automotive exhaust; and to encourage the preservation of stands of existing trees.

2. ~~Landscaping requirements in parking areas:~~

Commented [CS140]: Relocated to next section without change.

~~(a) **Within the parking area:** All parking areas must have at least one canopy tree trunk within 60 feet of each parking space. Two understory trees may be used instead of one canopy tree only if overhead or underground utility lines will impair the canopy tree's growth to mature habit. (Amended December 5, 2011)~~

~~(b) **Screening the parking area:** All parking areas shall be screened from adjacent properties and streets by evergreen plantings that will attain a height of three feet within three years. The use of shrubs and ground covers is encouraged in parking area islands and along the borders of parking areas.~~

3. Existing vegetation

Existing healthy, well-formed, canopy trees may be counted toward the requirements of this subsection, provided that these trees are protected, in accordance with subsection F, before and during development of the site and maintained after development in a healthy growing condition. ~~No credit shall be given for retention of species identified as invasive by the NC State University Agricultural Extension or NC Department of Agriculture.~~

~~(a) **Within the parking area:** All parking areas must have at least one canopy tree trunk within 60 feet of each parking space. Two understory trees may be used instead of one canopy tree only if overhead or underground utility lines will impair the canopy tree's growth to mature habit. (Amended December 5, 2011)~~

~~(b) **Screening the parking area:** All parking areas shall be screened from adjacent properties and streets by evergreen plantings that will attain a height of three feet within three years. The use of shrubs and ground covers is encouraged in parking area islands and along the borders of parking areas.~~

4. Design standards

The design of the parking area with landscaped areas, and the selection of plant materials, shall meet the standards noted below. Parking area trees are in addition to required streetscape trees.

(a) All parking spaces shall be within 60 feet of the trunk of a canopy tree, or 30 feet from ~~small~~ understory trees if needed due to overhead utilities or with special circumstances. There shall be a minimum of one canopy tree every 2,500 square feet and one understory tree every 1400 square feet of parking area. ~~All parking areas shall be screened from adjacent properties and streets by evergreen plantings that will attain a height of three feet within three years. The use of shrubs and ground covers is encouraged in parking area islands and along the borders of parking areas.~~

Commented [CS141]: Clarifies performance expectations

- (b) All planting medians and/or islands in parking areas should be at least ten feet long by ten feet wide with a minimum of 300 square feet of space per canopy tree where these trees are proposed. This dimension must be measured from the back of the curbs. Linear planting strips between the length of parking isles are strongly encouraged rather than numerous small one tree islands. If linear planting strips are used then the distance of parking spaces from a trunk of a canopy tree may be increased to 70 feet.
- (c) A minimum 10 foot wide continuous planted median shall be installed in off-street parking areas approximately every 250 linear feet in one direction for vehicular surface areas exceeding 75,000 square feet. Other design options may be approved provided that the intent of 'breaking up' large areas of parking is met. **In vehicular use areas primarily serving multi-axle trucks where landscaping is not practical, required plantings may be placed elsewhere on site if the purposes and standards of this Ordinance are met.**
- (d) All sidewalks shall be at least **five 6** feet from the trunks of canopy trees, unless otherwise approved by the Zoning Administrator. For example, when the placement of the sidewalk would require the removal of an existing canopy tree to meet this requirement or where there is not enough space on the site to accommodate both the tree and the sidewalk this requirement may be modified.
- (e) Parking lots shall be graded so that landscape islands do not impound water, unless surface impoundment is required as a method of on-site retention of stormwater. Landscape islands should be thoroughly cultivated and amended so as to support healthy plant growth.
- (f) Preservation of existing groups or stands of trees, as well as isolated islands with single trees, is strongly encouraged (see subsection I, Incentives)

Commented [CS142]: Allows for staff flexibility in realizing landscaping that better buffers such sites.

FIGURE 6-4
Parking Lot Landscaping

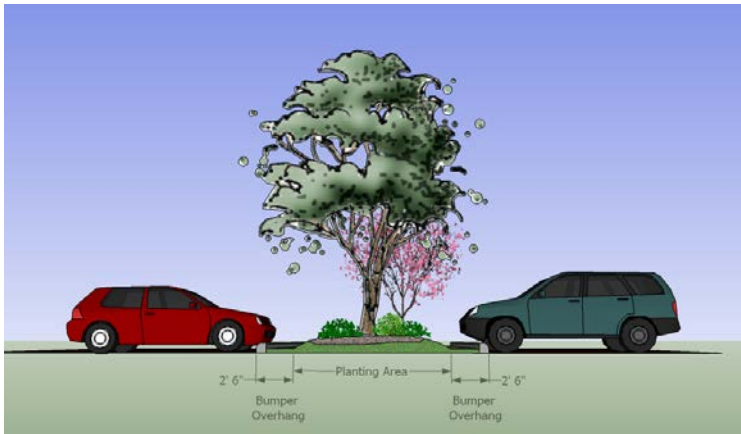


Figure 6-j: Required Parking Lot Landscaping

- (g) Canopy trees shall be at least two and one-half inches in caliper when installed and at least 10 feet in height.
- (h) Evergreen shrubs shall be at least 24 inches in height and minimum three-gallon container size at the time of installation.
- (i) Adequate drainage and mulching shall be provided for landscaped medians and islands.
- (j) The property owner or developer shall provide for continuous maintenance of the landscaped areas after occupancy of the building. The property owner shall ensure that performance criteria within this ordinance and/or included on the approved development plan are met. Failure to correct deficiencies in a timely manner shall result in a citation for violation of this Ordinance, **as provided for in Article 11**.
- (k) Parking lots shall be designed and constructed so as to prevent vehicles from striking trees or overhanging shrubs.
- (l) The size of the planting area and size of plant material at maturity shall allow for a 2.5-foot vehicle overhang from the face back of the curb. Barriers, such as curbs or wheel stops, shall be provided between parking lots and loading areas and landscaped areas.

H. Other Landscape Requirements

1. Required Foundation Plantings for Nonresidential Buildings

With the exception of buildings in the B-1 Central Business District, foundation plantings are required on all non-loading and non-service sides of non-residential buildings unless an exception is approved by the Zoning Administrator. If deemed appropriate and in an effort to maintain ADA-compliant walkways, minimize encroachments, or not place an undue financial burden upon a property owner, the Zoning Administrator may allow the use of planter boxes for permanent vegetation.

Commented [CS143]: Provides staff guidance on what are appropriate allowances for flexibility and deviation from standards

2. Standards for New Planting

Canopy trees shall be at least 10 feet high above ground level and a minimum of two and one-half inches in caliper, and understory trees shall be at least 8 feet high above ground level and a minimum of 2 inches in caliper at the time of installation, and shall have an expected mature height based on the buffer type. All shrubs shall be healthy, measure at least 24 inches above ground level and shall reach the height required for performance within three five years after installation.

Commented [CS144]: Brings this section in consistency with other landscaping timelines.

3. Easements

Nothing shall be planted or installed within an underground or overhead utility easement or a drainage easement without the consent of the City and the easement holder at the time of site plan approval. Any encroachments shall be solely the responsibility of the property owner unless otherwise stated in a legal agreement with the City.

Commented [CS145]: Clarifies liability and maintenance responsibilities in these matters.

4. Design standards for Berms

All berms used in a perimeter buffer (or in a streetscape or streetfront landscape area) shall meet all of the following design standards:

- (a) The slope of all berms shall not exceed a 2:1 ratio (horizontal to vertical), shall have a top width at least one-half the berm height, and a maximum height of 4 feet above the toe (top) of the berm. The Zoning Administrator shall approve all berms. Berms proposed to be greater than four feet in height may be permitted if deemed appropriate by the Zoning Administrator.
- (b) Proposed berms to be placed over an existing or proposed utility easement(s) shall be approved by the Zoning Administrator;
- (c) All berms, regardless of size, shall be stabilized with a ground cover or other suitable vegetation;
- (d) Berms shall be vegetated as required by this subsection. Berms must be stabilized with ground cover to prevent erosion and sedimentation. It is strongly discouraged to use berms as a substitute for existing healthy vegetation. However, if berms are allowed to replace existing vegetation which already meets the standards in this Section then they must also meet the buffer standards and must be approved by the Zoning Administrator; and
- (e) Berms shall in no case damage the roots of existing healthy vegetation designated to be preserved.

5. Screening of Stormwater Devices
Culverts, rip rap structures, holding ponds, and other stormwater-related devices must be landscaped to reduce their visual impacts. This landscape screening must consist of evergreen plantings and be part of the approved landscape plan.
6. Designated Utility Corridor
In order to reduce the damage to root systems of existing vegetation within streetscapes, buffers or any other tree save areas, designation of planned utility connection corridors is required to be shown on all development plans to coordinate the location of electrical, telephone, cable and other similar utilities.

I. Incentives

1. Purpose
The purpose of this section is to allow alternative ways to meet the standards set forth in this ordinance. This subsection provides flexibility provided that the overall intent of this Section is met. These incentives are discretionary and are subject to approval of the Zoning Administrator.
2. Incentives
The following incentives are provided to encourage the preservation of existing healthy vegetation and innovation in site design. The Zoning Administrator may approve use of these incentives unless otherwise noted.
 - (a) Existing healthy **non-invasive** vegetation and the area of land used to maintain the vegetation may be counted towards meeting the performance criteria for buffers, streetscapes, and parking areas set out in subsections C, Perimeter Buffers and subsection G, Landscaping for Parking Areas.
 - (b) A five to twenty percent reduction in the number of parking spaces required on the site shall be allowed to the extent that the reduction in the amount of required pavement will: (i) preserve existing healthy trees in an undisturbed natural condition, or (ii) allow an existing development to retrofit parking to conform to these regulations. The amount of reduction can be determined only after taking any unique site conditions and the impact of the reduction on parking needs for the use into account and must be agreed upon by both the applicant and the Zoning Administrator.
 - (c) City Council may reduce the width of streetscapes required under subsection D, Streetscape Landscaping and buffers under subsection C, Perimeter Buffers. Buffer reductions between uses may be considered based on the use of innovative site/building design concepts. Council may make exceptions to the minimum buffer widths for developments within the downtown area and for redevelopment sites. Reducing widths of streetscapes and buffers should be done only when meeting the required width prevents reasonable use of the property based on the zoning and/or

additional existing healthy vegetation or open space is provided elsewhere on the site.

~~(d) The area used for preserving existing healthy vegetation (specimen trees preferred) interior to the site may be used as credits for required perimeter buffers and/or interior buffers at a rate of 1.5 times. For example, if the area taken up by the preserved vegetation is 1,200 square feet then the applicant may remove an area equal to 1,800 square feet elsewhere and/or grade into required existing buffer areas an area equal to 1,800 square feet.~~

Commented [CS146]: Inconsistent with the open space dedication criteria of 6-7, which are more protective.

(e) Interior buffer areas may be relocated provided (i) the square footage of area is relocated elsewhere on site (preferably to save more existing vegetation) and (ii) parking lot landscape areas are designed in a combined linear fashion instead of small isolated pockets.

~~J. Mechanical, Utility, and Trash Containment Areas~~

Commented [CS147]: Relocated to Article 4 Accessory Uses section without change

~~1. Mechanical and Utility Equipment in Nonresidential Developments
Heating, ventilation, air conditioning, and other mechanical and utility equipment, which is located on, beside, or adjacent to any building or development shall be fully screened from the view of streets and adjacent property. The screen shall exceed the height of the equipment, shall not interfere with the operation of the equipment, and shall use building materials and design which are compatible with those used for the exterior of the principal building. Where mechanical and utility equipment is [are] located on the roof of a structure, all devices will be fully screened from the view of streets or adjacent property after grading or other improvements are made outside or adjacent to the site.~~

~~Utility equipment and facilities associated with on site electric, cable, telephone, gas or other similar utility shall be screened, to the extent possible, with evergreen plantings or other acceptable alternative approved by the Zoning Administrator. It is noted that certain areas around this equipment and facilities must remain clear based on each utility company's guidelines.~~

~~2. Trash Containment Areas~~

~~All trash containment devices, including compactors and dumpsters, shall be located and designed so as not to be visible from the view of adjacent streets and properties. If the device is not visible from off the site, then it need not be screened. The type of screening used shall be determined based on the proposed location of the trash containment area, existing site conditions, and the type and amount of existing and proposed vegetation on the site. All trash containment devices shall meet the following standards:~~

~~(a) All trash containment areas shall be enclosed so as to not be seen off-site and be enclosed with solid gates to contain windblown litter.~~

- ~~(b) The enclosure shall be at least 8 feet tall or 2 feet taller than (whichever is greater) the highest point of the compactor or dumpster.~~
- ~~(c) The enclosure shall be made of a material that is opaque and compatible with the design and materials of the principal building. The preferable material is masonry with solid metal gates; however, wood and other similar material may be used as long as the material used protects the enclosure from damage caused by unloading the trash container.~~
- ~~(d) All compactors and dumpsters shall be placed on a concrete pad that is large enough to provide adequate support and allows for positive drainage.~~
- ~~(e) The enclosure shall contain gates to allow for access and security (gates must be maintained in good working order).~~

K. Time for Installation of Required Landscaping

1. Time Limit

All landscaping, including mulching and seeding shall be completed in accordance with the approved development plan or Developer Agreement, as allowed by Article 2 Section XX before a certificate of occupancy for the site is issued unless the Zoning Administrator grants an exception. If an exception is granted, a performance bond or other type of security is required and will be identified in the Developer Agreement to ensure required landscaping will be done at a predetermined later date. The amount of the bond shall be 125% two-times the cost of the plant material yet to be installed, based on the highest estimate received.

Commented [CS148]: Clarifies performance expectations and brings surety values into alignment with those stated elsewhere in the UDO.

2. Extensions and Exceptions

Extensions and exceptions to the above time limit may be granted under the following conditions:

- (a) Unusual environmental conditions, such as drought, ice, over-saturated soil, or inappropriate planting season for the plant species (plantings between June through August are strongly discouraged).
- (b) Substitution or unavailability of plant species or acceptable plant size as specified on the site plan.
- (c) Circumstances beyond the developer's or property owner's control, such as incomplete construction or utility work to occur in a proposed landscaped area within 30 days after expected site completion.

L. Implementation of Landscape Plan; Inspections

- 1. Inspections before Certificate of Occupancy: The Zoning Administrator shall inspect the site before the issuance of a permanent certificate of

occupancy for the development and shall not issue the permanent Certificate of Occupancy if the landscaping required under this Section is not living or healthy or is not installed in accordance with the standards set forth in this Section and in accordance with the approved site plan.

M. Maintenance Responsibility

1. In order for any landscaping and screening to fulfill the purpose for which it was established, it must be properly maintained. The owner of the property, the HOA, and any tenant on the property where screening is required will be jointly and severally responsible for the maintenance of all landscaping and screening materials required under this Ordinance. Maintenance includes actions necessary to keep screening materials healthy, neat and orderly in appearance and free of litter and debris.
2. The landscaping and screening requirements of this Ordinance are intended to be performance-oriented and the failure of trees and planting materials to achieve adequate growth and development shall constitute noncompliance. All screening and landscaping areas must be protected from damage by motor vehicles or pedestrians which could reduce the effectiveness of the screening.
3. Any dead, unhealthy, or missing vegetation, or vegetation disfigured by severe or excessive pruning (e.g. "topping"), shall be replaced with locally adapted vegetation that conforms to the standards of this Ordinance and the approved site and/or subdivision plan. In the case of removal of existing original vegetation from required vegetation protection areas, the replacement requirements of subsection O below shall apply.
4. In the event that any vegetation or physical element functioning to meet the standards of this Ordinance is severely damaged due to an unusual weather occurrence or natural catastrophe, or other natural occurrence such as damage by wild or domestic animals, the owner may be required to replant if the buffer standards are not being met. The owner shall have one growing season to replace or replant after reconstruction is complete. The Zoning Administrator shall consider the type and location of the landscape buffer or required vegetation area as well as the propensity for natural revegetation in making a determination on the extent of replanting requirements.
5. Any appeals of the Zoning Administrator's decision relating to the amount of required revegetation shall be made to the City Council within ten days following the notice of decision, and the City Council shall consider reduction requests at the next available regular meeting.
6. All required buffers, streetscapes, vehicular use areas, and other landscaped areas shall be free of refuse and debris, shall be treated for pest/diseases in accordance with the approved site and/or subdivision plan, and shall be maintained so as to prevent mulch, straw, dirt, or other materials from washing onto streets and sidewalks.
7. The owner should take actions to protect trees and landscaping from unnecessary damage during all facility and site maintenance operations.

Plants must be maintained in a way that does not obstruct sight distances at roadway and drive intersections, obstruct traffic signs or devices, and/or interfere with the use of sidewalks or pedestrian trails. Viable plants shall not be removed, damaged, cut or severely pruned so that their natural form is impaired (shrubs within existing vehicle use areas and streetscapes may be pruned, but must maintain the minimum required height).

8. In the event that existing required vegetation located within any required buffers, streetscapes, vehicular use or other landscape areas poses an immediate or imminent threat to improved structures on private or public property, severe pruning and/or removal of the vegetation is allowable provided prior approval from the Zoning Administrator is obtained, and the performance standard of the landscape area is maintained consistent with this Ordinance.
9. Unapproved removal of vegetation and/or severe or excessive pruning in non-emergency situations will result in a violation of this Ordinance.
10. The owner of the property on which a required fence or wall is located shall maintain the fence or wall in a safe and attractive condition. This shall mean the following:
 - (a) No fence or wall shall have more than 20 percent of its surface area with disfigured, cracked, ripped or peeling paint or other material;
 - (b) A fence or wall shall not stand with bent or broken supports, including loose or missing appendages; and
 - (c) Fences and walls shall be plumb (vertical) to the ground.

N. Replacement of Disturbed and Damaged Vegetation

1. The disturbance or damage of vegetation within any required buffers, streetscapes, vehicular use areas, or other landscape areas required by this Ordinance, or by zoning condition, shall constitute a violation of this Ordinance.
2. The natural death of existing vegetation within any required landscape area does not constitute a violation and would not require revegetation to replace the plant material unless the required landscape area no longer achieves the required performance standards of this Ordinance.
3. All disturbed or damaged landscaped areas and natural vegetation shall be replanted so as to meet the standards of this Ordinance, as well as the approved site and/or subdivision plat, if applicable. A replacement planting plan shall be submitted for review and approval by the Zoning Administrator prior to replacement. This plan will ensure proper replacements are made.
4. In situations where existing required vegetation on a developed site or vacant site with an approved site and/or subdivision plat has been removed or damaged in violation of this Ordinance, the Zoning Administrator may

require that the entire site be reviewed and revegetated consistent with the current provisions of this Ordinance.

O. Failure to Comply

Failure to substantially comply with the standards and requirements of Section 6-3, including the maintenance of required landscaping materials and replacement of damaged vegetation shall result in the revocation of the zoning or special use permit. Permit revocation shall follow with the procedures delineated in Section 11-6.

6-4 Parking, Stacking, and Loading

A. General Requirements

1. Parking, Stacking and Loading Space Required

When any building or structure is erected, modified, enlarged or increased in capacity, or any open use is established, modified or enlarged, the requirements of this Section shall be met. For enlargements, modifications, or increase in capacity, the requirements of this Section shall apply only to such enlargements, modifications or increases in capacity. Parking requirements for uses in the B-1 Central Business District shall be reviewed on a case-by-case basis and deviations in the number of required parking spaces may be made in accordance with the provisions of Section 6-4.C, 5 3, E.

2. Required Number

The minimum number of required off-street parking, stacking and loading spaces is indicated in subsection 6-4.3 (parking and stacking) and subsection 6-4.7 (loading). In cases of mixed occupancy, the minimum number of off-street parking, stacking and loading spaces shall be the cumulative total of individual use requirements unless otherwise specified. **Bicycle racks shall be required at a ratio of one bicycle rack for every dedicated handicapped space, as required by 6-4.A. 3.**

Commented [CS149]: Reflects City's adopted Bike/Ped plan

3. Handicapped Spaces

Spaces for the physically handicapped shall be provided as required by the NC Building Code, Volume I-C and the Americans with Disabilities Act of 1990.

4. Minimum Number of Parking Spaces

In all instances, except for residential and accessory uses, where less than five off-street parking spaces is required by Table 6-4-1, a minimum of five **automobile** parking spaces **and one bicycle rack** shall be provided.

5. Reduction of Minimum Requirements

Unless there is a change in use requiring fewer spaces, the number of spaces shall not be reduced below the minimum requirements of this Article.

6. Maintenance

All parking, stacking and loading facilities shall be permanently maintained by the owners or occupants as long as the use they serve exists.

7. Access

All parking, stacking and loading facilities shall have vehicular access to a public street or approved private street.

8. Use for No Other Purpose

Land used to provide required parking, stacking, and loading shall not be used for any other purposes, except for authorized temporary events. If such land is devoted to any other purpose, the Certificate of Occupancy of the affected principal use shall immediately become void.

9. Compliance with Air Quality Standards

The construction of or modification to (i) open parking lots containing 1,500 or more spaces or (ii) parking decks and garages containing 750 or more spaces shall comply with the concentrated air emissions standards of the NC Division of Environmental Management.

10. Parking of Vehicles in Residential Districts

Parking vehicles in excess of one ton rated capacity shall be prohibited in a residential zoning district except for loading and unloading purposes, for emergency home service, or for use in the conduct of a legal nonconforming use; and then parking of such vehicles shall be permitted only on the property occupied by the legal nonconforming use. In no case shall parking of such a vehicle be permitted on the street.

11. On-street Parking Restrictions

See Chapter 34 of the City of Mebane Code of Ordinances for specific regulations regarding parking restrictions on public streets, including prohibitions against the on-street parking or storage of certain types of motor vehicles and the on-street parking of oversized motor vehicles.

12. Electric Vehicle Charging Stations

Provision of an electric vehicle charging station shall be credited as the equivalent of two parking spaces for vehicles with combustion engines.

Commented [CS150]: Incentive that reflects recent City Council discussions on better supporting this need on new developments.

B. Parking Requirements for Change in Use

If a change in use causes an increase in the required number of off-street parking, stacking or loading spaces, such additional spaces shall be provided in accordance with the requirements of this Ordinance; except that if the change in use would require an increase of less than five percent in the required number of parking spaces, no additional off-street parking shall be required.

C. Number of Parking and Stacking Spaces Required

1. The minimum number of required off-street parking and stacking spaces is indicated in Table 6-4-1. However, in no event shall a nonresidential use or the nonresidential component of a mixed use development provide more than 120 percent of the minimum parking spaces established in Table 6-4-1 except through the approval by the Zoning Administrator of a parking demand study, prepared by a qualified professional, which demonstrates the need for parking spaces in excess of 120 percent of the minimum requirement established in Table 6-4-1.

2. Whenever the number of parking spaces required by Table 6-4-1 results in a requirement of a fractional space, any fraction of one-half or less may be disregarded while a fraction in excess of one-half shall be counted as one parking space.
3. For any use not specifically listed in Table 6-4-1, the parking and stacking requirements shall be those of the most similar listed use, as determined by the Zoning Administrator.
4. All developments in all zoning districts shall provide a sufficient number of parking spaces to accommodate the number of vehicles that ordinarily are likely to be attracted to the development in question. The City recognizes that the B-1 zoning district serves the needs of a denser land use environment and that parking requirements may need to be reduced, as allowed by subsection 5.
5. The City Council recognizes that, due to the particularities of any given development, the inflexible application of the parking standards set forth in Table 6-4-1 may result in a development either with inadequate parking space or parking space far in excess of its needs. Therefore, the permit-issuing authority may permit deviations from the requirements of Table 6-4-1 and may require more parking or allow less parking whenever it finds that such deviations are more likely to satisfy the general standard delineated in subsection 4 above.

Commented [CS151]: Clarifies intent and recent City Council discussions on Downtown and infill development

The permit-issuing authority may allow deviations, for example, when it finds that a residential development is irrevocably oriented toward the elderly, disabled or other population that demonstrates a lesser parking need or when it finds that a business or service is primarily oriented to walk-in trade. The permit-issuing authority may also, for example, require additional overflow or visitor parking in cases where the proposed lot sizes are such that anticipated parking needs for occasional visitors can not be accommodated on individual lots. Whenever the permit-issuing authority allows or requires a deviation from the requirements of Table 6-4-1, it shall enter on the face of the permit the parking requirement that it imposes and the reasons for allowing or requiring the deviation.

**Table 6-4-1
Off-Street Parking and Stacking Requirements**

USE	MINIMUM SPACES REQUIRED
Residential Uses	
1) Boarding and rooming house; bed & breakfast	1/bedroom plus 2/3 employees on the largest shift
2) Congregate care, family care, or group care facilities	1/4 beds plus 1/employee and visiting specialist plus 1/vehicle used in the operation
3) Multi-family dwellings (including condominiums)	
0 to 1 bedroom units	1.50/unit
2 bedroom units	1.75/unit
3 or more bedroom units	2.00/unit plus 0.5 per bedroom over 3 bedrooms
4) Homeless shelter	1/resident staff member, plus 2/3 nonresidential staff members and/or volunteers on the largest shift, plus 1/each vehicle used in the operation
5) Single-family detached & two-family dwellings; manufactured homes; townhouse dwellings; manufactured home parks; residential use in a nonresidential building	2/dwelling unit plus 0.5 per bedroom over 2 bedrooms

Commented [CS152]: Will bring new Requirements to Council at a future date with the new Sign Standards to bring Mebane into better alignment with neighbors and peers. These standards are generally more burdensome than other communities but staff needs time to research recommended new requirements.

USE	MINIMUM SPACES REQUIRED
Accessory Uses	
1) Accessory dwelling unit	1/attached unit, 2/detached unit
2) Caretaker dwelling	2/unit
3) Home occupation	1/each non-resident employee
Recreational Uses	
1) Amusement parks; fairgrounds; skating rinks	1/200 square feet of activity area
2) Athletic fields	25/field
3) Auditorium; assembly hall; convention center; stadium	1/5 persons based upon the design capacity of the building
4) Batting cages, golf driving ranges; miniature golf; shooting ranges	1/cage, tee, or firing point
5) Billiard parlors; tennis courts	3/table or court
6) Bowling centers	4/lane
7) Clubs; coin-operated amusement; physical fitness centers and similar indoor recreation	1/200 square feet of gross floor area
8) Riding academy	1/2 stalls
9) Go-cart raceways	1/go-cart plus 1/employee on the largest shift
10) Recreational vehicle park or campground	See Section 8.56
11) Swimming pools, swim clubs	1/100 square feet of water and deck space
Educational and Institutional Uses	
1) Ambulance services; fire stations; law enforcement stations	1/employee on the largest shift
2) Churches	1/4 seats in main chapel
3) Colleges and universities	7/classroom plus 1/4 beds in main campus dorms plus 1/250 square feet of office space plus 1/5 fixed seats in assembly halls and stadiums
4) Correctional institutions	1/10 inmates plus 2/3 employees on largest shift plus 1/vehicle used in the operation
5) Day care centers; day care homes	1/employee plus 1/10 clients plus stacking for 4 vehicles
6) Elementary and middle schools	5 spaces plus 1/employee
7) Government offices; post offices	1/150 square feet of public service area plus 2/3 employees on largest shift
8) Hospitals	1/4 in-patient or out-patient beds plus 2/3 employees on largest shift plus 1/staff doctor
9) Libraries; museums and art galleries	1/450 square feet of gross floor area for public use plus 2/3 employees on the largest shift
10) Nursing and convalescent homes	1/4 beds plus 1/employee and visiting specialist plus 1/vehicle used in the operation
11) Senior high schools	1/4 students plus 1/employee
Business, Professional and Personal Services	
1) Automobile repair services	3/service bay plus 1/wrecker or service vehicle plus 2/3 employees on the largest shift
2) Banks and financial institutions	*1/200 square feet gross floor area plus stacking for 4 vehicles at each drive-through window or automatic teller machine

USE	MINIMUM SPACES REQUIRED
3) Barber and beauty shops	3/operator
4) Car washes	
a) Full-service	*stacking for 30 vehicles or 10/approach lane, whichever is greater plus 3 spaces in the manual drying area plus 2/3 employees on the largest shift
b) Self-service	*3 stacking spaces/approach lane plus 2 drying spaces/stall
5) Delivery services	2/3 employees on largest shift plus 1/vehicle used in the operation
6) Equipment rental and leasing	1/200 square feet gross floor area
7) Funeral homes or crematoria	1/4 seats in main chapel plus 2/3 employees on the largest shift plus 1/vehicle used in the largest operation
8) Hotels and motels containing...	
a) 5,000 square feet or less ancillary space, i.e. restaurant, meeting rooms, lounge or lobby or a restaurant/lounge containing 3,000 square feet or less	1.1/rental unit
b) more than 5,000 square feet of ancillary space, i.e. restaurant, meeting rooms, lounge or lobby or a restaurant/lounge containing over 3,000 square feet	1.25/rental unit
9) Kennels or pet grooming	1/300 square feet of sales, grooming or customer waiting area plus 2/3 employees on the largest shift
10) Laundromat (coin operated)	1/4 pieces of rental equipment
11) Laundry and dry cleaning plants or substation	*2/3 employees on the largest shift plus 1/vehicle used in the operation plus stacking for 4 vehicles/pickup station
12) Laboratories	*2/3 employees on the largest shift plus 1/250 square feet of office space
13) Medical, dental, or related offices	3/examining room plus 1/employee including doctors
14) Motion picture production	1/1000 square feet of gross floor area
15) Offices not otherwise classified	1/250 square feet of gross floor area
16) Repair of bulky items (appliances, furniture, boats, etc.)	2/3 employees on largest shift plus 1/vehicle used in operation
17) Theaters (indoor)	1/4 seats
18) Truck wash	3 stacking* spaces/stall
19) Veterinary service (other)	4/doctor plus 1/employee including doctors
20) Vocational, business, or technical secretarial schools	1/100 square feet of classroom space plus 1/250 square feet of office space
21) Services and repairs not otherwise classified	1/250 square feet gross floor area plus 1/vehicle used in the operation
Drive-throughs not otherwise classified	Stacking* for 4 vehicles at each bay, window, lane, ordering station or machine in addition to the use requirement
Retail Trade	
1) Bars, night clubs, taverns	1/3 persons based upon the design capacity of building plus 2/3 employees on the largest shift, located on the same zone lot
2) Convenience stores	1/200 square feet gross floor area plus 4 stacking* spaces at pump islands

USE	MINIMUM SPACES REQUIRED
3) Department stores, food stores	1/200 square feet gross floor area
4) Fuel oil sales	2/3 employees on largest shift plus 1/vehicle used in the operation
5) Furniture; floor covering sales	1/1,000 square feet gross floor area
6) Motor vehicle, motorcycle, or recreational vehicle sales or rental; manufactured homes sales	5 spaces plus 1/10,000 square feet of display area plus 2/3 employees on the largest shift
7) Restaurants	1/4 seats plus 2/3 employees on the largest shift & 11 total stacking* spaces with minimum 5 spaces at or before ordering station
8) Retail sales not otherwise classified	1/200 square feet gross floor area
9) Retail sales of bulky items (appliances, building materials, etc.)	1/500 square feet of gross floor area
10) Service stations, gasoline sales	3/service bay plus 1/wrecker or service vehicle plus 2/3 employees on largest shift plus 4 stacking* spaces at pump islands
Wholesale Trade	
1) Market showroom	1/1,000 square feet gross floor area
2) Wholesale uses	2/3 employees on the largest shift plus 1/200 square feet of retail sales or customer service area plus 1/vehicle used in the operation
Transportation, Warehousing and Utilities	
1) Airport, bus and railroad terminals	1/4 seats plus 2/3 employees on the largest shift
2) Communications towers; demolition debris landfills; heliports; utility lines or substations	No required parking
3) Self-storage warehouses	1 space/5,000 square feet devoted to storage
4) Marinas; dry stack storage	1 space/slip; 1 space/2 dry storage spaces
5) Transportation, warehousing and utility uses not otherwise classified	2/3 employees on the largest shift plus 1/vehicle used in the operation
Manufacturing and Industrial Uses	
	2/3 employees on the largest shift plus 1/200 square feet of retail sales or customer service area plus 1/vehicle used in the operation
Other Uses	
Flea markets; other open air sales	1/1,000 square feet of lot area used for storage, sales, and display
Shopping Centers	
a) < 250,000 square feet gross floor area	1/200 square feet gross floor area in main building(s) (excluding theaters) plus parking as required for outparcels or theaters
b) > 250,000 square feet gross floor area	1,250 spaces plus 1/225 square feet gross floor area above 250,000 square feet

/ = per

* = NCDOT may require additional stacking spaces for uses abutting state or federal highways.

D. Design Standards for Parking, Stacking and Loading Areas

1. Parking facilities shall be designed and constructed so as to:

- a. Allow unobstructed movement into and out of each parking space without interfering with fixed objects or vehicles;
- b. Minimize delay and interference with traffic on public streets and access drives;
- c. Maximize sight distances from parking lot exits and access drives; and
- d. Allow off-street parking spaces in parking lots to have access from parking lot driveways and not directly from streets.

2. Dimensional Requirements

Parking facilities shall be designed and constructed to meet the minimum parking space dimensions, aisle dimensions and other standards found in Table 6-4-2.

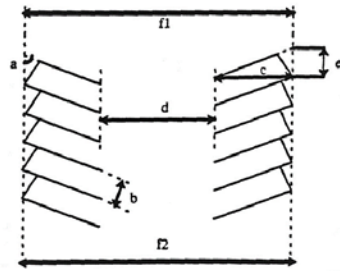
**Table 6-4-2
Parking Space Geometric Design Standards**

a PARKING ANGLE (degrees)	b STALL WIDTH (*)	c STALL TO CURB (ft.)	d AISLE WIDTH (ft.)	e CURB LENGTH (ft.)	f CENTER-TO-CENTER WIDTH OF TWO ROW BIN WITH ACCESS ROAD BETWEEN (ft)	
					f1 CURB-TO- CURB	f2 OVERLAP C-C
0	7'-6"	7.5	12.0	23.0	27.0	-
	9'-0"	8.5	12.0	23.0	29.0	-
	9'-0"	9.0-23'	12.0	23.0	30.0	-
	9'-6"	9'-6"	12.0	23.0	31.0	-
	10'-0"	10.0	12.0	23.0	32.0	-
30	7'-6"	16.5	11.0	17.5	44.0	41.0
	9'-0"	16.9	11.0	17.0	44.8	37.4
	9'-0"	17.3	11.0	18.0	45.6	37.8
	9'-6"	17.8	11.0	19.0	46.6	38.4
	10'-0"	18.2	11.0	20.0	47.8	38.7
45	7'-6"	17.0	11.0	10.5	43.0	48.1
	9'-0"	19.4	13.5	12.0	52.3	46.3
	9'-0"	19.8-20'	13.0	12.7	52.6	46.2
	9'-6"	20.1	13.0	13.4	53.2	46.5
	10'-0"	20.5	13.0	14.1	54.0	46.9
60	7'-6"	17.7	14.0	8.7	47.4	44.0
	9'-0"	20.7	18.5	9.8	59.9	55.6
	9'-0"	21.0 20'6"	18.0	10.4	60.0	55.6
	9'-6"	21.2	18.0	11.0	60.4	55.6
	10'-0"	21.2	18.0	11.5	61.0	56.0
90	7'-6"	17.0	20.0	7.5	54.0	-
	9'-0"	19.0	25.0	8.5	63.0	-
	9'-0"	19.0 18'	24.0 26'	9.0	62.0	-
	9'-6"	19.0	24.0	9.5	62.0	-
	10'-0"	19.0	24.0	10.0	62.0	-

Commented [CS153]: Amendments will greatly simplify this table and bring City parking standards into alignment with neighbors and peers: the 19'-long spaces are unusual. Additional standards provide flexibility and clarity on performance expectations by staff.

(*) 9'-0" Minimum (*) 7'-6" Compact Cars Only, for non-required spaces only.

- (1) Curb length for end space of 3 or more parallel spaces may be 20' in length with no obstruction at the end.
- (2) Parking spaces adjacent to landscaping and/or sidewalks may be allow for a vehicle overhang of up to 12 inches, provided that any walkways maintain a walking path compliant with ADA standards.
- (3) Spaces may be widened up to 10' and accordingly reduce the aisle width so that the curb-to-curb distance is unchanged.
- (4) Minimum width of painted lines shall be 4".
- (5) Depth of space is measured from face of curb. If provided, a concrete gutter is not required to be painted.
- (6) Stacking Space Geometric Design Standards: Stacking Spaces shall be twelve feet (12) by twenty (20) feet.



3. Improvements

- a. Except as provided for in subsection 3 below, required parking spaces, access drives, and loading areas shall be paved and maintained with concrete, asphalt, or similar material of sufficient thickness and consistency to support anticipated traffic volumes and weights.
- b. Access drives shall be paved and maintained from the curbline or edge of pavement to a point at least ten feet beyond the public right-of-way line for all parking and loading facilities, whether paved or unpaved.
- c. Paving shall not be required for:
 - (1) Detached single-family residential dwellings.
 - (2) Parking areas for tracked heavy construction equipment, skid-mounted equipment and similar equipment, provided they are constructed with an all-weather surface.
- d. Parking lots containing 12 or more spaces shall also include curbing and storm drainage facilities. Driveway aprons shall be constructed to extend to the improved roadway. Provided, however, upon application the City Council may waive the requirement of curbing and/or storm drainage facilities where it is clearly demonstrated that curbing would be detrimental to the environment due to erosion or run off concerns or that the strict requirement of curbing and storm drainage would be unduly burdensome and financially not feasible, as reviewed and recommended by the City Engineer.
- e. All facilities shall be graded, properly drained, stabilized and maintained to minimize dust and erosion.
- f. All parking spaces and stacking lanes shall be clearly identified with paint lines, bumper guards, curbs, or similar treatment.
- g. All parking spaces shall be provided with wheel guards or curbs located so that no part of the parked vehicle will extend beyond the property line or encroach more than two feet into a required planting area.
- h. Concrete pads for stationary refuse containers shall be provided beneath and in the approach to each container.
- i. Parking lots shall be designed and constructed such that walkways shall maintain a minimum unobstructed width of ~~four~~ five feet (vehicle encroachment is calculated as two feet beyond curb).

Commented [CS154]: Currently curb and gutter waivers can only be granted by the City Council. This does not require a public hearing. This may be the only such waiver from UDO standards that can be granted in this manner. Recommendation is to make this waiver something that staff can grant with ultimate authority resting with the City Engineer, who will review for safety and stormwater concerns.

Commented [CS155]: Reflects contemporary ADA criteria.

E. Location

1. Off-site Parking Lots

When required off-street parking is permitted to be located off-site, it shall begin within five hundred feet of the zone lot containing the principal use. Required off-street parking shall not be located across an intervening major or minor thoroughfare.

2. Parking in Nonresidential Districts
Automobile parking for any use may be provided in any nonresidential district.
3. Nonresidential Parking in Residential Districts
Surface parking in a residential zoning district for any use not permitted in that district is allowed under the following conditions:
 - a. Property on which the parking is located must abut the lot containing the use that the parking serves. The property must be under the same ownership or subject to a parking encumbrance agreement. All access to such property shall be through nonresidentially-zoned property;
 - b. Parking shall be used only during daylight hours;
 - c. Parking shall be used by customers, patrons, employees, guests, or residents of the use that the parking serves;
 - d. No parking shall be located more than one hundred twenty feet into the residential zoning district.
 - e. No parking shall be permitted closer than one hundred fifty feet to any public road right-of-way upon which the principal use would not be permitted driveway access; and
 - f. Long-term or dead storage, loading, sales, repair work or servicing of vehicles is prohibited.
 - g. The parking lot complies with the landscaping and screening requirements of Section 6-3, G.

F. Combined Parking

1. Separate Uses
The required parking for separate or mixed uses may be combined in one facility.
2. Shared Parking
~~A maximum of fifty percent of~~ The parking spaces required for a church, theater, auditorium or assembly hall or other similar use may also serve as required spaces for another use located on the same zone lot. Shared spaces may also be located off-site as allowed in Section 6-4.5, A, Off-site Parking Lots. In either case, the Zoning Administrator must determine that the various activities will have peak parking demand at different periods of the day or week. Otherwise, no off-street parking required for one building or use shall be applied toward the requirements of any other building or use. A shared parking plan shall be enforced through a written agreement between the owners of record of all properties involved. The agreement shall be submitted to the Zoning Administrator prior to the issuance of a building permit for any use served by the shared parking area.
3. Reassignment
Required off-street parking spaces shall not be leased or otherwise assigned to another use except as provided in subsection B.

Commented [CS156]: Encouraging reasonable and realistic shared parking is a goal of the City's plans and should not be restricted to only 50% of the parking needs for a site/use.

G. Loading Areas

1. General

Every building or structure used for business, trade or industry hereafter erected shall provide space as indicated in this subsection for the loading and unloading of vehicles off the street. The space shall have access to any alley, or if there is no alley, to a street.

2. Location

Off-street loading areas shall be located on the same zone lot as the use they serve.

3. Design Standards

a. Minimum Number of Loading Spaces Required:

- (1) Retail operations, including restaurant and dining facilities within hotels and office buildings:

Gross Floor Area (FT ²)	Number of Spaces
0 - 20,000	0
20,001 - 40,000	1
40,001 - 75,000	2
75,001 - 150,000	3
150,001 - 250,000	4
For each additional 250,000 square feet or fraction thereof	1

- (2) Office buildings and hotels:

Gross Floor Area (FT ²)	Number of Spaces
0 - 100,000	0
For each additional 100,000 square feet or fraction thereof	1

- (3) Industrial and wholesale operations:

Gross Floor Area (FT ²)	Number of Spaces
0 - 10,000	0
10,001 - 40,000	1
40,001 - 100,000	2
100,001 - 160,000	3
160,001 - 240,000	4
240,001 - 320,000	5
320,001 - 400,000	6
For each additional 90,000 square feet or fraction thereof	1

- b. Each loading space shall be at least twelve feet wide, sixty-five feet long, and fourteen feet in clearance.

- c. All off-street loading areas shall be arranged and marked to provide for orderly and safe unloading and loading, and shall not hinder the free movement of vehicles and pedestrians. All loading and unloading maneuvers shall take place on private property. No backing in from a road or maneuvering on the road right-of-way shall be permitted.

H. Parking and Loading Area Landscaping

Parking lots shall provide landscaping and screening in accordance with the standards delineated in Section 6-3, G, Landscaping for Parking Areas.

I. Excessive Illumination in Parking Lots and Loading Areas

Lighting within any parking and loading area that unnecessarily illuminates any other lot and substantially interferes with the use or enjoyment of such other lot is prohibited. Floodlights, spotlights, or any other similar lighting shall not be used to illuminate parking and loading areas.

All parking and loading area lighting shall be designed and located in accordance with the requirements of Section 6-5, Outdoor Lighting.

6-5 Outdoor Lighting

A. General Requirements

1. All exterior lighting, such as that used in and around buildings, recreation areas, parking lots, and signs, shall be designed to protect against the spillover of light to adjacent properties. It shall also be designed to protect against glare onto public rights-of-way thereby impairing the vision of motorists and adjoining properties.
2. All exterior lighting shall be shielded from adjacent properties by thick evergreen vegetated buffers, berms, walls, or fences, and/or the use of directional lighting, lighting shields, special fixtures, timing devices, appropriate light intensities, luminaries, and mountings at appropriate heights.
3. Exterior lighting shall be architecturally integrated with the building's style, materials, and colors in the selection and design of light poles, brackets, and fixtures.

B. Lighting Plan Required

1. A lighting plan indicating illumination intensities shall be submitted with site plans and subdivision plats. The Zoning Administrator is authorized to waive this requirement for small independent development projects on less than an acre if the fixture types are specified on the site plan or plat.
2. Any changes to the lighting plan must be approved by the Zoning Administrator through a site and/or subdivision plat revision.

C. Exterior Lighting Standards

1. General standards:

- (a) Outdoor lighting shall be designed, located and mounted at heights no greater than:
 - (1) 18 feet above grade for non-cut-off lights.
 - (2) 35 feet above grade for cut-off lights.
- (b) All outdoor lighting shall be designed and located such that the maximum illumination measured in foot candles at a property line shall not exceed 0.4 for non cut-off lights and 1.5 for cut-off lights. Cut-off lighting shall be designed to direct light downward (e.g., shoe box style).
- (c) For parking lots, the minimum light level shall be no less than 0.2 foot-candles. The average foot-candle maintained to the minimum foot-candles ratio shall be no greater than 4:1 (upper to lower limits).
- (d) All outdoor lighting fixtures shall be located a minimum of 10 feet from a property or right-of-way line and should not be within a required perimeter buffer or streetscape unless it is located at the interior edge.
- (e) A lighting plan is required for site plan approval for all but single family residential developments.
- (f) Floodlights, spotlights or any other similar lighting shall not be used to illuminate buildings or other site features unless approved as an integral architectural element on the development plan. On-site lighting may be used to accent architectural elements and not be used to illuminate entire portions of building(s).

6. Lighting for Canopies

- (a) Lighting for canopies shall be restricted to lighting fixtures (including lenses) that do not project below the bottom of the canopy. Lighting for canopies for service stations and other similar uses shall not exceed an average of 20 footcandles as measured at ground level at the inside of the outside edge of the canopy.
- (b) Canopies used for building accents over doors, windows, etc. shall not be internally lit (i.e., from underneath or behind the canopy).

7. Wall Pack Lights

Wall packs on buildings may be used at entrances to a building to light unsafe areas. They are not intended to draw attention to the building or provide general building or site lighting. 'Wall Packs' on the exterior of the building shall be fully shielded (true cut-off type--bulb or light

source not visible from off-site) to direct the light vertically downward and be of low wattage (preferably 100 watts or lower).

8. Illumination of Outdoor Sports Fields and Outdoor Events Areas

- (a) All such lighting fixtures shall be equipped with a glare control package (e.g., louvers, shields, or similar devices), and the fixtures shall be aimed so that their beams are directed and fall within the primary playing or event area; and
- (b) The hours of operation for the lighting system for any game or event shall not exceed one hour after the end of the game or event.

9. Sign Lighting

Lighting fixtures illuminating signs shall comply with the requirements of Section 6-6, and such fixtures shall be aimed and shielded so that direct illumination is focused exclusively on the sign face.

10. Timer Devices

- (a) Timer devices shall be employed to shut off luminaries or to reduce light levels when full lighting is not required, such as after normal business hours.
- (b) Special attention shall be given to protecting adjoining residential properties from off-site illumination after 10:00 pm.

6-6 Signs

6-6.1 Purpose and Intent

The sign regulations, adopted and prescribed in this Section, are found by the City Council to be necessary and appropriate to:

- A. Recognize that signs serve a legitimate public service and that they complement and support trade, tourism, and investment within the City of Mebane;
- B. Encourage the effective use of signs as a means of visual communication;
- C. Promote a positive community appearance for the enjoyment of all citizens;
- D. Maintain and enhance the aesthetic environment and the community's ability to attract sources of economic development and growth;
- E. Protect the public from damage or injury attributable to distractions and/or obstructions caused by improperly designed or located signs; and
- F. Protect existing property values in both residential and nonresidential areas.

6-6.2 Permit Required

All signs except those specifically exempted in Section 6-6.5 shall be erected, installed, or modified only in accordance with a duly issued and valid sign

permit issued by the Zoning Administrator. Sign permits shall be issued in accordance with the zoning permit requirements and procedures of Section 2-15, and the submission requirements of Appendix A. If plans submitted for a zoning or special use permit include sign plans in sufficient detail that the permit issuing authority can determine whether the proposed sign(s) comply with the provisions of this Section, then issuance of the requested land use or special use permit shall constitute approval of the proposed sign(s).

6-6.3 Sign Definitions

Unless otherwise specifically provided, or unless clearly required by the context, the words and phrases defined in this subsection should have the meaning indicated when used throughout this Section.

A. Sign

Any words, lettering, numerals, parts of letters or numerals, figures, phrases, sentences, emblems, devices, designs, or trade names or trademarks by which anything is known (including any surface, fabric or other material or structure designed to carry such devices such as are used to designate or attract attention to an individual, firm, an association, a corporation, a profession, a business, or a commodity or product) which are exposed to public view and used to attract attention.

B. Advertising Signs (Billboards or Outdoor Advertising Signs)

A sign which publicizes and directs attention to a business, profession, commodity, activity, product, service or entertainment not conducted, sold or offered upon the premises where such sign is located. Billboards located within 660 feet of interstate or federally assisted primary highways are subject to the standards and permitting requirements of the Outdoor Advertising Control Act which is administered by the North Carolina Department of Transportation.

C. Animated Sign

Any sign which flashes, revolves, rotates or swings by mechanical means, or which uses a change of lighting to depict action, or to create a special effect or scene.

D. Banner

A temporary sign of light weight fabric or similar material that is rigidly mounted to a pole or a building by a rigid frame at two or more edges. National, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

E. Building Marker

A sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface, or made of bronze or other permanent material.

F. Canopy or Awning Sign

Any sign which is painted, mounted, or attached to an awning, canopy or other fabric-like or plastic protective structure which is extended over a door, window, or entranceway. A marquee is not a canopy.

G. Changeable Copy Sign

Any sign on which copy is changed manually and copy is shown on the same sign face such as reader boards with changeable letters or changeable pictorial panels but not limited to the above. Poster panels and painted boards are not changeable copy signs.

H. Commercial Message

Any sign wording, logo, or other representation that directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity. This definition does not include company nameplates or logos on instructional signs.

I. Construction Sign

A sign on a construction site during the period of construction on which is printed or written the name of the owner, developer, contractor, architect, planner, engineer, or development title.

J. Electronically Controlled Message Sign

A sign on which the copy changes automatically on a lampbank, such that the message or display does not run continuously in the travel mode, and any message or display remains stationary for a minimum of two seconds. Any sign on which the message or display runs continuously in the travel mode and/or on which any message or display does not remain stationary for a minimum two seconds shall be considered a flashing sign.

K. Flashing Sign

A type of animated sign which contains an intermittent, blinking, scintillating, or flashing light source, or which includes the illusion of intermittent or flashing light, or an externally mounted intermittent light source. An electronically controlled message sign is not a flashing sign.

L. Freestanding Sign

Any sign which is supported by structures or supports which are placed on, or anchored in the ground, and which structures or supports are independent from any building or other structure.

M. Governmental Sign

Any sign erected by or on behalf of a governmental body to post a legal notice, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic.

N. Identification Sign

A permanent sign announcing the name of a subdivision, manufactured home park, campground/RV park, multifamily or townhouse development, planned unit development, church, school, park or quasi-public structure or facility, and similar uses permitted in residential zoning districts. Identification signs may be pole or ground mounted.

O. Incidental Sign

A sign that provides only information for the convenience and necessity of the public. Company logos may be displayed on such signs but must not occupy more than 25% of the sign area. Incidental signs include directories, entrance, exit and other necessary directional signs.

P. Marquee Sign

A sign attached to or made part of a marquee and generally designed to have changeable copy. A marquee is a permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of a building, usually above an entrance to provide protection from the weather.

Q. Menu Sign

A permanent on-premises sign located at businesses that provide drive-up or drive-through services such as fast food restaurants, banks, etc. Menu signs shall be located so as not to create vehicle stacking problems which will interfere with the flow of traffic.

R. Non-commercial Sign

A sign which has no commercial content, but instead involves only the expression of ideals, opinions, or beliefs.

Commented [CS157]: Brings the City into compliance with US Constitutional law (Reed v. Town of Gilbert)

S. Nonconforming Sign

Any sign that does not conform to size, height, location, design, construction, or other requirements of this Ordinance. The nonconformity may result from adoption of this Ordinance or any subsequent amendment.

T. On-Premises Sign

A sign that publicizes and directs attention to a profession, commodity, activity, product, service or entertainment conducted, sold or offered upon the nonresidential premises where such sign is located. On-premises signs include freestanding pole and ground mounted signs.

U. Portable Sign

A sign not permanently attached to any surface.

V. Professional or Occupational Sign or Name Plate

A sign that publicizes and directs attention to a home occupation or to a profession.

W. Projecting Sign

Any sign that is end mounted or otherwise attached to an exterior wall of a building that forms an angle of 30 degrees or more with said wall.

X. Real Estate Sign

A sign that advertises the sale, rent, or lease of property.

Y. Salvageable Sign Components

Components of the original sign structure prior to the damage that can be repaired or replaced on site by the use of labor only. If any materials, other than nuts, bolts, nails or similar hardware, are required in order to repair a component, the component is not considered to be salvageable.

Z. Sign Area

The area of a sign shall be measured in conformance with the following:

- (1) The area of the face of a sign shall be calculated to include the outermost part that forms the shape or display. Necessary supports and trim moldings shall not be included when calculating the area of the sign. Aprons below advertising signs shall not exceed 3 feet in

height. Aprons serve an aesthetic function and shall not be used for any purposes other than to identify, by name, the sign company responsible for the sign.

- (2) In computing the area of a sign, standard mathematical formulas for common regular geometric shapes (triangle, parallelogram, circle and ellipse, or combinations thereof) shall be used.
- (3) In the case of an irregularly shaped sign or a sign with letters and/or symbols affixed to or painted, displayed or incorporated into or upon a wall, canopy, awning or decorative facade of a building, the area of the sign shall be the area within the singular continuous perimeter, outlining the limits of the writing, representation, emblem, or any figure of similar character.
- (4) A double-faced sign with an angle or a spacing between the sign backs shall be considered two separate signs except as otherwise allowed for outdoor advertising signs per Section 6-6.7, A., 5.(c). Outdoor advertising signs (billboards) shall not be stacked, horizontally or vertically.

AA. Sign Height

The vertical distance measured from the ground elevation where the sign is located, to the highest point of the sign except as follows: When the ground elevation is different from the elevation of an adjacent road, the height of a sign shall be measured from the road elevation of the adjacent road at the edge of the pavement.

BB. Suspended Sign

A sign which is suspended from the underside of a horizontal plane surface such as a canopy or marquee and is supported by that surface.

CC. Temporary Signs

Temporary signs are those signs that relate to such events as elections, auctions, yard sales, agricultural products sales, annual charitable, civic or fraternal events, horse shows, festivals, bona fide grand openings and model home show openings.

DD. Wall Sign

A sign which is attached to a wall or facade of a building or canopy.

EE. Warning Sign

Any sign with no commercial message that displays information pertinent to the safety or legal responsibilities of the public such as signs warning of 'high voltage', 'no trespassing', and similar directives.

6-6.4 General Sign Standards

- A. All signs, except for those attached flat against the wall of a building, shall be constructed to withstand minimum wind loads as specified by the NC State Building Code. Sufficient documentation shall be submitted to the Zoning Administrator for review to assure that wind and stress requirements have been met prior to any permit being issued. Such documentation shall be signed and sealed by a registered North Carolina architect or engineer.

- B. All signs shall be installed and maintained in compliance with the North Carolina State Building Code and the National Electrical Code and shall have appropriate permits and inspections. Electrical signs and fixtures shall bear labels of a nationally accepted testing laboratory.
- C. All signs shall be maintained in a state of good repair and shall present a neat, well-kept appearance.
- D. All lights used for the illumination of a sign shall be shielded so that the light will not shine directly on surrounding areas or create a traffic hazard or distraction to operators of motor vehicles on the public thoroughfares. Except as specifically provided for herein, externally illuminated signs shall be lighted from the top of the sign downward to reduce light pollution. The maximum lamp wattage permitted for a sign with external illumination shall not exceed two watts per square foot of sign face area except that signs less than eight feet in height or less than 50 square feet in sign face area may be illuminated by ground mounted uplighting not exceeding 100 lamp watts per sign face. The Zoning Administrator is authorized to order a change in the illumination of any sign that becomes a hazard or a nuisance.
- E. Illuminated signs may have either an exterior or interior source of illumination, unless otherwise prohibited herein. All wiring, grounding, etc. for illuminated signs shall meet the requirements of the National Electric Code. Electronically controlled message signs shall include mechanisms, such as dimmer controls and photo cells, to appropriately adjust display brightness as ambient light levels change.
- F. Illuminated signs in O&I zoning districts within 200 feet of property zoned or used for residential purposes shall be turned off by 11:00 pm. provided the institution or business is not in operation at the time.
- G. No sign shall have more than two display surfaces.
- H. The Zoning Administrator or designee shall have the authority to order the painting, repair, alteration or removal of a sign, at the expense of the owner of such sign, which shall constitute a hazard to safety, health or public welfare by reasons of inadequate maintenance, dilapidation or obsolescence. The existence of a sign or its support structure with no message display for a period of 90 days shall be justification to declare the sign abandoned and require its removal.
- I. Any sign erected without proper permits or in violation of this Section shall be brought into compliance within 30 days of notification by the Zoning Administrator or said sign shall be removed immediately.
- J. Any permitted sign projection over a public sidewalk shall be no lower than 9 feet above the level of the sidewalk or lower than 14 feet above the level of a vehicular driveway. An encroachment agreement must be obtained from the North Carolina Department of Transportation.
- K. No sign or sign structure shall be erected, constructed, or maintained so as to interfere with vision clearance along any street or highway or at any intersection of two or more streets or highways. No sign shall be located

within a sight distance triangle of 10 feet x 70 feet at the intersection of public streets nor within a sight distance triangle of 10 feet x 35 feet at a point where driveways and private street rights-of-way intersect with public and private street rights-of-way. No sign or sign structure may be located within a street or street right-of-way except as allowed over sidewalks in subsection J above and in Section 6-6.5, W.

- L. Whenever the ordinance permits a commercial sign, a non-commercial message may be substituted for the commercial message. The right to substitute the non-commercial message does not waive any other requirement imposed by the UDO as to the number, size, type, construction, location, lighting, safety or other regulated attribute.

Commented [CS158]: Brings the City into compliance with US Constitutional law (Reed v. Town of Gilbert)

6-6.5 Exempt Signs

The following listed signs are subject to all placement and dimensional requirements of this Ordinance and shall comply with the North Carolina Department of Transportation sight distance and road rights-of-way clearances. The following listed signs shall, however, be exempt from permit and fee requirements, except that any illuminated sign shall require an electrical permit. Exempt signs shall be maintained in good condition and shall not constitute a hazard to safety, health or public welfare. Exempt signs that are found to be in violation shall be ordered corrected or removed.

- A. Signs bearing only property identification numbers and names, post office box numbers of occupants of the premises, or other identification of premises not of a commercial nature, provided such signs are not illuminated and do not exceed 2 signs per zoning lot and 2 square feet in area per display surface.
- B. Flags and insignia of government, when not displayed in connection with a commercial promotion. Flags, emblems or insignia of corporate, political, professional, fraternal, civic, religious, or educational organizations.
- C. Legal notices, bankruptcy, estate and legal sale signs, and traffic directional or regulatory signs erected by or on behalf of a governmental body.
- D. Historical or memorial signs or tablets, and names and construction dates of buildings when cut into any masonry surface.
- E. Signs directing and guiding traffic and parking on private property, provided such signs bear no advertising matter other than company name, logo and do not exceed 4 square feet in area per display surface and off-premise directional or open house signs not to exceed 4 square feet.
- F. Real estate signs advertising the sale, rental, or lease of the premises on which said signs are located, provided such signs do not exceed one sign per street frontage or one sign per 400 feet of street frontage or six square feet in area per display surface.

The Zoning Administrator shall approve larger signs when needed for large tracts of land for sale, rental or lease. Any advertisement, sign, placard or other advertising device designed or intended to solicit offers for sale or purchase of unimproved real property in the City of Mebane or its extra-territorial jurisdiction and which states or implies that the property is suitable

- for commercial, multi-family or industrial use shall prominently display the current zoning classification of the property.
- G. All real estate signs are to be removed after sale, rental, or lease of the premises within 72 hours.
 - H. Construction site identification signs whose message is limited to identification of architects, engineers, contractors, and other individuals or firms involved with the construction, the name of the building, the intended purpose of the building, and the expected completion date, provided such signs do not exceed 32 square feet in area per display surface, are not erected before issuance of a building permit, and are removed within seven days of issuance of a Certificate of Occupancy, or when a development is 90 percent built out. Construction signs in residential zones shall not be illuminated or reflectorized.
 - I. Temporary political yard signs advertising candidates or issues, provided such signs do not exceed one sign per candidate per zone lot or 4 square feet in area per display surface, are not erected prior to 60 days before the appropriate election, and are removed within 4 days after the election. No sign shall be attached to utility poles, traffic regulatory signs, or other publicly-maintained structures.
 - J. Public event announcements by public or non-profit organizations of special events or activities of interest to the general public, provided such signs do not exceed one sign per site of such events or activities or 12 square feet in area per display surface, and are removed within 14 days of erection.
 - K. Any sign that is required by law or erected by the City of Mebane or other governmental agencies, such as street signs, public service signs, and historical markers, which contain no commercial advertising matter.
 - L. Any warning signs; utility signs; signs for public use; and no trespassing, no hunting, or neighborhood watch signs shall contain no commercial message.
 - M. Religious symbols at a place of worship or at a church-owned or operated facility. Such symbols must meet all setbacks and lighting requirements for signs.
 - N. Works of art with no commercial message.
 - O. Lights and decorations with no commercial message temporarily displayed on traditionally adopted civic, patriotic or religious holidays.
 - P. Hand-carried signs.
 - Q. Signs located on the interior of buildings, courts, lobbies, stadiums, or other structures that are not intended to be seen from the exterior of such structures.
 - R. Signs affixed to vehicles and trailers used in the normal transport of goods or persons where the sign is incidental and accessory to the primary use of the vehicle or trailer.

- S. Signs painted or attached to vending machines, gas pumps, ice machines, or similar devices which indicate the contents of the machine, name or logo of supplier, the price or operating instructions.
- T. Window signs painted on the inside of a window.
- U. Changing copy of existing sign(s) without enlarging; however, a drawing of the new sign face must be submitted to the Zoning Administrator prior to changing the sign face.
- V. All other temporary signs not specified elsewhere in this Section shall not be placed on the premises more than 30 days prior to the temporary event and must be removed within 10 days following the temporary event. Such signs are limited to 12 square feet in area and 4 feet maximum height. Such temporary signs shall not be illuminated.
- W. Banners on or across public street rights-of-way that are expressly approved by the City of Mebane City Manager or the North Carolina Department of Transportation, as applicable.
- X. Pennants, banners, streamers, spinners, balloons, gas filled figures, and other similar devices are prohibited except as temporary signs advertising a temporary event, promotion or announcement. Such temporary promotional signs may be erected 10 days prior to the event and must be removed within 5 days after the conclusion of the event or promotion advertised but in any event within 40 days after erection.

Temporary signs of this nature may only be utilized four times within any calendar year for any zoning lot or business within the City's zoning jurisdiction. Provided, however, automobile sales lots located in business or industrial districts shall be allowed to utilize pennants, banners, and streamers on an unlimited basis.

Permits are not required, however, the owner or occupant of the premises upon which said signs are located shall maintain a log or other record indicating the date said sign or device was erected and removed. Said record shall be made available to the Zoning Administrator upon his request. Such log or record shall also include other temporary signage located on the premises. The Zoning Administrator may require the immediate removal of any sign or other device not listed within said record. In the event of a violation of the requirements of this section, including a failure to maintain the required record, no temporary signs to which this Ordinance applies may be utilized on the lot or business in question for a period of twelve months. Provided, however, the signs and devices referred to above may only be utilized in commercial and industrial zoning districts and may not be displayed in residential zoning districts.

6-6.6 Prohibited Signs

The following signs shall not be permitted, erected or maintained within the City of Mebane planning and zoning jurisdiction.

- A. Signs with moving, revolving or rotating parts, optical illusions or movement or mechanical movements by any description or other apparent movement achieved by electrical, electronic or mechanical means and signs with lights

or illuminations which flash, move, rotate, scintillate, blink, flicker, vary in intensity, vary in color or use intermittent electrical pulsations, except for time, temperature, date signs; traditional barber poles; and electronically controlled message signs.

- B. No sign shall make use of the words 'STOP', 'SLOW', 'CAUTION', 'DANGER', or any other word, phrase, symbol, or character in such a manner as is reasonably likely to be confused with traffic directional and regulatory signs.
- C. No sign shall be erected so that by its location, color, nature, or message it is likely to be confused with or obstruct the view of traffic signals or signs, or is likely to be confused with the warning lights of an emergency or public safety vehicle.
- D. No sign may be located in such a manner as to obscure, or physically interfere with the effectiveness of an official traffic sign, signal or device, obstruct or physically interfere with the driver's view of approaching, merging or intersecting traffic.
- E. Strings of light bulbs used in connection with commercial premises for commercial purposes other than traditional holiday decorations.
- F. Portable signs, including signs painted on or displayed on vehicles or trailers used to serve primarily as a sign, except that portable signs used as temporary signs in accordance with Section 6-6.7, J are permitted.
- G. Signs erected, maintained, painted or drawn on any tree, rock or other natural feature.
- H. Signs that extend vertically above the highest portion of the roof of any structure.
- I. Signs which obstruct any fire escape, required exit, window, door opening, or wall opening intended as a means of ingress or egress or signs which interfere with any opening required for ventilation.
- J. Signs which project over a public right-of-way, except that (i) wall signs may project up to 12 inches over a public street right-of-way in zoning districts which permit structures to be built at the property line adjoining the street; (ii) signs suspended underneath a canopy or awning may be located over a public sidewalk provided that they are at least 9 feet above the sidewalk; (iii) projecting signs that comply with the requirements of Section 6-6.7, D are allowed; and (iv) street banners that comply with the requirements of Section 6-6.5, W are permissible.

6-6.7 Sign Placement, Size, Height, Setback, Separation, Clearance and Construction by Sign Type

A. Outdoor Advertising Signs (Billboards)

1. Permissible Zoning Districts: M-1 and M-2 within 400 feet of the on and off ramps of an interstate highway (*amended April 7, 2008*).

2. Maximum height: 60 feet.
3. Minimum separation from another billboard: 1,000 feet radius of another billboard.
4. Minimum setback: Front and rear setbacks shall be the same as required in Table 4-2-1 for a principal building the zoning district in which located. Billboards shall be set back a minimum of 25 from a side property line and 100 feet from an adjoining residentially-used or zoned side property line.
5. Maximum sign display area:
 - (a) 400 square feet in area.
 - (b) Top outs and side outs are permitted in addition to the above sign area dimensions. Top outs and side outs shall be confined to the immediate plane of the sign and may extend above and/or to the side of the sign face a maximum of two feet. Top outs and side outs shall not exceed a total of 32 square feet in area.
 - (c) Double-faced, back-to-back signs may be permitted provided that each individual sign face does not exceed the maximum display area requirements in subsection (a) above. A double-faced sign with an angle or spacing between the sign backs shall be considered as one sign (*amended April 7, 2008*).
6. Construction: Billboards shall be constructed of metal with only one pole. Billboards shall not be stacked, horizontally or vertically.
7. Minimum separation from utility lines shall be in compliance with the requirements of the utility provider having jurisdiction.
8. All structures, blank surfaces, backs and supports shall be uniformly painted in a neutral finish when exposed to any road and shall be maintained in good repair.
9. Minimum requirements contained within the North Carolina Outdoor Advertising Control Act (North Carolina General Statute 136-126 et seq.) which are more stringent or in addition to those contained in this Section shall apply.
10. Outdoor advertising signs may be illuminated provided such illumination is placed and shielded so as to prevent direct rays of illumination from being cast on nearby properties and/or motor vehicles approaching on a public way from any direction. All externally illuminated outdoor advertising signs shall be lighted from the top of the sign downward to reduce light pollution. No rotating, revolving, flashing, or intermittent lighting devices shall be attached to or made a part of any billboard.
11. Dilapidated and Abandoned Signs: If at any time a billboard falls into a state of dilapidation, disrepair, or becomes abandoned or discontinued

as defined by the latest edition of *Regulations for the Control of Outdoor Advertising in North Carolina by the North Carolina Department of Transportation*, the permits for such sign shall be revoked.

B. On-Premises Signs (freestanding pole or ground mounted on-premises signs unless otherwise specified)

1. Permissible Zoning Districts: O&I, B-2, B-3, M-1 and M-2 districts. Permissible in B-1 districts only if off-street parking is available on-site.
2. Maximum height:
 - (a) In B-1 and O&I zoning districts: 12 feet.
 - (b) In B-3 zoning districts: 20 feet.
 - (c) In B-2, M-1, and M-2 zoning districts: 35 feet except that within 400 feet of the right-of-way of interstate highways and interchanges, the maximum height shall be 60 feet.
3. Maximum sign area:
 - (a) In B-1 zoning districts: 48 square feet.
 - (b) In B-3 zoning districts: 60 square feet.
 - (c) In O&I, B-2, M-1, and M-2 zoning districts: 200 square feet except that within 400 feet of the right-of-way of interstate highways and interchanges, the maximum sign area shall be 300 square feet
4. Maximum number of freestanding or ground mounted on-premises signs per parcel: one sign per adjoining public street frontage for each zone lot.
5. Freestanding signs are not permitted on the same street frontage of a building along which there is a projecting sign.
6. Minimum separation from rights-of-way, property lines and structures: 10 feet.
7. Minimum separation from utility lines shall be in compliance with the requirements of the utility having jurisdiction.
8. No unfinished surfaces or structures shall be exposed on on-premises signs.
9. The zone lot on which a freestanding sign is located shall be accessible by automobile and contain off-street parking for the principal uses(s).
10. Freestanding signs shall clear driveway and parking areas by a height of at least 14 feet and shall clear sidewalks and pedestrian paths by a height of at least 9 feet.

C. Wall Signs

1. Permissible Zoning Districts: B-1, B-2, B-3, M-1 and M-2 districts. Permissible in O&I districts only on the front wall of buildings.
2. Maximum sign area: One square foot of sign area per linear foot of building per building side or a maximum of 160 square feet per building wall. Sign footage permitted per building side may not be used on other than that building side (no transfers or cumulative totals). The minimum guaranteed wall signage area at any individual premises is 32 square feet.
3. No wall sign shall protrude more than 12 inches from the wall to which it is attached.
4. No wall sign shall extend above the soffit, parapet, or eave line, as appropriate of the building to which it is attached. If the building consists of more than two stories, wall signs shall not extend above the second story.
5. Wall signs, or portions thereof, placed between window spandrels shall not exceed in height two-thirds (2/3) of the height of the spandrels.
6. Wall signs shall not cover or interrupt major architectural features.
7. In industrial zoning districts, wall signs on the side of buildings adjacent to lots zoned residential are permitted only when the building is at least 50 feet from the side lot line of the residential lot.
8. Wall signs on the side of buildings in O & I zoning districts are not permitted.

D. Projecting Signs

1. Permissible Zoning Districts: O&I, B-1, B-2, B-3, M-1 and M-2 districts.
2. Maximum sign area: 16 square feet.
3. Projecting signs shall be limited to one sign per street frontage, and shall not be located closer than 50 feet to any other projecting sign.
4. Projecting signs shall clear sidewalks and pedestrian paths by a height of at least 9 feet and shall project no more than 5 feet from the building to which they are attached, and shall not extend beyond the inner edge of the curb line.
5. The building to which a projecting sign is attached shall be 20 feet or more in width.
6. No projecting sign shall be permitted on the same street frontage along which there is a freestanding sign.

7. No projecting sign shall extend above the soffit, parapet, or eave line, as appropriate, of the building to which it is attached.
8. Projecting signs shall not be located at the intersection of building corners except at right angles to a building façade.
9. The message of projecting signs shall be limited to the name(s) of the establishment(s) located on the zone lot and/or the name of a multi-use development located thereon.

E. Suspended Signs

1. Permissible Zoning Districts: O&I, B-1, B-2, B-3, M-1 and M-2 districts.
2. Suspended signs shall conform in size and appearance to existing signs under the same marquee or awning. Where there are none, new suspended signs shall be no more than 10 inches high and 3 feet long.
3. Maximum number of signs: one sign for a single-occupancy building. For a multiple occupancy building, one sign for each occupant entrance.
4. Suspended signs shall clear the ground or sidewalk by at least nine feet.
5. Suspended signs shall not be illuminated.

F. Identification Signs

1. Permissible Zoning Districts: All residential zoning districts.
2. Maximum sign area: 32 square feet.
3. Maximum height: 8 feet.
4. Minimum setback: 10 feet from all property lines, except as authorized in subsection 5 below.
5. Ground mounted signs with the name of the residential or nonresidential subdivision or development may be located within a public road right-of-way on one side of the roadway entrance or in the roadway median provided that an encroachment agreement is obtained from the City or the North Carolina Department of Transportation and the sign does not exceed 42 inches in height.
6. Maximum number of signs: 1 per premises except that subdivisions may have one sign per vehicular entrance to the subdivision.
7. An identification sign may be mounted on a fence or wall that does not exceed 6 feet in height provided that the sign itself may not exceed the maximum sign area specified in subsection 2 above and the sign must be only an incidental part of the fence or wall.

8. Identification signs for residential subdivision and residential developments, if illuminated, shall be externally illuminated.

G. Menu Signs

1. Permissible Zoning Districts: O&I, B-1, B-2, B-3, M-1 and M-2 districts.
2. Maximum sign area: 32 square feet.
3. Maximum height if ground mounted: 6 feet.
4. Minimum setback from all property lines: 10 feet.
5. Maximum number of signs per business establishment: 2.
6. Menu signs shall be located so as not to be legible from a public street right-of-way or adjacent property.

H. Awning and Canopy Signs

1. Permissible Zoning Districts: O&I, B-1, B-2, B-3, M-1 and M-2 districts.
2. Maximum sign area: 9 square feet.
3. Maximum sign height: 12 inches.
4. Maximum number of signs: one sign for a single-occupancy building. For a multiple occupancy building, one sign for each occupant entrance.
5. A sign attached to the underside of an awning or canopy is a suspended and subject to the requirements of subsection E above.

I. Marquee Signs

1. Permissible Zoning Districts: O&I, B-1, B-2, B-3, M-1 and M-2 districts.
2. Maximum sign area: one square foot of sign area per linear foot of building frontage or a maximum of 160 square feet.
3. Maximum number of signs: one marquee sign per premises. A marquee sign may be substituted for a standard wall sign but in no case shall there be both a marquee and wall sign on the same building wall.
4. The height of a marquee sign shall not exceed the height of the marquee.

J. Mobile or Portable Signs

1. Mobile or portable signs (including A- and T-shaped signs) are prohibited except for the following:

- (a) Public event announcement signs in accordance with the requirements of Section 6-6.5, J.
 - (b) Temporary signs announcing the grand opening of a new business and that comply with the requirements of Section 6-6.5, V.
 - (c) In the B-1, Central Business District a mobile or portable A-shaped signs such as 'sandwich boards'/'A-frame' shall be permitted, provided such signs shall not:
 - (1) exceed 8 square feet (4 square feet per side) in total area per display surface with a maximum height of 48 inches,
 - (2) exceed one sign per street frontage per business, displayed during normal business hours, and shall not impede vehicular view or pedestrian circulation along public streets or sidewalks.
2. The Zoning Administrator shall require the removal of mobile or portable signs found to be in violation.

K. Professional or Occupational Signs or Name Plates; Incidental Signs

- 1. Permissible Zoning Districts: All zoning districts.
- 2. Maximum sign area: 3 square feet.
- 3. Maximum height: 30 inches if ground mounted, signs in this category may also be mounted flush against the structure.
- 4. Minimum setback: No sign shall be located within a street right-of-way. However, in any area in which a curb or the edge of the street pavement lies less than 5 feet from a street right-of-way, no on-premises sign shall be located closer than 5 feet to such right-of-way.
- 5. Maximum number of signs per establishment: 1

6-6.8 Nonconforming Signs

It is the intent of this Ordinance to permit signs that were lawful before the effective date of this Ordinance to remain in service. Specific provisions regarding nonconforming signs are delineated in Section 10-7, Nonconforming Signs.

Table 6-6 1 Summary Table of Sign Requirements by Type of Sign (amended July 7, 2019)

Sign Type	Permissible Zoning Districts	Maximum Number of Signs	Maximum Sign Area	Maximum Sign Height
Outdoor Advertising (Billboards)*	M-1, M-2, within 400' of an interstate	1,000 ft. minimum separation required	400 sq. ft.	60 ft.
On-premises	O&I, B-2, B-3, M-1, & M-2 B-1 only if off-street parking is available on-site	1 per street frontage	B-1: 48 sq. ft. B-3: 60 sq. ft. O&I, B-2, M-1, & M-2: 200 sq. ft. or 300 sq. ft. if within 400 ft. of interstate	B-1 & O&I: 12 ft. B-3: 20 ft. B-2, M-1, & M-2: 35 ft. or 60 ft. if within 400 ft. of interstate
Wall	O&I, B-1, B-2, B-3, M-1, & M-2	1 per building wall O&I: only on the front wall	1 sq. ft. of sign area per linear ft. of building wall or a maximum of 160 sq. ft.	May not exceed the building height
Projecting	O&I, B-1, B-2, B-3, M-1, & M-2	1 per street frontage	16 sq. ft.	n/a
Suspended	O&I, B-1, B-2, B-3, M-1, & M-2	1 per occupant entrance	2.5 sq. ft.	10 inches
Identification	All residential zoning districts	1 per premises or 1 per subdivision entrance	32 sq. ft.	8 ft.
Menu	O&I, B-1, B-2, B-3, M-1, & M-2	2 per business establishment	32 sq. ft.	6 ft.
Awning or canopy	O&I, B-1, B-2, B-3, M-1, & M-2	1 per occupant entrance	9 sq. ft.	12 inches
Marquee	O&I, B-1, B-2, B-3, M-1, & M-2	1 per premises; may be substituted for a wall sign	1 sq. ft. of sign area per linear ft. of building frontage or a maximum of 160 sq. ft.	May not exceed the building height
Mobile or portable	O&I, B-1, B-2, B-3, M-1, & M-2	1 per premises	12 sq. ft.	4 ft.
Professional or Occupational Signs and Nameplates; Incidental Signs	All zoning districts	1 per establishment	3 sq. ft.	30 inches

* Advertising signs shall also comply with the permit procedures and standards contained in Section 6-6.7, A and the current edition of the North Carolina Department of Transportation outdoor advertising manual.

6-7 Recreation and Open Space Requirements

All residential major subdivisions shall be required to dedicate recreation and open space. All residential developments that include the construction of dwelling units not intended for sale to individual owners shall be required to reserve a portion of land for open space and private recreational development to serve the needs of the residents of the development. The City Council declares the purposes and intent of the recreational and open space regulations adopted and prescribed in this Section to be as follows:

- To provide adequate active recreational areas and passive open space;
- To encourage the preservation of existing trees and vegetation;
- To encourage the retention of environmentally fragile areas;
- To encourage the protection of air and water quality;
- To enhance flood control; and
- To provide higher quality development.

6-7.1 Minimum Public Recreational Space Requirements

The ~~subdivider~~ developer of land for residential purposes shall be required to dedicate a portion of land or pay a fee *in lieu* thereof for public recreational development to serve the needs of the residents of the subdivision or development. The decision to accept a land dedication or an *in lieu* of fee rests solely with the City Council.

- A. All dedications of recreational land and related infrastructure and amenities shall be reviewed as part of the preliminary plat review process. The subdivider shall designate on the preliminary subdivision plat the area or areas of land and/or recreation infrastructure and amenities proposed to be dedicated.
- B. All major residential subdivisions ~~of 6 or more lots~~ shall provide, through reservation or dedication, recreational space as required in subsection C or pay a fee *in lieu* thereof in accordance with the provisions of subsection H. The requirements of Section 6-7.1 shall be applicable to each of the following types of residential development:
1. Traditional detached single-family, attached single-family, two-family, and manufactured home subdivisions;
 2. Residential cluster developments;
 3. Townhouse developments;
 4. Patio home developments;
 5. Condominium developments;
 6. Individual residential components of a Planned Unit Development or a Traditional Neighborhood Development that include the subdivision of property for sale to individual owners, including multifamily units; and
 7. Subdivided developments that include live/work combination dwellings for sale; and
 8. Multifamily or single-family development providing units for rent.

Commented [CS159]: Amendments herein are largely for clarity. The standards are generally good and delivering the City what it needs but are difficult to read due to a mishmash of text and tables. The amendments are intended to make this easier to read and apply.

Commented [CS160]: Clarifies how the UDO shall be applied.

- C. ~~At least 1/35 of an acre~~ 1,250 square feet shall be dedicated or reserved for each dwelling unit proposed in the subdivision plat or development plan, ~~except that any land to be dedicated that lies within a~~ Flood Hazard Areas, stream buffers, wetlands, or that has slopes greater than 15 percent shall be dedicated at a rate of at least ~~2,500 square feet 4/20 of an acre~~ per dwelling unit.

Commented [CS161]: Provides dedication requirements in square feet for easier calculation. These new requirements are slightly higher than the existing criteria, resulting in greater public recreation requirements. These will also apply to all residential developments rather than just those featuring units for sale; rental apartments are now included.

~~The following example illustrates the practical application of this formula for a proposed 25-lot single-family subdivision where the average acreage per lot equals one-third acre:~~

<u>Formula</u>	<u>Example</u>
Total number of proposed dwellings <i>multiplied by</i>	25 dwellings X
0.0285714 acres per dwelling <i>equals</i>	1,244.57 square feet <i>equals</i>
Public recreational area required	31,114.25 square feet or 0.71-acre

In this example, a proposed 25-lot residential subdivision would be required to provide a minimum 0.71-acre of public recreational space.

Commented [CS162]: This "example" has been repeatedly counterproductive to staff and developers due to its unrealistic application.

- D. All major residential subdivisions ~~of 6 or more lots~~ shall provide, through reservation or dedication, recreational space as required in subsection C or pay a fee *in lieu* thereof in accordance with the provisions of subsection H.

~~F. Multifamily and two-family residential developments do not have to comply with the recreational dedication requirements of Section 6-7.1 unless the dwelling units are constructed for the purpose of sale to individual owners. Multifamily developments and two-family developments that do not include dwelling units for sale to individual owners shall provide private recreational space in accordance with Sections 6-7.2, C, and D, respectively.~~

~~D. Manufactured home parks shall provide private recreational space in accordance with Section 6-7.2, C.~~

Commented [CS163]: These uses are proposed to require a public dedication, as they do rely upon the City's parks facilities.

- G. The dedication of public recreational land shall be reviewed as part of the preliminary plat review process. The subdivider shall designate on the preliminary subdivision plat the area or areas of land proposed to be publicly dedicated. Upon receipt of the preliminary plat, the Director of the Mebane Recreation and Parks Department shall review the proposed dedication and shall forward a recommendation as to the acceptance or rejection of the proposed dedication to the City Council using the following ~~the criteria for evaluating the suitability of proposed recreational areas shall include, but not be limited to, the following as determined by the City Council in consultation with the Director of the Mebane Recreation and Parks Department.~~

Commented [CS164]: Clarifies the proposal and review processes for both the developer and the Recreation and Parks Director.

1. Unity.
The dedicated land shall be a single parcel except where it is determined that two or more parcels would be in the public interest. ~~It~~

shall be contiguous with recreation areas and open space on adjacent properties to the maximum extent practicable. The City Council may require that the parcels be connected and may also require a path at least thirty feet in width that creates access to bicycles and pedestrians in addition to the land requirement.

Commented [CS165]: Consistent with the City's adopted plans

2. Location.
The dedicated land shall be located so as to serve the recreation needs of the immediate neighborhood within the subdivision.
3. Physical Characteristics.
The shape, topography and subsoils of the dedicated land shall be such as to be suitable for the intended use.
4. Accessibility.
Public access to the dedicated land shall be provided either by an abutting street or public easement. Such public easement shall be at least thirty feet in width. Parking for all public dedications shall be provided as required by Section 6-4.

H. The City Council shall have the authority to accept or reject offers for land and related infrastructure or amenities dedications made as a requirement of this Section. Land proposed by the developer as public recreational space on a subdivision plat shall be considered to be offered for dedication until such offer is officially accepted by the City Council. The offer may be accepted by the City through:

1. Written acceptance by the City Council; or
2. Written acceptance by an administrative officer designated by the City Council.

I. Fees *in lieu* of dedication.

At the subdivider's request, the City Council may accept a land dedication located elsewhere in the town's jurisdiction *in lieu* of a land dedication at the site of the proposed development.

Commented [CS166]: Clarifies and reiterates the City Council's powers in reviewing proposed public recreation dedications and/or payments in lieu.

- i. *In lieu* of the dedication of land as required in subsection B above, a developer may provide funds in the amount of the assessed value of the land required to be dedicated to the City of Mebane. The assessed value shall be the current value of the land as assessed for property tax purposes. The City may use the funds to purchase recreational land or areas to serve the subdivision or development in the immediate area. This may be done *in lieu* of providing the land required in subsection B above if so approved by the City Council. If the City Council determines that a combination dedication and partial payment *in lieu* of dedication is in the best interest of the citizens of the area to be served, such an arrangement is authorized.
- ii. Fees *in lieu* of dedication shall be paid by the subdivider prior to final plat approval or as otherwise approved by the City Council.

- H. iii. The City of Mebane planning and zoning jurisdictional area shall be divided into recreational districts for the purpose of distributing funds that are collected from the cash-in-lieu-of-land payments. These funds shall be spent only on capital improvements to city-owned recreational facilities. The expenditure of recreation funds paid by the subdivider to the City *in lieu* of the dedication of land shall be determined by the City Council
- H. iv. The City Council may, in cases of an unusual or exceptional nature, allow adjustments in the dedication requirements established in this Section. Such adjustments shall be reviewed by the Director of the Mebane Recreation and Parks Department and the City Council. An unusual or exceptional nature may include, but not be limited to, land within the development set aside for private recreation or proposed expenditures for recreational facilities or equipment.
- J. If the land required for donation in a particular section of a subdivision exceeds the requirement in subsections B and/or C above, the difference may be applied to future sections or to any private open space requirements as delineated in Section 6-7.23.

~~J. The dedication of public recreational land shall be reviewed as part of the preliminary plat review process. The subdivider shall designate on the preliminary subdivision plat the area or areas of land proposed to be publicly dedicated. Upon receipt of the preliminary plat, the Director of the Mebane Recreation and Parks Department shall review the proposed dedication and shall forward a recommendation as to the acceptance or rejection of the proposed dedication to the City Council.~~

Commented [CS167]: Language relocated for ease of reading

~~K. The City Council shall have the authority to accept or reject offers for land dedications made as a requirement of this Section. Land proposed by the developer as public recreational space on a subdivision plat shall be considered to be offered for dedication until such offer is officially accepted by the City Council. The offer may be accepted by the City through:~~

- ~~1. Written acceptance by the City Council; or~~
- ~~2. Written acceptance by an administrative officer designated by the City Council.~~

~~L. If the land required for donation in a particular section of a subdivision exceeds the requirement in subsection B above, the difference may be applied to future sections or to any private open space requirements as delineated in Section 6-7.3.~~

Commented [CS168]: Text relocated without change

- K. At the subdivider's request, the City Council may accept a land dedication of equal or greater assessed value located elsewhere in the town's jurisdiction *in lieu* of a land dedication at the site of the proposed development.
- L. After offered land dedications are officially accepted by the City Council, an executed general warranty deed conveying the dedicated land to the City of

Mebane and a reproducible and electronic copy of a boundary survey shall be submitted to the City Manager no later than two years after the approval of the preliminary subdivision plat or by the time that 50 percent of the certificates of occupancy have been issued, whichever is earlier. The City Council may grant an extension of time after the initial two years following subdivision plat approval has elapsed.

- M. Recreational space that is accepted by the City Council for public dedication shall be identified on the recorded subdivision plat.

6-7.2 Minimum Private Recreational Space Requirements

- A. ~~The developer of manufactured home parks and two family and multifamily developments that include the construction of dwelling units not intended for sale to individual owners shall be required to reserve a portion of land for private recreational development to serve the needs of the residents of the development. The purpose of this requirement is to ensure that unsubdivided residential developments provide adequate active recreational facilities to serve the residents of the development.~~

Commented [CS169]: As seen in language below, these criteria are not proposed to be eliminated – they are being streamlined.

- B. The following are illustrative of the types of facilities that shall be deemed to serve active recreational needs and therefore count toward compliance with the private recreational space requirements of this Section: tennis courts, racquetball courts, swimming pools, sauna and exercise rooms, meeting or activity rooms with clubhouses, swings, slides, and play apparatus. Each development shall install the types of recreational facilities and equipment that are most likely to be suited to and used by the age bracket of persons likely to reside in the development. Facilities and equipment for active recreation shall be indicated on the site plan provided by the developer and shall be reviewed by the Director of the Mebane Recreation and Parks Department. The Recreation Director shall forward a recommendation as to the adequacy of the proposed recreational facilities and equipment to the City Council.

- C. The developer of residential developments with dwelling units not constructed for the purpose of sale to individual owners shall provide private recreation area as indicated in the following table:

Development Type	Minimum Amount of Required Open Space
Live/Work	100 square feet per du; No dedication required in B-1, B-2, B-3 districts
Multifamily/Apartment in B-1 District	50 square feet per du
Multifamily/Apartment	750 square feet per du
Townhome in B-1 District	100 square feet per du
Townhome	1,000 square feet per du
Patio Home	1,000 square feet per du
Manufactured Home Park	1,000 square feet per du

Commented [CS170]: Table is intended to reflect that private recreation needs for denser developments and, especially, those Downtown, are likely to be indoor gyms. Those developments with greater land area shall, accordingly, have greater dedication requirements.

~~The developer of each manufactured home park and multifamily residential development that includes dwelling units that are not constructed for the purpose of sale to individual owners shall reserve a minimum of 750 square feet of active recreational space per mobile home space or dwelling unit.~~

~~D. The developer of each two-family residential development that includes dwelling units that are not constructed for the purpose of sale to individual owners shall reserve the amount of active recreational space as indicated in the following table:~~

Zoning District	Minimum Amount of Private Active Recreational Space
R-6	1,500 square feet per duplex structure
R-8	1,500 square feet per duplex structure
O&I	1,500 square feet per duplex structure

D. The owner of the development shall be responsible for the continuing upkeep and proper maintenance of the private, active recreational space required by this Section.

E. **Exemption**
 These private recreation criteria shall not be applied to developments providing five units or less.

Commented [CS171]: Allows for modest infill projects

6-7.3 Private Common Open Space Requirements for Residential Developments

A. Private, common open space shall be required for all residential developments, ~~excepting those that realize five or less dwelling units where higher residential densities and/or smaller lot sizes than base zoning for the zoning district in which located are allowed. This requirement shall apply to each of the following types of residential development:~~

Commented [CS172]: Expands this requirement for all residential developments

- ~~• Multifamily and two-family (duplex) developments that include dwelling units that are not constructed for the purpose of sale to individual owners.~~
- ~~• Manufactured home park parks.~~
- ~~• Condominium and townhouse developments.~~
- ~~• Patio home developments.~~
- ~~• Residential cluster developments.~~
- ~~• Planned Unit Developments and Traditional Neighborhood Developments.~~
- Live/work combination dwellings.

Private, common open space shall be provided in addition to any public or private recreational space requirements required by Sections 6-7.1 and 6-7.2.

B. Common open space may be passive or active and shall be owned and maintained by the property owner, a property owners association, or approved private, non-profit organization as authorized in Section 6-7.4, A.

~~C. **Multifamily development.** The developer of each multifamily residential development that includes dwelling units that are not constructed for the purpose of sale to individual owners shall reserve the amount of open space as indicated in the following table:~~

Zoning District	Minimum Amount of Required Open Space
------------------------	--

R-6	1,000 square feet per dwelling unit
R-8	1,000 square feet per dwelling unit
O&I	1,000 square feet per dwelling unit

~~D. — Duplex development. The developer of each two family development that includes dwelling units that are not constructed for the purpose of sale to individual owners shall reserve the amount of open space as indicated in the following table:~~

Zoning District	Minimum Amount of Required Open Space
R-6	2,400 square feet per duplex structure
R-8	2,000 square feet per duplex structure
O&I	1,500 square feet per duplex structure

~~E. — Manufactured home park. The developer of each manufactured home park shall reserve the amount of open space as indicated in the following table:~~

Zoning District	Minimum Amount of Required Open Space
R-10	1,500 square feet per manufacture home space

~~F. — Condominium and townhouse development. The developer of each condominium or townhouse development shall reserve the amount of open space as indicated in the following table:~~

Zoning District	Minimum Amount of Required Open Space
R-6	500 square feet per dwelling unit
R-8	500 square feet per dwelling unit

~~G. — Patio home development. The developer of each patio home development shall reserve the amount of open space as indicated in the following table:~~

Zoning District	Minimum Amount of Required Open Space
R-6	500 square feet per dwelling unit
R-8	500 square feet per dwelling unit

C. Non-Single Family Development
The developer of residential development featuring dwelling units of the following descriptions shall reserve the amount of open space as indicated:

Commented [CS174]: Consolidates all criteria currently separated on different tables for ease of use and application.

Development Type	Minimum Amount of Required Open Space
Multifamily/Apartment Not For Sale in B-1 District	50 square feet per du
Townhome or Condominium in B-1 District	100 square feet per du
Multifamily/Apartment Not For Sale	1,000 square feet per du
Manufactured Home Park	1,500 square feet per du
Live/Work	100 square feet per du; No dedication required in B-1, B-2, B-3 districts
Townhome or Condominium	500 square feet per du
Patio Home	500 square feet per du

Commented [CS173]: Intended to achieve urban green space without unreasonably burdening projects.

D. **Residential cluster development.** The developer of each residential cluster development shall reserve open space as follows:

1. The minimum amount of open space shall equal the amount of lot area by which all dwelling unit lots are reduced below the base zoning for single-family detached residential units for the zoning district in which located.

~~2. For example, a proposed residential cluster development in the R-20 zoning district includes minimum lot sizes of 12,000 square feet which is the maximum allowable reduction in individual lot sizes. The base minimum lot size for a single-family unit in R-20 is 20,000 square feet. Consequently, the 8,000 square feet of lot area resulting from the reduced lot size shall be set aside for common open space. The application of this open space requirement for a 10-acre residential cluster development in an R-20 zoning district is illustrated below:~~

Example of Minimum Open Space Required for a Residential Cluster Development Located in an R-20 Zoning District		
Development acres	10	acres
Base density for single-family residential units	2.2	du/ac
Base maximum # single-family residential units	22	max. du
Base minimum lot area per single-family residential unit	20,000	sq. feet
Total base minimum single-family residential lot area	440,000	sq. feet
-		-
Residential cluster minimum lot area per unit	12,000	sq. feet
Total residential cluster minimum lot area	264,000	sq. feet
Difference in minimum lot areas	176,000	sq. feet
Common open space acres to be dedicated	4.04	acres

~~I. **Live/work development.** The developer of each live/work combination dwelling unit which is located within an R-8, R-6, or O&I zoning district shall reserve the amount of open space as indicated in the following table:~~

Zoning District	Minimum Amount of Required Open Space
R-6	500 square feet per dwelling unit
R-8	500 square feet per dwelling unit
O&I	500 square feet per dwelling unit

~~There is no minimum open space requirement for live/work combination dwelling units located within a B-1, B-2, or B-3 zoning district.~~

E. **PUD and TND development.** The developer of each residential component (i.e., multifamily, condominiums, patio homes, etc.) of a planned unit development or traditional neighborhood development shall reserve open space as required above for that specific type of residential development. Single-family residential components of a PUD or TND shall reserve open space as required for residential cluster development.

The nonresidential components of each planned unit development or traditional neighborhood development shall reserve open space equal to a minimum of 15 percent of the gross land area of the nonresidential portion of

the development (see also Section 4-7.3, P). ~~Multi-family development in PUDs located in the B-1 zoning district shall comply with the open space standards for the R-6 zoning district.~~

Commented [CS175]: This requirement is incredibly burdensome (a 30-unit development would be required to dedicate 30,000 s.f. of open space). A more appropriate standard is proposed in new table.

(Amended August 13, 2018)

F. For purposes of Section 6-7.3, open space means an area that:

1. Is not encumbered with any structure unless such structure is intended for recreational purposes and is accessible to all residents of the development or general public;
2. Is not contained within a street right-of-way or otherwise devoted to use as a roadway or parking area not associated with the use of the open space;
3. ~~If wooded~~, is left in its natural or undisturbed state (as of the date development began), ~~if wooded~~ (except for the cutting of trails for bicycling, walking, or jogging); or

If not wooded at the time of development, is ~~dedicated landscaped~~ for
a. ~~ballfields~~, picnic areas, play areas, or similar ~~passive~~ recreational facilities, or

b. is properly vegetated and landscaped with the objective of creating a wooded area or other area that is consistent with the objective set forth in subsection 4 below;

4. Is capable of being used and enjoyed for purposes of informal and unstructured recreation and relaxation;
5. Is legally and practicably accessible to the residents of the development out of which the required open space is taken, or to the public if dedication of the open space is proposed pursuant to Section 6-7.4, C; and
6. Is not encumbered by underground private septic lines, any part of a private sewage disposal system, or any above-ground or below-ground structure.

Commented [CS176]: Very little new language is featured – this section is proposed to be reformatted to make it clear what staff may consider as “open space”. Other language already allows for dedicating recreation area as open space, at City Council discretion.

L. All floodplains, wetlands, streams, riparian buffers, ponds, lakes, and other water bodies shall be contained in ~~or contiguous with~~ common open space, ~~whether or not they receive credit as common open space.~~

Commented [CS177]: Clarifies the environmental protection goal of this language

G. Open space shall be shown on the site plan with a notation to indicate that the open space shall not be used for future structures except as allowed per subsection K, 1 above.

H. The following shall not be counted towards open space areas:

1. ~~Total area used for wet ponds used for stormwater management control to comply with requirements of Article 5. Crediting of other stormwater management controls (SMC) that do not have a standing pond depth (e.g. bioretention cells) as open space shall be allowed at~~

half the credit of unmanaged open space. Should the SMC be integrated as a central feature into a recreational amenity, staff may consider that in its calculations of recreation area.

Commented [CS178]: Reflective of Council comments on this topic and stated Goals in the City's adopted Comprehensive Plan

2. Private yards and building setback areas;
3. Public or private streets or street rights-of-way;
4. Parking areas and driveways for dwellings; and
5. Land covered by structures except as allowed per subsection K, 1 above.

O. Buffer areas required by Section 6-3 ~~may be~~ shall only receive half the credit for dedication ~~counted~~ towards private open space areas.

Commented [CS179]: Reflective of public feedback and Council comments on the subject.

I. Slopes >15%, floodzones, floodways, stream buffers, and wetlands are not considered developable area and shall only receive half the credit for dedication as open space.

Commented [CS180]: Reflective of public feedback and Council comments on the subject.

J. Spaces that have been delineated as Conservation Areas or otherwise prioritized for protection in the City's adopted plans shall be preferentially preserved as open space and/or buffers with neighboring properties to preserve contiguous forest canopies and natural habitat in order to meet the City's open space, recreation area, and/or buffer requirements.

Commented [CS181]: Reflective of public feedback and Council comments on the subject, as well as stated goals of the City's adopted Comprehensive Plan.

6-7.4 Ownership and Maintenance of Required Private Open Space

- A. Common open space required by Section 6-7.3 shall not be dedicated to the public except upon the written acceptance of the City of Mebane pursuant to subsection C below but shall remain under the ownership and control of the developer (or successor in title) or a Property Owners' Association or similar organization established pursuant to Section 7-7. As an alternative to a Property Owners' Association, a private non-profit organization, such as a private land trust, whose primary purpose is the preservation or conservation of open space may own and manage the proposed open space.
- B. The person or entity identified in subsection A above as having the right of ownership and control over such open space shall be responsible for the continuing upkeep and maintenance of the same.
- C. The City Council shall have the authority to accept or reject offers for land dedications made as a requirement of Section 6-7.3. Land proposed by the developer as public open space on a site plan shall be considered to be offered for dedication until such offer is officially accepted by the City Council. The offer may be accepted by the City through:
 1. Written acceptance by the City Council; or
 2. Written acceptance by an administrative officer designated by the City Council.

Until such dedication has been accepted, land so offered may be used for open space purposes by the property owner or by a property owners' association.

Land so offered for dedication shall not be used for any purpose inconsistent with the proposed public use. The property owner shall be responsible for the maintenance of all facilities and improvements until an offer of dedication is accepted by the City of Mebane.

~~6-7.3 Open Space & Recreation Area Protection Incentives & Penalties~~

Commented [CS182]: This language is rendered unnecessary by the fee in lieu and conditional zoning processes.

~~A. Flexibility in Administration Authorized~~

~~The requirements set forth in Sections 6-7.1 through 6-7.3 concerning the amount, size, location and nature of open space and recreational space to be provided in connection with residential developments are established by the City Council as standards that presumptively will result in the provision of that amount of open space and recreational space that is consistent with generally recognized standards relating to the need for such areas. The City Council recognizes, however, that due to the particular nature of a tract of land, or the particular type or configuration of development proposed, or other factors, the underlying objectives of the recreational and open space requirements may be achieved even though the standards are not adhered to with mathematical precision. Therefore, the permit-issuing board City is authorized to permit minor deviations from these standards whenever it determines that~~

~~(i) the objectives underlying these standards can be met without strict adherence to them and~~

~~(ii) because of peculiarities in the developer's tract of land or the particular type or configuration of the development proposed, it would be unreasonable to require strict adherence to these standards.~~

~~B. Whenever the permit-issuing board authorizes some deviation from the standards set forth in Sections 6-7.1 through 6-7.3 pursuant to subsection A above, the official record of action taken on the development application shall contain a detailed statement of the reasons for allowing the deviation.~~

**ARTICLE 7
SUBDIVISION PROCEDURES AND DESIGN STANDARDS**

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**ARTICLE 7
SUBDIVISION PROCEDURES AND DESIGN STANDARDS**

7-1 PURPOSE AND INTENT

The purpose of this Article is to establish procedures and standards for the development and subdivision of real estate within the corporate limits and extraterritorial jurisdiction of the City of Mebane in an effort to, among other things, insure proper legal description, identification, monumentation and recordation of real estate boundaries; further the orderly layout and appropriate use of the land; provide safe, convenient and economic circulation of vehicular traffic; provide adequate building sites which are readily accessible to emergency vehicles; assure the proper installation of streets and utilities; promote the eventual elimination of unsafe or unsanitary conditions because of undue concentration of population; and help conserve and protect the physical and economic resources of the City of Mebane and its environs.

7-2 REGULATION OF SUBDIVISIONS IN GENERAL

A subdivision is the division of land for the purpose of sale or development as specified in the North Carolina General Statutes 160D-802. All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions when any one or more of those divisions are created for the purpose of sale or building development (whether immediate or future), and includes all division of land involving the dedication of a new road or a change in existing roads.

A. Exemptions

Under NCGS 160D-802, the following actions are not subject to any subdivision approval or regulations of this Article:

1. The combination or recombination of a portion of previously subdivided and recorded lots if the total number of lots is not increased, and the resultant lots are equal to or exceed the standards of this Ordinance;
2. The division of land into parcels greater than ten acres if no road right-of-way dedication is involved;
3. The public acquisition by purchase of strips of land for the widening or opening of roads or for public transportation system corridors;
4. The division of a tract in single ownership, the entire area of which is not greater than two acres into not more than three lots, if no road right-of-way dedication is involved, and if the resultant lots are equal to or exceed the standards of this Ordinance;
5. The division of a tract of land into parcels in accordance with the terms of a probated Will or in accordance with interstate succession under Chapter 29 of the North Carolina General

Commented [CS183]: Repetition of statutory exemptions otherwise only found in the Subdivision definition, to assist in applicant use of UDO.

Statutes; or

6. A plat of recordation for the division of a tract or parcel of land in single ownership meeting all of the following criteria:
 - (a) The tract or parcel to be divided is not otherwise exempted, as stated in this UDO;
 - (b) No part of the tract or parcel to be divided has been divided under this subsection in the 10 years prior to division;
 - (c) The entire area of the tract or parcel to be divided is greater than five acres;
 - (d) After division, no more than three lots result from the division; and
 - (e) After division, all resultant lots comply with all of the following:
 - (i) Any lot dimension size requirements of the applicable land-use regulations, if any;
 - (ii) The use of the lots is in conformity with the applicable zoning requirements, if any; and
 - (iii) A permanent means of ingress and egress is recorded for each lot.

B. Exclusion Determination

If a proposed division of land meets one or more of the exclusions under the definition of 'Subdivision' in Article 12, Definitions, the owner may submit to the City of Mebane Planning and Zoning Department maps, deeds, or other materials in sufficient detail to permit a conclusive determination by the Planning Director or designee. An owner of land who wishes to record a plat of such a division of land shall obtain a Certificate of Exemption (see Appendix B) from the Planning Director.

C. Approval Required

1. Date of Compliance

After the effective date of this Ordinance and in accordance with NCGS §160D-801 *et seq.*, no plat for the subdivision of land within the Mebane Planning Jurisdiction shall be filed, accepted for recording, or recorded, nor shall the Clerk of the Superior Court order the recording of a plat until it has been submitted to and approved by the City.

Amended June 7, 2021

2. No Subdivision without Approval

No real property, including property declared under the N.C. Condominium Act NCGS §47C-1 *et seq.*, lying within the Mebane Planning Jurisdiction as now or hereafter fixed shall be subdivided except in conformance with all applicable provisions of this Article. Violation of this Section shall constitute a misdemeanor.

3. Decisions on Approval or Denial of Subdivision Plats

In accordance with the provisions of NCGS 160D-801 *et seq.*, decisions on the approval or denial of preliminary and final subdivision plats may be made only on the basis of standards explicitly set forth in this Ordinance. Whenever this Ordinance includes criteria for a decision that requires the application of judgment on the part of the approval authority, those criteria must provide adequate guiding standards for the approval authority.

Amended June 7, 2021

D. Coordination with Other Procedures

To lessen the time required to attain all necessary approvals and to facilitate the processing of applications, an applicant may start the subdivision approval process simultaneously with other applications for approvals required for the particular project.

E. Preliminary Plats Approved Prior to the Effective Date of this Ordinance

Preliminary plats approved by the City of Mebane prior to the effective date of this Ordinance shall be valid for 12 months from the date of approval of the plat unless a longer time period has been authorized through vested rights provisions.

F. Penalties for Transferring Lots in Unapproved Subdivisions

Penalties for transferring lots in unapproved subdivisions are delineated in Section 11-4, H.

7-3 MINOR SUBDIVISION PLAT REVIEW PROCEDURES

7-3.1 Applicability

The Planning Director shall approve or disapprove minor subdivision plats in accordance with the provisions of this Section. A minor subdivision, as defined in Article 12, is a residential subdivision of less than three acres and one not involving development or extension of a new public road and in which all lots have access to an existing publicly maintained road.

7-3.2 Minor Subdivision Review and Approval Procedures

The minor subdivision review process shall include the preparation of final minor subdivision plat which shall be reviewed and approved by the Planning Director.

- A.** The applicant for minor subdivision plat approval shall submit to the Zoning Administrator a plat drawn in waterproof ink on a sheet made of material and of a size that will be acceptable to the applicable County Register of Deeds Office for recording purposes. When more than one sheet is required to include the entire subdivision, all sheets shall be made of the same size and shall show appropriate match marks on each sheet and appropriate references to other sheets of the subdivision. The scale of the plat shall be at one inch equals one hundred feet. The applicant shall also submit 12 prints of the plat as well as any required application form and required fee.
- B.** The final minor subdivision plat shall be prepared by a registered land surveyor or engineer licensed to render said service in the State of North Carolina and shall contain the following information:
1. The name of the subdivision, which name shall not duplicate the name of any existing subdivision as recorded in the applicable County Registry;
 2. The name of the subdivision owner or owners;
 3. The township, county and state where the subdivision is located;
 4. The name of the surveyor and his registration number and the date of survey;
 5. The scale according to which the plat is drawn in feet per inch or scale ratio in words or figures and bar graph;
 6. All of the additional information required by NCGS § 47-30 and Appendix A; and
 7. All of the applicable certificates required in Appendix B.
- Amended June 7, 2021*
- C.** The Planning Director and the Technical Review Committee (TRC) shall review the minor subdivision plat.
- D.** The Planning Director shall take expeditious action on an application for minor subdivision plat approval. A decision shall be rendered by the Planning Director within 30 days after submission of the proposed minor subdivision plat to the Zoning Administrator. If no decision is rendered by the Planning Director within the required 30-day period, the applicant may appeal to the City Council for review of the application under the major subdivision preliminary plat approval process (Section 7-4.4). Either the Planning Director or the applicant may at any time refer the application to the major subdivision approval process.
- E.** Subject to subsection D above the Planning Director shall approve

the proposed subdivision unless the subdivision is not a minor subdivision as defined in Section 7-3.1 or the application or the proposed subdivision fails to comply with any other applicable requirement of this Ordinance.

- F. If the minor subdivision plat is approved, the approval shall be shown by a signed Certificate of Minor Plat Approval (see Appendix B)
- G. If the subdivision is disapproved, the Planning Director shall promptly furnish the applicant with a written statement of the reasons for disapproval. The applicant may appeal the decision by requesting that the minor subdivision plat be scheduled for review by the City Council according to the same review and approval procedures set forth in Section 7-4 for final approval of major subdivision plats. Appeals shall be filed within 60 days of the date of the decision that the Planning Director disapproves the plat.
- H. Approval of any plat is contingent upon the plat being recorded with the applicable County Register of Deeds within ninety days after the date the Certificate of Approval is signed by the Planning Director or designee. Failure to record the approved plat within the specified 90-day period shall render the plat null and void.

7-4 MAJOR SUBDIVISION PLAT REVIEW PROCEDURES

7-4.1 Applicability

- A. Major subdivisions, as defined in Article 12, are all subdivisions that are not classified as a minor subdivision (i.e., subdivisions containing a public street, a nonresidential subdivision, or a residential subdivision containing three or more acres). When a major subdivision is to be developed in stages, a preliminary plat shall be submitted for the entire development. A final plat may be submitted for each phase or section.

Amended June 7, 2021

- B. The procedures for the review of a major subdivision plat generally involves:
 1. Optional sketch design plan review approval by the Planning Director and TRC,
 2. Preliminary plat review by the Planning Board and recommendation to the City Council,
 3. Preliminary plat review and approval by the City Council, and
 4. Final plat review and approval by the City Council.

7-4.2 Major Subdivision Sketch Design Plan

- A.** Submission of the Sketch Plan. Before preliminary plat application, the subdivider may submit to the Planning Director two copies of a simple sketch plan of the proposed subdivision. The subdivider may at this time discuss the proposed development with the Planning Director and become familiar with the regulations affecting the land to be subdivided. This procedure does not require a formal application or fee.
- B.** Information to be shown on the Sketch Plan. A simple freehand sketch plan drawn at an approximate scale of not more than 200 feet to one inch will be sufficient to show the tentative street layout, approximate street rights-of-way width, lot arrangement, drainage, floodplains or watersheds, utility easements, sites for schools, parks, churches, etc., existing structures, water courses, wooded areas, and total acreage.
- C.** Planning Director Review. The Planning Director and TRC shall review the sketch plan for general compliance with the requirements of this Ordinance. The Planning Director shall advise the subdivider or authorized agent of the regulations pertaining to the proposed subdivision and the procedures to be followed in the preparation and submittal of the preliminary and final plats. The Planning Director shall also discuss with the subdivider any problems found during the review of the sketch plan that need to be addressed prior to submittal of a preliminary major subdivision plat.
- D.** One copy of the sketch plan shall be retained by the Planning Director and the other copy being returned to the subdivider or authorized agent.
- E.** Voluntary submission of a sketch plan shall not constitute an application for subdivision approval. Accordingly, any review or discussion by the Planning Director and TRC regarding a voluntarily submitted sketch plan prior to the submission of a preliminary plat and application for subdivision approval shall not constitute any official government action nor establish any right or privilege.

7-4.3 Preliminary Major Subdivision Plat Review and Approval Procedures

An application for plat approval may be filed only by all of the owners of the property proposed to be subdivided or by an agent, lessee, or contract purchaser specifically authorized by all of the owners to file the application. A written copy of the authorization shall be provided to the City.

A. Submission Requirements for Preliminary Major Subdivision Plats

The process for applying for preliminary subdivision plat approval is as follows:

1. At least 15 days before the regularly scheduled meeting of the Planning Board, the subdivider shall submit to the Planning Director 21 copies of a preliminary plat prepared by a licensed surveyor, engineer, architect or landscape architect. The preliminary plat shall contain the information required in subsection B below. Supplemental information such as a contour map may be required and shall be submitted in sufficient quantities as requested by the Planning Director.
2. At the time of submission of the preliminary plat, the subdivider shall submit any required application forms and any required.
3. The applicant for preliminary subdivision plat approval shall also submit the following documentation:
 - (a) A letter of approval for proposed sanitary sewer and water distribution shall accompany the preliminary plat indicating that the preliminary layout plans for proposed public sewer and water systems have been reviewed and approved by the City Engineer, other applicable water and sewer provider, and the appropriate state agency.
 - (b) Where public water or public sewer is not available, a 'letter of provisional approval' from the applicable County Health Department shall be submitted with the preliminary plat indicating that each lot has adequate land area and soil conditions to accommodate the proposed methods of water supply and sewage disposal.
 - (c) Preliminary street layout plans for subdivisions that intend to utilize private streets shall have said street plans reviewed and approved by the City Engineer prior to preliminary plat approval.

B. Preliminary Major Subdivision Plat Contents

The preliminary plat shall contain the following information:

1. The name of the subdivision, which name shall not duplicate the name of any existing subdivision as recorded in the applicable County Registry;
2. The name of the subdivision owner or owners;
3. The township, city and state where the subdivision is located;
4. The name of the surveyor and the surveyor's registration number and the date of survey;

5. The scale according to which the plat is drawn in feet per inch or scale ratio in words or figures and bar graph; and
6. All of the additional information required by NCGS §47-30, NCGS § 39-32.3, and Appendix A.

C. Review Process for Preliminary Major Subdivision Plats

1. The preliminary plat and related information shall be reviewed by the Planning Director and TRC for completion and compliance with the requirements of this Ordinance before it is submitted to the Planning Board. The developer shall correct any omissions or noncomplying features before it is passed on to the Planning Board.
2. Following the completion of the review of the preliminary plat by the Planning Director and the TRC, the Planning Director shall forward a recommendation to the Planning Board.
3. Before acting on the preliminary plat, the Planning Board may request a report from any person or agency directly concerned with the proposed development, such as the City Engineer, the District Highway Engineer, and County Health Department. Such reports shall certify compliance with or note deviations from the requirements of this Ordinance, and include comments on other factors that bear upon the public interest.
4. The Planning Board shall review the preliminary plat and the findings and recommendations of the TRC and any other reports or recommendations pertaining to the plat and shall forward a recommendation to the City Council for approval, conditional approval, or disapproval of the preliminary plat. The Planning Board shall review and make its recommendation on each preliminary plat within 60 calendar days after submission of the preliminary plat. Should the Planning Board fail to make its recommendation on the proposed subdivision within 60 days after submission of the preliminary plat, the subdivider may seek approval at the next regularly scheduled meeting of the City Council.
5. Following receipt of the Planning Board's recommendation, the City Council shall review the preliminary plat, the recommendation of the Planning Board, the recommendation of the TRC, and any other reports or recommendations pertaining to the plat. Following its review of the preliminary plat, the City Council shall approve, approve conditionally, or disapprove the plat.
6. If the City Council disapproves the preliminary plat, the reasons for such action shall be stated in writing and reference shall be made to the specific sections of the Ordinance with which the preliminary plat does not comply.

The plat can be resubmitted for preliminary review upon compliance with ordinance requirements.

7. If preliminary plat approval is granted, written confirmation shall be made on two copies of the preliminary plat. One copy of the approved preliminary plat shall be returned to the applicant. Approval of the preliminary plat is authorization for the applicant to proceed with the construction of the necessary improvements or guarantee their installation, as provided in Section 7-8, in preparation for preparation and submission of the final plat.

D. Expiration of Preliminary Plat Approval

Preliminary plat approval shall be valid for a period of 12 months from the date of approval of the plat by the City Council unless an extension of time is applied for and granted by the City Council or unless a longer time period is established under applicable vested rights provisions or a city-approved development agreement. For subdivisions which have been approved to be developed in phases, preliminary plat approval shall be valid for a period of 24 months. An additional extension of time may be applied for and granted by the City Council where the developer demonstrates good cause and where there has been a substantial expenditure of resources directly related to the subdivision development. Examples of substantial expenditures include (i) consulting fees paid to land development professionals for land surveys, soil evaluations, erosion control plans; (ii) fees for engineering design for streets, water lines, sewer lines, and stormwater facilities; (iii) fees for land preparation activities such as clearing and grading; (iv) actual construction costs of streets, utilities, other infrastructure, and required site amenities.

Preliminary plats whose approval has elapsed shall be resubmitted in accordance with the provisions of this Section. Resubmitted plats shall conform to the Ordinance requirements in effect at the time of plat resubmittal.

E. Modifications to Approved Preliminary Plats

Modifications to approved preliminary plats shall be made in accordance with the provisions of Section 2-25.

7-4.4 Final Major Subdivision Plat Review and Approval Procedures

Within one year after the date of approval of the preliminary plat, the applicant shall file an application for final plat approval for that portion of the approved preliminary plat which the applicant proposes to record.

No street shall be accepted and maintained by the City, nor shall any water or sewer be extended to or connected with any subdivision of land as defined herein unless and until the final plat has been approved as provided herein. No permit shall be issued by any administrative agent or department of the City for the construction of any building or other improvement requiring a permit upon any land concerning which a plat

is required to be approved unless and until the final plat has been approved as provided herein.

A. Conformance with Preliminary Plat

The final plat shall conform substantially to the approved preliminary plat. If the submitted final plat deviates in its overall design from the approved preliminary plat the Planning Director shall schedule the final plat to be reviewed and approved by the TRC using the same review and approval procedures set forth in Section 7-4.4, C for preliminary plats. If the applicant requests a waiver from any of the design standards of Section 7-6 of this Ordinance, the Planning Director shall schedule the waiver request to be reviewed in accordance with the provisions of Section 7-9.

B. Submission Requirements

The applicant for final plat approval shall submit to the Planning Director a final plat made of material and of a size that will be acceptable to the applicable County Register of Deeds Office for recording purposes. When more than one page is required to include the entire subdivision, all pages shall be made of the same size and shall show appropriate match marks on each page and appropriate references to other pages of the subdivision. The scale of the plat shall be at one inch equals not more than one hundred feet. The applicant shall also submit six prints of the plat as well as any required application forms and any required fee.

C. Final Plat Contents

The final plat shall contain the following information:

1. The name of the subdivision, which name shall not duplicate the name of any existing subdivision as recorded in the applicable County Registry;
2. The name of the subdivision owner or owners;
3. The township, county and state where the subdivision is located;
4. The name of the surveyor and the surveyor's registration number and the date of survey;
5. The scale according to which the plat is drawn in feet per inch or scale ratio in words or figures and bar graph;
6. All of the additional information required by NCGS § 47-30, NCGS § 39-32.3, and Appendix A; and
7. All of the applicable certificates required in Appendix B.

D. Review Process for Final Major Subdivision Plats

1. The final plat and related information shall be reviewed by the Planning Director and TRC for completion and compliance with the requirements of this Ordinance before it is submitted to the City Council. Provided the final plat is complete, and no further review is determined to be required, the designated staff shall act on the final plat of major subdivisions within thirty (30) days of receipt of the plat.
2. Following final plat approval, the applicant shall record the plat for the major subdivision in accordance with this subsection. No lots in a subdivision shall be sold prior to approval by the City and recording of a plat for the subdivision.
3. If final plat approval is granted, the approval shall be shown by a signed Certificate of Final Plat Approval (see Appendix B). One print and the original or mylar tracing of the final plat containing the signed certificate shall be returned to the applicant and one print shall be filed with the City.
4. If the final plat is disapproved, the Planning Director shall promptly furnish the applicant with a written statement of the reasons disapproval with reference to the specific sections of the Ordinance with which the plat does not comply. The applicant may make the recommended revisions and submit a revised final plat, which shall again be reviewed as before stated .

Should a revised plat be disapproved by the Planning Director and the TRC, the applicant may appeal the decision by requesting that the major subdivision plat be scheduled for review by the City Council according to the review and approval procedures set forth in Section 7-4 for final approval of major subdivision plats. Appeals shall be filed within 60 days of the date of the mailing of the decision that the Planning Director and/or TRC disapproves the plat.

Amended September 11, 2017

E. Required Improvements

No final plat shall be approved until all required improvements have been installed and approved or appropriate surety has been provided as set forth in Section 7-8.

7-4.5 Recordation of Approved Final Major Subdivision Plats

A. Plat Approval Contingent upon Recordation

Approval of a final plat is contingent upon the plat being recorded in the applicable Office of the Register of Deeds within 90 days after the approval date of the final plat. Failure to record the

approved plat within the specified 90-day period shall render the plat null and void.

B. Dedication and Acceptance

1. Rights-of-Way and Easements

The approval and recordation of a final plat does constitute an offer to dedicate but does not constitute dedication to and acceptance for maintenance responsibility by the City of Mebane or the public of any public street, alley, or utility or drainage easement shown on such plat. Improvements within such rights-of-way or easements, such as utility lines, street paving, drainage facilities, or sidewalks may, however, be accepted only by action by the City Council following inspection and approval.

Amended September 11, 2017

2. Open Space

Land designed as public open space on a final plat shall be considered to be offered for dedication until such offer is officially accepted by the City of Mebane. The offer may be accepted by the City through:

- (a) Express action by the City Council;
- (b) Express action by an administrative officer designated by the City Council; or
- (c) Conveyance of fee simple marketable title (unencumbered financially and environmentally) of the property to the City at the time of final plat recordation.

Until such dedication has been accepted, land so offered may be used for open space purposes by the owner or by the owners' association. Land so offered for dedication shall not be used for any purpose inconsistent with the proposed public use.

3. The developer shall be responsible for the maintenance of all facilities and improvements until an offer of dedication is accepted.

C. Permits and Certificates of Occupancy

Unless otherwise provided in this Ordinance, upon recordation of the final plat, the applicant shall be eligible to apply for building and any other permits required by this Ordinance. No certificates of occupancy shall be issued until all improvements are complete and approved by the City and the applicable utility provider.

7-5 PENALTIES FOR TRANSFERRING LOTS IN UNAPPROVED SUBDIVISIONS

- A.** Any person who, being the owner or the agent of the owner of any land located within the territorial jurisdiction of the City of Mebane, subdivides land in violation of this Ordinance or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under this Ordinance and recorded in the office of the applicable County Register of Deeds, shall be guilty of a Class 1 misdemeanor. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land does not exempt the transaction from this penalty. The City may bring an action for injunction of any illegal subdivision, transfer, conveyance, or sale of land, and the court shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with the subdivision ordinance.

Building permits required pursuant to 160D-4103 may be denied for lots that have been illegally subdivided. In addition to other remedies, the City may institute any appropriate action or proceedings to prevent the unlawful subdivision of land, to restrain, correct, or abate the violation, or to prevent any illegal act or conduct. Enforcement procedures (Section 11-3) and penalties and remedies (Sections 11-4 and 11-5) are delineated in Article 11, Enforcement and Judicial Review.

Amended June 7, 2021

- B.** The provisions of this Section shall not prohibit any owner or its agent from entering into contracts to sell or lease by reference to an approved preliminary plat for which a final plat has not yet been properly approved under this Ordinance or recorded with the register of deeds, provided the contract does all of the following:
1. Incorporates as an attachment a copy of the preliminary plat referenced in the contract and obligates the owner to deliver to the buyer a copy of the recorded plat prior to closing and conveyance.
 2. Plainly and conspicuously notifies the prospective buyer or lessee that a final subdivision plat has not been approved or recorded at the time of the contract, that no governmental body will incur any obligation to the prospective buyer or lessee with respect to the approval of the final subdivision plat, that changes between the preliminary and final plats are possible, and that the contract or lease may be terminated without breach by the buyer or lessee if the final recorded plat differs in any material respect from the preliminary plat.

3. Provides that if the approved and recorded final plat does not differ in any material respect from the plat referred to in the contract, the buyer or lessee may not be required by the seller or lessor to close any earlier than five days after the delivery of a copy of the final recorded plat.
4. Provides that if the approved and recorded final plat differs in any material respect from the preliminary plat referred to in the contract, the buyer or lessee may not be required by the seller or lessor to close any earlier than 15 days after the delivery of the final recorded plat, during which 15-day period the buyer or lessee may terminate the contract without breach or any further obligation and may receive a refund of all earnest money or prepaid purchase price.

Amended June 7, 2021

The provisions of this Section shall not prohibit any owner or its agent from entering into contracts to sell or lease land by reference to an approved preliminary plat for which a final plat has not been properly approved under this Ordinance or recorded with the register of deeds where the buyer or lessee is any person who has contracted to acquire or lease the land for the purpose of engaging in the business of construction of residential, commercial, or industrial buildings on the land, or for the purpose of resale or lease of the land to persons engaged in that kind of business, provided that no conveyance of that land may occur and no contract to lease it may become effective until after the final plat has been properly approved under this Ordinance and recorded with the register of deeds.

7-6 SUBDIVISION DESIGN STANDARDS

7-6.1 Subdivision Design Standards Purpose

The subdivision design standards, adopted and prescribed in this Section, are found by the City Council to be necessary and appropriate to:

- A.** Provide for suitable residential and nonresidential developments with adequate streets, and utilities and appropriate building sites;
- B.** Provide for the distribution of population and traffic in a manner which shall avoid congestion and overcrowding;
- C.** Provide for the coordination of streets within subdivisions with existing or planned streets and with other public facilities;
- D.** Provide for the dedication or reservation of rights-of-way or easements for street and utility purposes;
- E.** Provide for the dedication or reservation of adequate spaces for public lands and buildings;

- F. Encourage design that is protective of environmental quality and that provides a balance between the built environment and natural and fragile natural resources; and
- G. Provide for the dedication or reservation of recreation, park, and open space areas; and

7-6.2 General Subdivision Standards

A. Design

All proposed subdivisions, including group developments where the transfer of building sites to separate owners is proposed, shall comply with this Ordinance, shall be designed to promote beneficial development of the community, and shall bear a reasonable relationship to the approved plans of the City.

B. Development Name

In no case shall the name of a proposed development duplicate or be phonetically similar to an existing development name in the Mebane Planning and Zoning Jurisdiction unless the proposed development lies adjacent or in proximity to the existing development.

C. Reasonable Relationship

All required improvements, easements, and rights-of-way (other than required reservations) shall substantially benefit the development or bear a reasonable connection to the need for public facilities attributable to the new development.

Whenever a tract to be subdivided includes or adjoins any part of a thoroughfare or collector street as designated by an officially adopted City Thoroughfare Plan, that part of such proposed public right-of-way shall be dedicated as public right-of-way within the subdivision plat in the location and to the width recommended by the Thoroughfare Plan or this Article.

D. Establishment of Private Deed Restrictions

The subdivider is encouraged to prepare and record private deed restrictions (restrictive covenants) to establish development standards to address particular development and land use issues and/or to establish more desirable development standards that exceed the City of Mebane requirements. For example, subdividers may establish deed restrictions that address such issues as architectural design, building materials, minimum building floor area, parking of recreational vehicles, home-based businesses, etc. Deed restrictions are private agreements between the subdivider and lot buyers. Enforcement of deed restrictions is a private matter and is solely the responsibility of the lot owners and/or a property owners' association. Deed restrictions cannot be enforced by the City of Mebane. The Zoning Administrator or any other official of

the City of Mebane will not be involved in the enforcement of private deed restrictions.

E. Subdivision Signs

Permanent signs announcing the name of a subdivision shall comply with the standards for identification signs delineated in Section 6-6.7, F.

7-6.3 Suitability of the Land

- A. Land which the City has determined, either through its own investigations or the investigations of other public agencies, to be unsuitable for development because of flooding, poor drainage, steep slopes, poor soil conditions, and other such physical features which may endanger health, life, or property or necessitate the excessive expenditure of public funds for the provision and/or maintenance of public services shall not be approved for subdivision unless methods are formulated by the developer for mitigating the problems created by the subdivision of such land. Areas that have been used for disposal of solid waste shall not be subdivided unless tests by the applicable County Health Department, a structural engineer, and a soils expert determine that the land is suitable for the type of construction proposed.

Amended June 7, 2021

7-6.4 Lot Dimensions and Standards

~~The size, shape, and orientation of lots shall be appropriate for the location of the proposed subdivision and for the type of development contemplated and shall conform to the following:~~

Commented [CS184]: Relocated without changes to Article 4, as these are universal lot standards applying to existing lots as well, not just for new subdivisions.

~~A. Conformance to Other Regulations~~

~~Every lot shall have sufficient area, dimensions, and street access to permit a principal building to be erected thereon in compliance with all zoning district and other use, density, intensity, and dimensional requirements of this Ordinance (see Article 4, Use Regulations, Density and Dimensional Standards, and Development Standards for Individual Uses). Table 4-2-1 delineates minimum density, intensity, and dimensional requirements for each zoning district.~~

~~B. Minimum Buildable Area~~

~~Every lot shall have at least forty percent of its total area, or 3,000 square feet, whichever is less, of contiguous buildable area of a shape sufficient to hold a principal building.~~

~~C. Lot Line Configuration~~

~~Side lines of lots should be at or near right angles or radial to street lines. No intersecting lot lines shall have an angle of less than 60 degrees.~~

~~D. Lot Lines and Drainage~~

~~Lot boundaries shall coincide with natural and pre-existing man-~~

~~made drainageways to the extent practicable to avoid lots that can be built upon only by altering such drainageways. Lots shall have a minimum of one percent grade to streets and/or drainageways. The City recognizes that topographical conditions may exist where the requirement may not be practicable. The absolute minimum for such conditions as approved by the City Engineer shall be 0.5 percent. Utility and drainage easements shall be provided as required in Section 7-6.7, G.~~

~~E. Lots on Streets with Capacity Deficiencies~~

- ~~5. Major and minor subdivisions shall not be approved that propose individual residential lots with direct vehicular access to streets that have, in the opinion of the City Engineer and NCDOT (if applicable), capacity deficiencies that warrant the prohibition of the platting of lots with direct vehicular access.~~
- ~~6. Whenever a proposed subdivision abuts any major or minor thoroughfare or a major collector (as delineated on the latest adopted Thoroughfare Plan), the Planning Board, based upon the recommendation of the City Engineer or NCDOT, may prohibit the platting of lots with direct vehicular access to such roads. The Planning Board's decision to require alternative access shall be based upon the need to provide safe access to proposed lots, reduce interference with the existing traffic pattern and flow, and provide buffering of the proposed lots from adverse effects from traffic noise. Whenever a subdivision fronts on an arterial road or highway, the Planning Board may require a marginal access street to provide access to lots fronting on the arterial road or highway.~~
- ~~7. In order to reduce traffic congestion, commercial and industrial subdivisions may be required by the Planning Board, after consultation with the City Engineer or NCDOT, to provide a frontage road or other suitable means of access along major thoroughfares, as shown on the adopted thoroughfare plan, unless the Planning Board determines that no practicable alternative for access exists. Where a frontage road is required, intersections with public streets shall be spaced no closer than 800 feet. Frontage roads may be permitted within the rights-of-way of existing streets subject to the approval of the City Engineer or the NCDOT, as applicable.~~
- ~~8. Subdivisions that propose lot layouts such that buildings will front on an interior street and which will have rear yards directly adjacent to major thoroughfare roads shall provide a minimum 30-foot wide Type B streetscape that complies with the planting requirements of Section 6-3, D, adjacent to the major thoroughfare road.~~

~~Amended June 7, 2021~~

~~F. Access Requirements~~

~~All lots must have public street access and frontage meeting the requirements set forth in Section 4-4, B. The following exceptions may be approved:~~

- ~~1. Lots and units located in developments with Owners' Associations or in group developments in which permanent access is guaranteed by means of approved private streets and/or drives designed in accordance with the requirements of Section 7-6.5, H.~~
- ~~2. Lots of record provided that there is recorded access and the use is limited to only one single family dwelling and its uninhabited accessory structures.~~
- ~~3. Flag lots meeting the following requirements:~~
 - ~~(a) A flag lot shall serve only one single family dwelling and its uninhabited accessory structures;~~
 - ~~(b) The maximum flagpole length shall be 300 feet;~~
 - ~~(c) The minimum flagpole width shall be 25 feet;~~
 - ~~(d) The maximum lot size in areas with public sewer shall be one acre. The maximum lot size without public sewer shall be three acres. (Note: the 'flagpole' portion of the lot is not used to calculate area, width, depth, coverage, and setbacks of the lot or to provide off-street parking);~~
 - ~~(e) The minimum separation between the 'flagpole' portion of the lot and that of another flag lot shall be 150 feet;~~
 - ~~(f) Where public water is available, any building on the flag lot must be within 500 feet of a hydrant. This distance shall be measured along the street, then along the flagpole, then in a straight line to the building location;~~
 - ~~(g) Use of a single driveway to serve a flag lot and an adjoining lot is permitted and encouraged. The preferred location for the driveway is on the flagpole portion of the flag lot, with the conventional lot granted an access easement over the flagpole;~~
 - ~~(h) No resubdivision of a flag lot shall be permitted unless access to the proposed new lot(s) can be provided from an approved public or private street; and~~

~~(i) Flag lots shall be approved only where the configuration of the parcel or site features warrant such a lot design. Authorizing a flag lot design is intended to accommodate a particular extenuating circumstance which makes traditional lot design infeasible. Therefore, flag lots should be judiciously approved.~~

G. Water and Sewage Disposal

1. Every subdivision lot intended for building purposes shall be served by a water supply system and a sewage disposal system that (i) is adequate to accommodate the reasonable needs of the proposed use of the lot and (ii) complies with all applicable city water and sewer requirements and/or county health department regulations.
2. Water and sewer systems shall be designed in accordance with all city and state requirements, the *City of Mebane Standard Design Details* prepared by the City Engineer, and the requirements of this Ordinance.
3. No utility improvements shall be constructed until the utility construction plans have been reviewed and approved by the appropriate utility provider. Work performed pursuant to approved utility construction plans shall be inspected and approved by the appropriate utility provider.
4. **Mandatory Connection to Existing Public Utilities**

Connection of each lot to public water and sewer utilities shall be required in accordance with the City's utility extension policies.
5. Water supply systems serving 10 or more connections are classified as public water supplies by State law, and plans and specifications must be approved by the Sanitary Engineering Division of the NC Division of Health Services.
6. Water supply systems serving from 2 to 9 connections inclusive may be regulated by the applicable County Health Department, and plans should be approved by the applicable County Health Department.
7. Plans for public and community sewer systems must be approved by the NC Division of Environmental Management.
8. Individual water supplies shall be located, constructed and operated in accordance with State Board of Health Bulletin No. 476 Protection of Private Water Supplies.
9. Individual sewage disposal systems must be installed and maintained in accordance with the State Board of Health

Rules and Regulations Governing the Disposal of Sewage from any Residence; Place of Business or Place of Public Assembly in North Carolina, and the regulations of the applicable County Board of Health (State Board of Health Bulletin No. 519, Residential Sewage Disposal Plants, contains helpful information).

10. Public sewer systems are defined as any sewage collection and disposal system owned and maintained by a public governmental entity.

H. Additional Requirements for Small Lot Subdivisions

Major **traditional** residential subdivisions consisting of lots with an average minimum lot size of 10,000 square feet or less may be required by the City Council to comply with specific design standards intended to mitigate the impact of small lot development (see Section 7-6.8 for specific standards).

Commented [CS185]: Clarifies that the Nontraditional subdivisions addressed by subsection I immediately below are not subject to these criteria.

I. Design Standards for Nontraditional Subdivision Developments

Specific design standards for nontraditional subdivision developments are provided in Article 4, **and are not subject to the Small Lot Subdivision standards of 7-6.8.**

1. Residential Cluster Developments. Dimensional requirements and standards specific to Residential Cluster Developments are delineated in Section 4-7.3, O.
2. Townhouse Developments. Dimensional requirements and standards specific to Townhouse Developments are delineated in Section 4-7.3, F.
3. Planned Unit Developments. Dimensional requirements and standards specific to Planned Unit Developments (PUDs) are delineated in Section 4-7.3, N.
4. Condominium Developments. Dimensional requirements and standards specific to Condominium Developments are delineated in Section 4-7.3, C.
5. Live/Work Developments. Dimensional requirements and standards specific to Live/Work Developments are delineated in Section 4-7.3, M.
6. Traditional Neighborhood Developments. Dimensional requirements and standards specific to Traditional Neighborhood Developments (TNDS) are delineated in Section 4-7.3, P.

7-6.5 Streets

A. Conformance with Thoroughfare Plans and Traffic Impact

Analyses

The location and design of streets shall be in conformance with any applicable, adopted Thoroughfare Plan and Transportation Improvements Plan. Where conditions warrant, right-of-way widths and pavement widths in excess of the minimum street standards may be required. Where a traffic impact analysis has been prepared for a proposed development, the recommendations of the traffic impact analysis shall be implemented.

B. Conformance with Adjoining Street Systems

The planned street layout of a proposed subdivision shall be compatible with existing or proposed street and their classifications on adjoining or nearby tracts.

C. Street Access to Adjoining Property

1. Where, upon the recommendation of the TRC and City Engineer and the approval of the Planning Board, it is desirable to provide for street access to adjoining property, proposed subdivision streets shall be extended, dedicated, and, where appropriate, constructed to the boundary of such property. It is the intention of this section to promote the orderly development of a local street system that provides interconnection between developed or developing properties.
2. Factors that shall be evaluated when considering requiring the extension of streets or street rights-of-way to adjoining property include:
 - (a) the development potential of the adjoining land;
 - (b) the physiographical and man-made characteristics of the adjoining property, and
 - (c) the existing and proposed local street system and traffic flow of the entire area surrounding the subdivided tract and adjoining properties.
3. Generally, 'stub streets' shall be required:
 - (a) where the zoning and/or land use on the adjoining property are compatible with the proposed subdivision,
 - (b) where there are no natural or man-made barriers that make the street extension impracticable,
 - (c) where the street extension will result in desirable traffic flows and patterns and where inappropriate levels of through traffic are avoided, and
 - (d) where the street extension will promote the overall

orderly development of the area.

4. All stub streets shall be designed and, where required to be built, constructed in accordance with the appropriate standards as delineated in this Article.

D. Reserve Strips

Reserve strips adjoining street rights-of-way for the purposes of preventing access to adjacent property shall not be permitted under any condition.

E. Street Classification

The final determination of the classification of streets in a proposed subdivision shall be made by the City Engineer or the NCDOT, as applicable.

F. Public Street Design Standards

1. Minimum Right-of-way Widths. Minimum street right-of-way widths shall be in accordance with the Thoroughfare Plan and shall not be less than the following:

Street Type	Right-of-Way Width
Major Thoroughfare	As determined by the City Engineer and/or
Minor Thoroughfare	80 feet
Collector or	60 feet
Local Residential	50 feet
Cul-de-sac	50 feet
Marginal Access	50 feet

2. Minimum Pavement Widths. The minimum pavement widths, measured back-to-back of curb, shall not be less than the following:

Street Type	Pavement Width
Major Thoroughfare	As determined by the City Engineer and/or NCDOT
Minor Thoroughfare	49 feet
Collector or Subcollector	41 feet
Local Residential	31 feet
Cul-de-sac	31 feet
Marginal Access	31 feet

In the event that the City approves, due to particular

extenuating circumstances, streets to be constructed without curb and gutter, pavement widths may vary according to the City's design standards.

All pavement widths in excess of the minimum must be approved by the City.

3. Grades. Street grades shall be not more than 10 percent nor less than 0.7 percent. The grade on stop streets approaching an intersection shall not exceed 5 percent for a distance of not less than 100 feet from the centerline of the intersection, unless the City Engineer determines that topographical conditions dictate otherwise. The slopes in cuts shall have an incline of not more than 1 vertical to 2 horizontal, and the fills shall have an incline of not more than 1 vertical to 2 horizontal. Embankments or fills shall be made only from earth excavation and shall be placed in layers not over 8 inches thick; each layer being thoroughly compacted with a sheepsfoot roller, or other means approved by the City Engineer, before the succeeding layer is placed.
4. Horizontal Curves. Where a centerline deflection angle of more than 10 degrees occurs, a circular curve shall be introduced having a centerline radius of not less than the following:

Street Type	Centerline Radius
Major and Minor Thoroughfare	500 feet
Collector or Subcollector	300 feet
Local or Minor Street	100 feet

5. Vertical Curves. Vertical curves for residential streets shall be determined utilizing a K factor of 32, subject to approval of the City Engineer and NCDOT, if applicable. The K factor is the rate of vertical curvature for minimum sight distance and is derived utilizing the following formula: $L = KA$ where L = Length of vertical curve in feet, K = Rate of vertical curvature in feet per percent of A , and A = Algebraic difference in grades in percent. The K factor for major residential streets and all nonresidential streets shall be determined by the City Engineer and NCDOT, if applicable, on a case-by-case basis.
6. Tangents. A tangent of not less than 100 feet in length shall be provided between curves.
7. Intersections:
 - (a) All streets shall intersect at or as near to 90 degrees as possible, but in no case shall the angle of intersection be less than 75 degrees.

- (b) All streets crossing natural areas, wetlands, or stream buffers must cross at or as near to 90 degrees as possible within topographic limits.
 - (c) Intersections with an arterial street shall be at least 800 feet apart measured from centerline to centerline. Intersections with an expressway shall be controlled as determined by the City Engineer or the NCDOT, as applicable.
 - (d) Property lines at street intersections shall be rounded with a minimum radius of 20 feet. Where the angle of intersection is less than 75 degrees, a greater radius may be required.
 - (e) Where streets are offset, the centerlines shall be offset no less than 150 feet.
8. Minimum Entrances to Public Streets. Developments of ~~30~~ 100 or more residential units or additions to existing developments that increase the total number of residential units to ~~30~~ 100 or more shall be required to provide vehicular access in accordance with Appendix D, Fire Apparatus Access Roads of the *NC Fire Prevention Code* unless the Fire Chief determines that topography, natural features, or the pattern of existing adjacent development makes such provision impracticable.
 9. Turn Lanes and Acceleration/Deceleration Lanes. Developments of 50 or more residential units or additions to existing developments that increase the total number of residential units to 50 or more shall provide turn lanes and acceleration/deceleration lanes, as right of way, land availability, and environmental constraints allow. Waiver of this turn lane requirement shall be at the discretion of the City Engineer. The design and construction of turn lanes and acceleration/deceleration lanes shall be in accordance with the standards and specifications of the City and NCDOT, if applicable.
 10. Public streets proposed to be dedicated to the City shall be designed in accordance with the *City of Mebane Standard Design Details* prepared by the City Engineer and the requirements of this Ordinance. Public streets proposed to be dedicated to the State of North Carolina shall be designed in accordance with the standards and specifications of the NCDOT *Subdivision Streets; Minimum Construction Standards* or the *City of Mebane Standard Design Details*, whichever requires a more stringent standard.

Commented [CS186]: Amendment reflects 2021 statutory change to NC Fire Code.

Commented [CS187]: Reflects recent challenges in realizing required turn lanes and allows City staff flexibility in advising against them unless warranted by a TIA or similar study.

Amended June 7, 2021

11. Cul-de-sac Streets
 - (a) Cul-de-sac streets shall not exceed 800 feet in length. The length of a cul-de-sac street shall be measured from the intersecting through street to the end of the bulb at the turnaround.
 - (b) Cul-de-sac streets shall provide a turnaround with a minimum pavement radius of 50 feet and a minimum right-of-way radius of 60 feet.
 - (c) Adequate water and sewer easements shall be reserved as required by the City Engineer.
12. Streets stubbed to adjoining property or phase lines are required to have a temporary turnaround at the end of the street which will be sufficient to permit service vehicles to turn around. At a minimum, a 40-foot radius shall be provided. Temporary turnarounds shall be graded and compacted with eight inches of ABC stone or paved.
13. Sight Distance Easements. Triangular sight distance easements shall be shown in dashed lines at all street intersections and so noted on the subdivision plat. These easements will remain free of all structures, trees, shrubbery, and signs, except utility poles, fire hydrants, and traffic control signs. The location and extent of sight distance easements will be determined by the City and by the NCDOT on all state-maintained streets.
14. Street Names. Streets which are obviously in alignment with existing streets shall generally bear the name of the existing street. Street names shall not duplicate or closely approximate phonetically the names of existing streets in the Mebane Planning and Zoning Jurisdiction or within Alamance or Orange County. Street suffixes and addresses shall conform to the standards established by City of Mebane and the applicable County for 911 addressing.
15. Street Name Signs and Traffic Control Signs. Street name and traffic control signs which meet the City of Mebane and NCDOT specifications shall be placed at all street intersections. The developer shall pay the City for the cost of the required signs and the City will be responsible for installing all street name and traffic control signs. The maintenance of signs on private streets, drives, or lanes shall be the responsibility of the owner or of an Owners' Association, as applicable.
16. Streetlights. Streetlights shall be provided in accordance with the City's policies, standards, and specifications for street

lighting.

17. Bridges. All bridges shall be constructed in accordance with the standards and specifications of the City and the NCDOT, if applicable. Bridges on streets that will not be publicly dedicated may be approved if designed by a registered, professional engineer.
18. Subdivision Entrance Standards. All subdivisions of 25 or more lots shall provide at least one entrance to the subdivision that includes, at a minimum, any two of the following features in the entranceway:
 - (a) A divided roadway with landscaped median island.
 - (b) Alternative paving material such as brick or natural stone.
 - (c) Brick or stone entry walls.
 - (d) Decorative lighting.
 - (e) Fountain or other water feature.
 - (f) Sculpture or public art.
 - (g) Prominent plantings and landscaping that exceed the minimum requirements for streetscape buffers as delineated in Section 6-3, D.
 - (h) Ground-mounted subdivision name marker in compliance with the provisions of Section 6-6.7, F.
 - (i) Gatehouse, gazebo, clock tower, or similar structure.

A description of and design specifications for the proposed entranceway features shall be provided at the time of submission of the preliminary plat. An owners' association, created in accordance with the requirements of Section 7-7, shall be established with the legal and financial responsibility for maintenance of all subdivision entranceway features. Additional right-of-way may be required to accommodate entranceway features. The design and location of proposed entranceway features within or adjacent to public street rights-of-way shall be approved by the City Council and/or NCDOT, as applicable. Where private streets are proposed, entranceway features shall be approved by the City Council.

G. Curb and Gutter

1. Curb and gutter shall be required along streets in all residential subdivisions within the subdivision jurisdiction of

the City of Mebane except that permanent grass lined drainage swells may be approved under the conditions specified in subsection 6 below. Curb and gutter shall be required along all streets in nonresidential subdivisions unless specifically waived by the City Council based upon the City Engineer's determination of the need for curb and gutter based upon such factors which include, but are not limited to, proposed land use, projected traffic type and traffic volumes, intensity of development, topography, stormwater management requirements, proposed street grade, and street maintenance and street sweeping requirements.

2. Standard 30-inch width concrete curb and gutter or other City approved types of curb may be constructed on all streets in the subdivision. These shall be set to true lines and grades in accordance with profiles and cross-sections approved by the City Engineer.
3. Standard concrete catch basins, fitted with heavyweight cast iron gratings, inlet throats and frames shall be installed where necessary to provide for storm water drainage. Alternate type catch basins may be used where approved by the City Engineer. When concrete curb and/or gutter has sufficiently cured, tamped earth backfill shall be placed behind the curb top of same, and smoothed off to conform to the adjacent ground.
4. All curb and/or gutter work shall be subject to the inspection and approval of the Public Works and Utilities Director and no work shall be covered up without first obtaining the approval of same by the Public Works and Utilities Director. Curbs and gutters shall be designed and installed in accordance with the *City of Mebane Standard Design Details*.
5. As provided in NCGS § 136-44.14, whenever curb and gutter construction is used on public streets, wheelchair ramps for the handicapped shall be provided at intersections and other major points of pedestrian flow. Wheelchair ramps and depressed curbs shall be constructed in accordance with published standards of the NCDOT and/or the City of Mebane.
6. Permanent grass lined drainage swells (ditchlines) are allowed in lieu of curb and gutter in single family residential developments under the following conditions:
 - (a) The average density of the entire development is 2.0 dwelling units per acre or less.
 - (b) The minimum lot widths are 70 feet at the building line.

- (c) The built upon area for the development is 24 percent or less.
- (d) The permanent grass lined drainage swells are maintained by the lot owner or a property owners association.
- (e) Driveway pipes shall be 15 inches minimum in size and shall have end treatments (headwalls) with a common community theme or style; i.e., constructed of brick, rock, masonry, etc. and maximum driveway widths are 16 feet at the right of way.
- (f) The permanent grass lined drainage swells are constructed to the following standards:
 - (1) The shape of the permanent grass lined drainage swell shall be parabolic with a rounded bottom in accordance with the typical section to allow for mowing by typical residential mowers.
 - (2) The minimum distance from the edge of pavement to the center of the drainage swell shall be 10 feet with a 24-inch elevation drop.
 - (3) The maximum drainage area contributing to any section of the street drainage swell shall be 5.0 acre at which point the stormwater shall be diverted off the street right of way or collected into a storm piping system.
 - (4) Velocity and channel stabilization computations shall be provided for all channels to be non-erosive. Maximum water depth at Q10 storm event flows is 12 inches.
 - (5) No riprap ditch stabilization is allowed in the drainage swells.
 - (6) The grass lined drainage swells shall be of Kentucky 31 fescue or approved equal vegetative cover. Grass sodding is allowed if maintained during the initial grow in period by the lot owner or developer.

H. Private Street Design Criteria

1. Where Permitted. Private streets shall be discouraged and are permitted only in developments with Property Owners' Associations.

Commented [CS188]: Reflects City Council and staff positions and the Goals and Objectives of the City's adopted Comprehensive Plan.

2. **Minimum Design and Construction.** The minimum design standards for all private streets will be equivalent to the minimum standards and specifications delineated for public streets in Section 7-6.5, F and the *City of Mebane Standard Design Details*. All private streets will be indicated as such on the plat.
3. **Owners' Associations Required.** An Owners' Association, established in accordance with the provisions of Section 7-7, is required to own and maintain all private streets allowed under this Ordinance.
4. **Private Through Streets.** No through street in a residential area connecting two public streets can be designated as a private street, unless approved by the City Council.
5. **Connections to Public Streets.** All private streets, connecting with public streets, require an approved driveway application from the City or NCDOT, if applicable.
6. **Sidewalks.** *Where sidewalks are constructed, they shall comply with the standards of Section 7-6.6.*
7. **Disclosure Statement.** A disclosure statement in accordance with NCGS § 136-102.6 shall be recorded simultaneously with the plat and referenced on the final plat. The disclosure statement must contain the provision(s) for construction and/or maintenance of the private street (see Appendix B).
8. **Utility and Service Access Easements.** When required by the City, necessary utility and service access easements (including designation of fire lanes when required) shall be dedicated over private streets for utility maintenance purposes, sanitation collection, and police and fire services.
9. **Gated Private Streets.** Gated private streets shall be reviewed and approved by the City Council on a case-by-case basis. As a general rule, gated private streets are discouraged and will be approved only if, in the opinion of the City Council, there are extenuating circumstances that justify their use.

I. Street Design Standards to Accommodate Certain Types of Nonmotorized Vehicles

Developments proposing to use internal local subdivision streets for golf cart traffic shall:

1. Provide additional sufficient paved roadway width to safely accommodate golf cart traffic in a designated travel lane;
2. Clearly mark and identify the designated golf cart travel lane to separate it from the normal vehicle travel lane.

3. Include a golf course, community center, community pool, recreational facility, or other facility or area that generates a demand for the use of golf carts on internal subdivision streets;
4. Obtain specific approval from the City Council or NCDOT for the design and installation of the public streets for nonmotorized vehicles. In the case of developments proposing private streets, specific approval shall be obtained from the City Council; and
5. Obtain specific authorization from the City or NCDOT for the use of local subdivision streets for golf cart traffic.

J. Blocks

1. Intersecting streets shall be laid out at such intervals that block lengths are not more than 1,200 feet nor less than 400 feet except where, upon the review and recommendation of the City Engineer and the approval of the City Council, existing conditions justify a modification of this requirement.
2. Blocks shall have sufficient width to provide for two tiers of lots of appropriate depth, except where otherwise required to separate residential development from through traffic or nonresidential uses.
3. Pedestrian ways or cross walks, not less than 10 feet in width, shall be provided, where deemed necessary by the City Council, to provide adequate pedestrian circulation or access to schools, shopping areas, community centers, parks, playgrounds, water access, transportation or other similar facilities.

7-6.6 Sidewalks

- A. Sidewalks shall be constructed in all subdivisions, residential and otherwise, and along the frontage of all new multifamily, mixed-use, and nonresidential development except as provided for in Subsection G below.
- B. Sidewalks shall be constructed on both sides of all thoroughfare and collector streets and on one side of all other streets. On a cul-de-sac street, the sidewalk shall extend to the turnaround bulb portion of such street.
- C. Sidewalks within commercial areas and places with high pedestrian traffic volumes shall be sized and surfaced appropriately to accommodate anticipated pedestrian traffic volumes and to meet or exceed Americans with Disabilities Act (ADA) guidelines.

- D. Sidewalks shall be constructed within the street right-of-way and installed in accordance with the City's or NCDOT specifications and standards. Sidewalks shall be located not less than one foot from the property line to prevent interference or encroachment by fences, walls, landscape plantings, and buildings.
- E. An encroachment agreement from the NCDOT shall be required for sidewalks located within NCDOT-maintained public street rights-of-way.
- F. Whenever the City Council concludes that a means of pedestrian access is necessary from a subdivision to schools, parks, open space, playgrounds, or other streets or facilities and that such access is not conveniently provided by sidewalks adjacent to the streets, the subdivider may be required to reserve an unobstructed easement of at least ten feet in width to provide such pedestrian access. Such pedestrian access shall be owned and maintained by a Property Owners' Association.
- G. The City Council may waive the requirement for sidewalks on one or both sides of the street in cases where the City Council determines that:
 - 1. the subdivision or development, due to its design, location, or use classification, is not reasonably expected to generate a significant amount of pedestrian traffic or
 - 2. topographic or natural features make construction of a sidewalk impractical.

7-6.7 Street and Utility Construction

A. Plans

Construction plans for all street facilities shall be submitted to the City following preliminary plat approval. Construction plans for all subdivision streets that are proposed for state maintenance shall be submitted to the NCDOT following preliminary approval. Construction plans for all water and sanitary sewer facilities shall be submitted to the City or appropriate private utility provider following preliminary plat approval. For each subdivision section, the street and utility construction plans shall include all improvements lying within or adjacent to that section as well as all water and sanitary sewer lines lying outside that section and being required to serve that section.

B. No Construction without Plan Approval

No street improvements shall be constructed until the street construction plans have been reviewed and approved by the City or NCDOT, if applicable. No utility improvements shall be constructed until the utility construction plans have been reviewed

and approved by the appropriate utility provider.

C. Inspection

Work performed pursuant to approved street and utility construction plans shall be inspected and approved by the City, NCDOT (if applicable), and the appropriate utility provider.

D. Street Construction Requirements

All materials, equipment and methods of construction used in the work shall conform to the *City of Mebane Standard Design Details* or the North Carolina Division of Highways *Specifications for Roads and Structures*

E. Public Water Construction Requirements

Water lines and all appurtenances shall be constructed in accordance with state and city regulations, the *City of Mebane Standard Design Details*, and to the specifications of other utility providers, if applicable.

1. The developer shall install and bear all expenses incident to the water system facilities described herein.
2. The size of the water mains shall be large enough to take care of domestic and fire demands of the subdivision when it is completely built-out. The size and layout of all mains shall be approved by the City Engineer and meet current minimum State standards.
3. In the event a larger main is required for future expansion or other City uses, the City may pay the difference in costs as determined by the City Engineer. The City may also require that easements be reserved for future water line extensions. The developer is required to extend the water line to the end of their property without reimbursement of any costs.
4. The developer shall extend water service lines to property lines prior to acceptance by the City. All testing shall be performed after installation of services.
5. Any changes from the original layout shall be pre-approved by the City before installation and shall be entered on the drawings.
6. Where water circulation and the elimination of dead ends is required, the City may require the developer to extend the water line to the nearest intersection with an existing line, even though no additional houses within the proposed new development will be served by this extension.
7. Prior to final City approval, the water plans must receive State approval and NCDOT encroachment permits where applicable.

8. After completion of all construction, an accurate set of as-built plans shall be prepared and submitted to the Public Works and Utilities Director.

F. Public Sewer Construction Requirements

Sewer lines and all appurtenances shall be constructed in accordance with state and city regulations, the *City of Mebane Standard Design Details*, and to the specifications of other utility providers, if applicable.

1. The developer shall install and bear all expenses incident to the sewer system facilities described herein.
2. The size of the sewer lines shall be large enough to take care of the demand of the subdivision when it is completely built-out. In no case shall it be smaller than 8 inches inside diameter. In the event a larger sewer main is required for future expansion or other City uses, the City may pay the difference in costs as determined by the City Engineer. The City may also require that easements be reserved for future sewer system extensions.
3. All sewer laterals shall be extended to the property line when the main is laid. All laterals shall be tapped into the main line unless waived by the City Engineer.
4. Any changes from the original layout shall be entered on the drawings and submitted to the City Engineer.
5. In the event the sewer main is required for other City uses, the City may require the developer to extend the sewer line to the nearest street intersection, even though no additional houses within the proposed new development will be served by this extension. In this case, the City will reimburse the developer the cost of this extension as determined by the Office of the City Engineer. The developer is required to extend the sewer line to the end of their property without reimbursement of any costs.
6. Prior to final City approval, the sewer plans must receive State approval and NCDOT encroachment permits, where applicable.
7. After completion of all construction, an accurate set of as-built plans shall be prepared and submitted to the Public Works and Utilities Director.

G. Utility and Drainage Easements

1. Easements shall be provided for electrical, telephone, natural gas, cable television, water, and sewer utilities where necessary to serve every platted lot. Easements shall be

centered along rear or side lot lines or located as required by the utility provider. Easements shall be 10 feet in width or as required by the utility provider. Any easements for subsurface sewage disposal systems shall be delineated on the final plat and described by bearings and distances.

2. The developer shall transfer to the applicable utility provider the necessary ownership or easement rights to enable the utility provider to operate and maintain the utility facilities. In addition, the developer shall dedicate sufficient easement rights to accommodate the extension of utility service to adjacent or nearby properties whenever it can reasonably be anticipated that utility facilities constructed in one development will be extended to serve other adjacent or nearby developments.
3. Where a subdivision is traversed by a water course, drainageway, channel or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such water course, and such further width or construction, or both, as will be adequate for the purpose of drainage. Parallel streets may be required in connection therewith.
4. Lakes, ponds, creeks, and similar areas will be accepted for maintenance only if sufficient land is dedicated as a public recreation area or park or if such area constitutes a necessary part of the drainage control system. The acceptance of such dedicated areas shall be reviewed by the Planning Board before the City Council will consider accepting it.

H. Stormwater Management

All subdivisions shall comply with the stormwater management standards delineated in Section 5-2.

I. Fire Hydrants

Every subdivision served by a public water system shall include a system of fire hydrants sufficient to provide adequate fire protection for the buildings intended to be located within such subdivision. The spacing and location of fire hydrants shall be determined by the City of Mebane. Fire hydrants shall conform to *the City of Mebane Standard Design Details*, the standards and specifications of another water service provider if applicable, or the NFPA standards, whichever is more stringent.

J. Electrical Service and Underground Wiring

Every lot within a subdivision shall have available to it a source of electric power adequate to accommodate the reasonable needs of the uses anticipated within the subdivision. All utility lines for communication services shall be installed underground within all subdivisions. Where required by the electric supplier, distribution

of electric service shall also be installed underground. Such underground wiring shall be installed in accordance with the standards and specifications of the City of Mebane or the applicable electric supplier and communications company.

K. Oversized Utility Improvements

In the interest of adequately providing service to adjacent properties, the City of Mebane may require the installation of certain oversized utility improvements or the extension of utility improvements to adjacent properties. If the City requires the installation of utility improvements in excess of the standards and specifications required in this Ordinance as well as those adopted by reference, the City shall pay the cost of differential between the required oversized improvements and the standard improvements required by this Ordinance. Such reimbursement shall be made in accordance with the City of Mebane policies regarding city participation in oversized and/or off-site utility projects as may be amended from time to time.

L. As-built Drawings

As-built drawings shall be submitted to the Public Works and Utilities Director within 30 days of the completion or installation of required utility, stormwater, street, park, and recreational improvements. Final plat approval shall be withheld until all required as-built drawings are provided to the City.

M. Wet Detention Ponds and Soil Erosion and Sedimentation Control Devices Installation

Any approved wet detention pond(s) and soil erosion and sedimentation control device(s) may be installed prior to approval of street and utility construction. Fencing may be required by the City Engineer. Where fencing is required, a six-foot fence, with self-latching gates, shall be constructed around the entire perimeter of the pond.

N. Streetscape Buffers

All subdivisions shall be required to provide streetscape buffers in accordance with the provisions of Section 6-3, D.

7-6.8 Design Standards for Small Lot Residential Subdivisions

- A.** For major residential subdivisions consisting of lots with an average minimum lot size of 10,000 square feet or less, the Planning Board may recommend and the City Council may require any or all the following:
1. Sufficient land area be designated and reserved on each individual lot to accommodate anticipated off-street parking;
 2. The recordation of deed restrictions and subdivision plat notations restricting vehicular parking on individual lots to paved surfaces and within reserved off-street parking areas;

3. Wider minimum street pavement widths to accommodate on-street parking;
 4. The provision of off-street overflow and/or visitor parking;
 5. Sidewalks adjacent to both sides of all streets and/or pedestrian walkways to provide access to internal or adjoining recreational areas and facilities, schools, commercial areas, and other pedestrian-oriented areas;
 6. Greater building setbacks along the perimeter of the subdivision where it adjoins lower density residential areas;
 7. Wider buffer areas along the perimeter of the subdivision to provide a greater separation from adjoining lower density residential areas and/or increased planting standards to provide a more opaque screen;
 8. Multiple entrances to the subdivision from major streets of access;
 9. A higher level of vehicular connectivity with adjoining tracts;
 10. Shorter cul-de-sac street lengths; and
 11. Alternative means of vehicular access to individual lots fronting on major thoroughfares.
- B.** For purposes of this Section, the average lot size of all residential building lots proposed in the subdivision shall be calculated to define 'small lot subdivision'.
- C.** The City Council, in determining the minimum design standards applicable to small lot subdivisions, shall take into consideration the following factors:
1. The overall density of the proposed subdivision relative to other developments in the vicinity of the small lot subdivision;
 2. The total number of lots proposed;
 3. The zoning patterns, projected future land use, and development potential of the surrounding area for similar small lot subdivision development;
 4. The anticipated vehicular traffic generation and parking needs of the intended occupants or targeted market of the proposed development;
 5. The existing and proposed street system and traffic flows and patterns; and

6. The mitigating impact of the voluntary provision of recreational and open space in an amount which exceeds the minimum amount required in Section 6-7.
- D.** After determining the need for the imposition of the design standards delineated in subsection A above, the City Council shall utilize the following guidelines to implement the additional requirements for small lot subdivisions:
1. Sufficient land area designated and reserved on each individual lot to accommodate anticipated off-street parking shall be calculated at approximately 200 square feet per required parking space. All parking shall be located completely on an improved driveway or improved parking pad. No more than 30 percent of the front yard or a side yard abutting a street on a corner lot may be improved for off-street parking and drives.
 2. Minimum street pavement widths should be increased by approximately 9 feet to accommodate on-street parking. The Planning Board and City Council shall request the recommendation of the City Engineer and the NCDOT, if applicable, for specific pavement widths necessary to provide adequate on-street parking on public streets.
 3. Off-street overflow and/or visitor parking shall generally be provided at the standard of one parking space per three lots unless the City Council determines that the subdivision layout and density warrant a higher standard. Overflow/visitor parking shall be grouped and spaced throughout the subdivision so as to be readily accessible to lot owners. Overflow/visitor parking shall be owned and maintained by a property owners' association.
 4. Sidewalks shall be provided adjacent to both sides of all streets. Sidewalks and/or pedestrian walkways shall also be installed to provide access to internal or adjoining recreational areas and facilities, community buildings, schools, commercial areas, and other pedestrian-oriented areas;
 5. Building setbacks along the perimeter of the subdivision where it adjoins lower density residential areas shall be the same or exceed the building setback standard applicable to the adjoining lower density residential zoning district.
 6. To provide a greater separation from adjoining lower density residential areas, a 25-foot wide Type B landscaped buffer shall be installed along the external boundary line of the small lot development that adjoins a lower density residentially-used or zoned property. The buffer shall comply with the planting requirements of Section 6-3.

7. Developments of 50 or more residential units or additions to existing developments that increase the total number of residential units to 50 or more shall be required to provide vehicular access to at least two public streets unless the City Engineer determines that topography, natural features, or the pattern of existing adjacent development makes such provision impracticable.
 8. Vehicular connectivity with adjoining tracts shall be determined in accordance with the provisions of Section 7-6.5, C.
 9. Cul-de-sac street lengths generally should not exceed 400 feet or be designed to provide access to no more than 20 dwellings or a maximum projected average daily traffic (ADT) of 200, whichever is greater.
 10. No individual lot fronting on a major or minor thoroughfare or a collector street shall have direct vehicular access to such roadway. Vehicular access to all lots shall be limited to internal, local residential streets.
- E. The establishment of a property owners' association is mandatory. Recordation of private deed restrictions which address particular land use and development issues or which exceed City of Mebane requirements is encouraged.

7-6.9 Recreation and Open Space

Residential subdivisions of six or more lots shall provide recreational and open space in accordance with the provisions of Section 6-7.

7-6.10 Traffic Impact Analysis

A. Applicability

A traffic impact study shall be required for applications for preliminary plat or rezoning requests that are anticipated to generate 100 or more undisturbed peak hour vehicle trips or 1,000 or more undisturbed average daily trips (ADT), based on trip generation rates from the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual. A traffic impact study may be required for applications for preliminary plat, rezoning requests, or special use requests that rely upon roads experiencing congestion or safety concerns, as determined by the Technical Review Committee. The Technical Review Committee may use its discretion to waive the requirement to conduct a traffic impact study.

B. Study scope

When a traffic study is required, the City shall determine the type and scope of the study jointly during a meeting with the applicant. The Planning Director may also involve representatives of, or request assessments from, other agencies or departments. The elements to

be determined during the scoping session shall include:

1. Definition of impact area
The points of access and key streets and intersections that may be affected by development of the subject tract constitute the impact area. Traffic recorder and turning movement assessment locations shall also be determined.
2. Period of analysis
The period of analysis shall be for both the morning and afternoon peak hour and other times that may be relevant due to a use, as determined by the Technical Review Committee.
3. Analysis scenarios
Scenarios for analysis shall include existing conditions, and opening year with ("Build") and without ("No Build") development.
4. Assumptions
Trip generation and distribution assumptions including trip generation categories, diversion assumptions and distribution assumptions. Assumed rate of growth in background traffic, and developments in the area that have been approved or are under review shall also be included.

C. Traffic study elements

Where required during the scoping meeting, the following details shall be required:

1. Existing condition survey
 - (a) Street system description
The street system shall be described, including geometric features, lane usage, traffic control, signage, sight distances, and adjacent uses and curb cuts.
 - (b) Traffic volumes
Existing traffic volumes shall be provided for the impact area, including both average annual daily traffic (AADT) and peak hour volumes. AADT may be derived from current counts of the NCDOT, where available, and peak hour volumes shall be provided from field counts. Data shall be adjusted for daily and seasonal variations. Turning movement counts for peak hour shall be provided for critical intersections.
 - (c) Capacity analysis
Existing capacity of signalized and unsignalized intersections.
 - (d) Other details
Other details may be required at the discretion of the City

depending upon the type and scale of the project. These may include, but are not limited to, queue length analysis, pedestrian counts, accident data or crash rates, bicycle and pedestrian access, traffic speeds (both 50th and 85th percentile), and stopping distances.

2. Future without development
Capacity analysis shall be based on the Highway Capacity Manual or other methodology approved in advance by the City.
3. Future with development
 - (a) Projections of peak hour traffic generation shall be made using the latest edition of the ITE Trip Generation Manual, unless the City determines that locally-derived data will provide more accurate forecasts. Data from similar facilities may be used where the information is not available from ITE.
 - (b) Special analysis may be required to determine the need for signalization, minimum safe sight distances, gap analysis, turning radius requirements, queue length analysis, turning lane length analysis, curb cut locations or similar requirements.

D. Mitigation plan

Where the analysis indicates that the project will create deficiencies in the impact area, improvements shall be recommended, along with projected cost estimates. The design of improvements shall be in accordance with the City of Mebane or the NCDOT, as appropriate. Where a mitigation plan is not adequate to address the traffic impacts of the project, it may serve as a basis for denial of the rezoning, preliminary plat, site plan or Planned Development request.

E. Consultants

The City may require that an independent consultant be hired by the City to perform the required studies, or to review all or part of a study prepared by the applicant's consultant. The City is authorized to administer the contract for any such consultant.

1. The City shall determine the scope of services to be performed by the independent consultant and receive a cost estimate of such services.
2. The applicant shall provide an amount equal to the estimate to the City, who shall deposit the amount in an escrow or other special account set up for this purpose. Any funds not used shall be returned to the applicant in a timely manner, without interest.
3. The City may require additional funds for independent review where a decision-making body expands the scope of the

required review; the applicant substantially amends the application; additional meetings involving the consultant are requested by the applicant; or the consultant's appearance is requested at public or affected agency meetings beyond those anticipated in the original scope of services.

7-7 OWNERS' ASSOCIATIONS

7-7.1 Establishment of Owners' Association

A. Creation

An Owners' Association shall be established to fulfill the requirement of the North Carolina Condominium Act or to accept conveyance and maintenance of all common areas and facilities within a development containing common areas.

B. Conveyance

Where developments have common areas for facilities serving more than one dwelling unit, these areas shall be conveyed to the Owners' Association in which all owners of lots in the development shall be members. All areas other than public street rights-of-way, other areas dedicated to the City, and lots shall be shown and designated as common areas. The fee-simple title of the common area shall be conveyed by the subdivider or developer to the Owners' Association.

C. Subdivision or Conveyance of Common Area

Common areas shall not be subsequently subdivided or conveyed by the Owners' Association unless a revised preliminary plat and a revised final plat showing such subdivision or conveyance have been submitted and approved.

D. Owners' Association Not Required

Developments involving only two units attached by a party wall shall not be required to have common areas or an Owners' Association. Developments with only two units attached and not having an Owners' Association shall have an agreement between owners concerning maintenance of party walls.

7-7.2 Submission of Owner's Association Declaration

Prior to or concurrently with the submission of the final plat for review and approval, the applicant shall submit a copy of the proposed Bylaws of the Owners' Association containing covenants and restraints governing the Association, plats, and common areas. The submitted documents shall be reviewed by the City Attorney and a recommendation made to the City Council as to their sufficiency. The restrictions shall include provisions for the following:

A. Existence before Any Conveyance

The Owners' Association declaration shall be organized and in legal existence prior to the conveyance, lease-option, or other long-term transfer of control of any unit or lot in the development.

B. Membership

Membership in the Owners' Association shall be mandatory for each original purchaser and each successive purchaser of a lot or unit. Provisions shall be made for the assimilation of owners in subsequent sections of the development.

C. Owners' Association Declaration

1. Responsibilities of Owners' Association. The Owners' Association declaration shall state that the association is responsible for:
 - (a) The payment of premiums for liability insurance and local taxes;
 - (b) Maintenance of recreational and/or other facilities located on the common areas; and
 - (c) Payment of assessments for public and private improvements made to or for the benefit of the common areas.
2. Default of Owners' Association. Upon default by the Owners' Association in the payment to the City of any assessments for public improvements or ad valorem taxes levied against the common areas, which default shall continue for a period of six months, each owner of a lot in the development shall become personally obligated to pay to the City a portion of the taxes or assessments in an amount determined by dividing the total taxes and/or assessments due to the City by the total number of lots in the development. If the sum is not paid by the owner within thirty days following receipt of notice of the amount due, the sum shall become a continuing lien on the property of the owner, his heirs, devisees, personal representatives and assigns. The City may either bring an action at law against the owner personally obligated to pay the same, or may elect to foreclose the lien against the property of the owner.
3. Powers of the Association. The Owners' Association is empowered to levy assessments against the owners of lots or units within the development. Such assessments shall be for the payment of expenditures made by the Owners' Association for the items set forth in this Section, and any assessments not paid by the owner against whom such assessments are made shall constitute a lien on the lot of the owner.
4. Easements. Easements over the common areas for access, ingress, and egress from and to public streets and walkways and easements for enjoyment of the common areas, and for parking, shall be granted to each lot owner.

5. Maintenance and Restoration. Provisions for common area maintenance of and restoration in the event of destruction or damage shall be established.

D. Nonresidential Condominiums

If the condominium is a nonresidential condominium, the declaration shall contain the following provision:

1. Parking spaces shall be allocated among the individual lots or units in such a manner that each unit is entitled to a sufficient number of parking spaces to comply with this Ordinance for the use intended to be located therein.
2. The Owners' Association shall maintain a register listing the total number of parking spaces in the development and the number of parking spaces allocated to each lot or unit. A copy of this register shall be available to the City at the request of the Zoning Administrator.
3. The Owners' Association shall not reduce the number of parking spaces allocated to an individual lot or unit without the express written consent of the owner thereof, and in no case shall the number of parking spaces allocated to an individual unit be reduced to a number below that required by this Ordinance.

7-8 SURETIES OR IMPROVEMENT GUARANTEES

7-8.1 Agreement and Security

A. Financial Guarantee in Lieu of Immediate Installation for Approval

In lieu of requiring the completion, installation, and dedication of all improvements prior to final plat approval, the City may enter into an agreement with the developer whereby the developer shall complete all required improvements. Once said agreement is signed by the developer and the security required herein is provided, the final plat may be approved if all other requirements of this Ordinance are met. To secure this agreement, the developer shall provide any or a combination of the following guarantees to cover the costs of the uncompleted improvements:

1. Surety Performance Bond(s)
 - (a) The developer shall obtain a surety bond from a surety bonding company authorized to issue said bonds in North Carolina.
 - (b) The bond shall be payable to the City of Mebane and shall be in an amount equal to 150 percent of the entire estimated cost, as approved by the City, of

installing all uncompleted improvements. Developers must submit a request for bonding including a detailed construction cost estimate upon submission of the final plat.

- (c) The bond amount and term shall be as approved by the City Engineer.
- (d) The City Attorney shall review the submitted bond and make a recommendation regarding its sufficiency to the City Engineer.

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2. Cash or Equivalent Security

- (a) The developer shall deposit cash, an irrevocable letter of credit or other instrument readily convertible into cash at face value, either with the City or in escrow with a financial institution. The amount of deposit shall be equal to 125 percent of the entire estimated cost, as approved by the City, of installing all uncompleted improvements.

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- (b) If cash or other instrument is deposited in escrow with a financial institution as provided above, then the developer shall file with the City an agreement between the financial institution and himself guaranteeing the following:
 - (i) That said escrow account shall be held in trust until released by the City and may not be used or pledged by the developer in any other matter during the term of the escrow; and
 - (ii) That in case of a failure on the part of the developer to complete said improvements, the financial institution shall, upon notification by the City, immediately pay the funds deemed necessary by the City to complete the improvements, up to the full balance of the escrow amount, or deliver to the City any other instruments fully endorsed or otherwise made payable in full to the City.
- (c) All instruments shall be reviewed by the City Attorney and a recommendation regarding their sufficiency made to the City Engineer.
- (d) The minimum improvements to be completed prior to securing a surety bond shall include street grading, curb and gutter, storm drainage, stormwater

management facilities, landscaping, recreation facilities, water lines, sewer lines, stone base, and first layer of pavement unless specifically waived by the City Council.

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B. Duration of Financial Guarantees

1. The minimum duration of a financial guarantee shall be one year.
2. All developments whose improvements are not completed and accepted fourteen days prior to the expiration of the financial guarantee shall be considered to be in default. Said guarantee may be extended with the consent of the City Attorney, if such extension takes place prior to default.

C. Default

1. Upon default, the surety bonding company or the financial institution holding the escrow account shall, if requested by the City, pay all or any portion of the bond or escrow fund to the City up to the amount deemed necessary by the City to complete the improvements. Upon payment, the City shall expend such funds or portion thereof to complete all or any portion of the required improvements. The City shall return any funds not spent in completing the improvements. Default on a project does not release the developer from liability and responsibility for completion of the improvements.
 2. Release of Guarantee Security. The City may release a portion or all of any security posted as the improvements are completed and approved by the City.
- D.** No person shall have or may claim any rights under or to any such performance guarantee provided pursuant to this Article or in the proceeds of any such performance guarantee other than the following:
1. The City;
 2. The Developer at whose request or for whose such benefit such performance guarantee is given; or
 3. The person or entity issuing or providing such performance guarantee at the request of or for the benefit of the Developer.

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7-9 WAIVERS

Where topography or other existing physical conditions are such that compliance with all of the subdivision requirements of this Article would cause

an unusual and unnecessary hardship on the subdivider, the City Council may modify or waive the minimum requirements set forth herein, provided that such waiver will not have the effect of nullifying the interest and purpose of the regulations. Developers are particularly encouraged to apply for a waiver to preserve areas of specific aesthetic or environmental value or to allow land development techniques or infrastructure that would result in a performance that is superior to that afforded by the general standards and specifications of this Article. Where a waiver is accepted, the reasons for such shall be noted in the minutes of the City Council.

A. Approval Authority

The Technical Review Committee and/or City Engineer may recommend waivers to standards in this Article for consideration by the City Council. Approval of waivers shall be based upon written justification and shall conform to the requirements outlined in subsection B below.

B. Grounds for Waivers

Standards delineated in Section 7-6 may be waived under one of the following circumstances:

1. **Physical Hardship**

Where because of the size of the tract to be subdivided, its topography, the condition or nature of adjoining areas, or the existence of other unusual physical conditions, strict compliance with the provisions of this Ordinance would cause unusual and unnecessary hardship on the subdivider.

2. **Equal or Better Performance**

Where, in the opinion of the Technical Review Committee, a waiver will result in equal or better performance in furtherance of the purposes of this Ordinance.

3. **Unintentional Error**

Where through an unintentional error by the applicant, his agent, or the reviewing City staff or Technical Review Committee, there is a minor violation of a design standard delineated in Section 7- 6, where such violation is not prejudicial to the value or development potential of the subdivision or adjoining properties.

C. Conditions

In granting waivers, the Technical Review Committee and/or City Engineer may recommend and City Council may require such conditions as will secure, insofar as practicable, the purposes of the standards or requirements waived.

D. Waivers Affecting Subdivisions in Watershed Protection Overlay Districts

Any waiver which would have the effect of waiving or relaxing any of the watershed protection management requirements delineated in Section 5-

4, Watershed Overlay District Regulations shall follow the procedural requirements of Section 8-2, Variances from Watershed Overlay District Requirements.

E. Process for Review and Approval of Waivers

1. Submittal of a Written Request

The subdivider shall submit a written request to the Planning Director identifying the specific standard(s) that are proposed to be waived. The request shall include a reference to the specific standard of Section 7-6 that is proposed to be waived and shall provide documentation justifying the need for a waiver.

2. Waiver Request Review by TRC and City Engineer

The subdivider's request shall be forwarded to the TRC and City Engineer for review and recommendation to the City Council.

3. City Council Action on Waiver Request

- a. The City Council shall review the requested waiver; the recommendation, if any, of the TRC and City Engineer; and the grounds for waivers as delineated in subsection B above.
- b. The City Council may require such conditions as will, in its judgment, preserve the spirit and intent of these regulations. These conditions may include, but shall not be limited to: surety, performance, or maintenance bonds, or affidavits, covenants, or other legal instruments as will assure conformity to and achievement of the purpose and intent of the regulations of this Article.
- c. If the waiver request is approved, the City Council shall provide the subdivider with written approval which specifies the justification for the waiver and delineates any conditions placed on the approval.
- d. If the waiver request is not approved, the Planning Director shall provide the subdivider with written notification stating that the request has been disapproved and specifying the reasons for denying the request.

**ARTICLE 8
APPEALS, VARIANCES, AND INTERPRETATIONS**

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ARTICLE 8
APPEALS, VARIANCES, AND INTERPRETATIONS

8-1 Appeals

- A. An appeal from any final order or decision of the Zoning Administrator may be taken to the Board of Adjustment by any person with standing under G.S. 160D-405 or the City may appeal a decision to the board of adjustment. The appeal system established in this Ordinance provides for a review of cases in which a decision or interpretation made by the Zoning Administrator is alleged to be erroneous. For example, an appeal may contest the Zoning Administrator's decision regarding whether a particular use is permissible within a particular zoning district or the Zoning Administrator's interpretation of the methodology for calculating maximum permissible sign surface area.

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- B. The notice of appeal, stating the grounds for the appeal, is filed with the city clerk. G.S. 160D-405. An appeal must be taken within thirty days after the date of the decision or order appealed from.

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- C. Whenever an appeal is filed, the Zoning Administrator shall forthwith transmit to the Board of Adjustment all the papers constituting the record relating to the action appealed from.

- D. An appeal of a notice of violation or other enforcement order stays enforcement of the action appealed from unless the official who made the decision certifies to the board of adjustment after notice of appeal has been filed that because of the facts stated in an affidavit, a stay would cause imminent peril to life or property or because the violation is transitory in nature, a stay would seriously interfere with enforcement of the ordinance. In that case, enforcement proceedings shall not be stayed except by a restraining order, which may be granted by a court. If enforcement proceedings are not stayed, the appellant may file with the official a request for an expedited hearing of the appeal, and the board of adjustment shall meet to hear the appeal within 15 days after such a request is filed.

- E. The Board of Adjustment may reverse or affirm (wholly or partly) or may modify the order, requirement or decision or determination appealed from and shall make any order, requirement, decision or determination that in its opinion ought to be made in the case before it. To this end, the Board of Adjustment shall have all the powers of the officer from whom the appeal is taken. Board of Adjustment action on appeal requests shall comply with the voting requirements of Section 8-8 A.

- F. Evidentiary hearing procedures for appeal requests are delineated in Section 8-6. Hearing notice requirements are outlined in Section 8-7.

- G. The appeal system established herein applies only to decisions or interpretations made by the Zoning Administrator. This appeal system

does not apply to decisions or interpretations made by the Planning Board or the City Council. Additionally, the Board of Adjustment is not authorized to issue advisory decisions regarding appeals. Only the formal decisions or interpretations of the Zoning Administrator may be appealed to the Board of Adjustment.

- H. The administrative official who made the decision shall give written notice by personal delivery, electronic mail, or first-class mail to the owner of the property that is the subject of the decision and to the party that sought the decision if different from the owner. They have 30 days from receipt of the written notice to file an appeal. The administrative official shall be present at the hearing as a witness. Anyone else having standing to appeal has 30 days from receipt of any source of actual or constructive notice of the decision within which to file an appeal. Verification of the posting must be provided to the administrative official. G.S. 160D-406.

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- I. If any party or city would be unduly prejudiced by the presentation of such matters (i.e., those not presented in the notice of appeal), the board shall continue the hearing. G.S. 160D-406(d).

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- J. The parties to an appeal may agree to mediation or other forms of alternative dispute resolution including without limitation mediation or arbitration.

8-2 Variances

A. General

1. An application for a variance along with the required filing fee shall be submitted to the Board of Adjustment by filing a copy of the application with the Zoning Administrator.
2. A variance may be granted by the Board of Adjustment if it concludes that strict enforcement of this Ordinance would result in practical difficulties or unnecessary hardships for the applicant and that, by granting the variance, the spirit of this Ordinance will be observed, public safety and welfare secured, and substantial justice done. It may reach these conclusions if it finds that:
 - (a) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
 - (b) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for

granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act or for a person with a disability.

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- (c) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
 - (d) The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.
3. In granting variances, the Board of Adjustment may impose such reasonable conditions as will ensure that the use of the property to which the variance applies will be as compatible as practicable with the surrounding properties. Appropriate conditions, which must be reasonably related to the condition or circumstance that gives rise to the need for a variance, may be imposed on any approval issued by the Board of Adjustment.
 4. A variance may be issued for an indefinite duration or for a specified duration only. Unless otherwise specified, any order or decision of the Board of Adjustment granting a variance shall expire if the applicant does not obtain a building permit or certificate of occupancy for such use within 60 calendar days from the date of the decision or if construction of the use has not commenced within 180 calendar days from the date of the issuance of a building permit.
 5. The nature of the variance and any conditions attached to it shall be entered on the face of the zoning permit, or the zoning permit may simply note the issuance of the variance and refer to the written record of the variance for further information. All such conditions are enforceable in the same manner as any other applicable requirement of this Ordinance.
 6. No change in permitted uses may be authorized by variance.
 7. Evidentiary hearing procedures for variance requests are delineated in Section 8-6. Hearing notice requirements are outlined in Section 8-7.

B. Variances from Flood Hazard Overlay District Requirements

The Board of Adjustment is authorized to review and decide upon request for variances from the Flood Hazard Overlay District Requirements delineated in Section 5-7 pursuant to the provisions delineated in this section.

1. Variances may be issued by the Board of Adjustment for:

- (a) The repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure.
 - (b) Functionally dependent facilities if determined to meet the definition as stated in Section 5-7.2, provided the provisions of subsections H, 2, 3, and 5 of that Section have been satisfied, and such facilities are protected by methods that minimize flood damages.
 - (c) Any other type of development provided it meets the requirements stated in this section.
2. In passing upon variances, the Board of Adjustment shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Ordinance, and:
- (a) The danger that materials may be swept onto other lands to the injury of others;
 - (b) The danger to life and property due to flooding or erosion damage;
 - (c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (d) The importance of the services provided by the proposed facility to the community;
 - (e) The necessity to the facility of a waterfront location as defined under Section 5-7.2 as a functionally dependent facility, where applicable;
 - (f) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - (g) The compatibility of the proposed use with existing and anticipated development;
 - (h) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - (i) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (j) 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

- (k) 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.
3. A written report addressing each of the above factors shall be submitted with the application for a variance.
 4. Upon consideration of the factors listed above and the purposes of this Ordinance, the board of adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Ordinance.
 5. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Base Flood Elevation (BFE) and the elevation to which the structure is to be built and that such construction below the Base Flood Elevation increases risks to life and property, and that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance up to \$25.00 per \$100.00 of insurance coverage. Such notification shall be maintained with a record of all variance actions, including justification for their issuance.
 6. The Zoning Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the State of North Carolina upon request.
 7. Conditions for Variances:
 - (a) Variances shall not be issued when the variance will make the structure in violation of other Federal, State, or local laws, regulations, or ordinances.
 - (b) Variances shall not be issued within any designated floodway or non-encroachment area if the variance would result in any increase in flood levels during the base flood discharge.
 - (c) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (d) Variances shall only be issued prior to development permit approval.
 - (e) Variances shall only be issued upon:
 - (1) A showing of good and sufficient cause;
 - (2) A determination that failure to grant the variance would result in exceptional hardship; and
 - (3) A determination that the granting of a variance will not result in increased flood heights, additional threats to

public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

C. Variances from Watershed District Overlay Requirements

1. **Minor Variances.** Minor variances, as defined in Section 12-4, to the provisions of Section 5-4 may be approved by the Board of Adjustment pursuant to the procedures outlined in this Article. The Zoning Administrator shall keep a record of all such minor variances and shall submit, for each calendar year, the record to the Water Quality Section, of the NC Division of Environmental Management on or before January 1st of the following year. The record shall include a description of each project receiving a variance and the reasons for granting the variance.
2. **Major Variances.** Major variances, as defined in Section 12-4, shall be reviewed by the Board of Adjustment pursuant to the procedures outlined in this Article and a recommendation prepared for submission to the NC Environmental Management Commission (EMC). The record of a major variance review shall include the following items:
 - (a) The variance application;
 - (b) The hearing notices;
 - (c) The evidence presented;
 - (d) Motions, offers of proof, objections to evidence, and rulings on them;
 - (e) Proposed findings and exceptions; and
 - (f) The Board of Adjustment's recommendation, including all conditions proposed to be added to the permit.

Upon receiving the record of a major variance review from the Board of Adjustment, the EMC shall (i) review the variance request, (ii) prepare a final decision on the request, and (iii) forward its decision to the Board of Adjustment. If the EMC approves the variance as proposed, the Board of Adjustment shall prepare a final decision granting the proposed variance. If the EMC approves the variance with conditions and stipulations, the Board of Adjustment shall prepare a final decision, including such conditions and stipulations, granting the proposed variance. If the EMC denies the variance request, the Board of Adjustment shall prepare a final decision denying the variance.

3. **Notification Requirements.** The hearing notice required in Section 8-7 shall also be sent by first class mail to all other local governments having watershed regulation jurisdiction in the particular watershed

where the variance is being requested and to each entity using the water supply for consumption. Any comments submitted prior to a decision by the Board of Adjustment shall become a part of the record of proceedings of the Board of Adjustment.

D. Administrative Action on Insignificant or 'de minimus' Variances

The Planning Director, after consultation with the City Attorney, shall be authorized to grant a 'no action' letter to applicants for a variance when the violation of set back or similar failure to meet ordinance standards is less than five per cent of requirements. Such a letter shall state that the City will not take enforcement action based on the submitted violation. The applicant must provide the Planning Director with a plat or drawing clearly illustrating the ordinance discrepancy and must also document that the correction of the error would be cost prohibitive. No prospective actions may be considered.

8-3 Interpretations

- A. The Board of Adjustment is authorized to interpret the zoning map and to pass upon disputed questions of lot lines or district boundary lines and similar questions. If such questions arise in the context of an appeal from a decision of the Zoning Administrator, they shall be handled as provided in Section 8-1.
- B. An application for a map interpretation shall be submitted to the Board of Adjustment by filing a copy of the application with the Zoning Administrator. The application shall contain sufficient information to enable the Board of Adjustment to make the necessary interpretation.
- C. Interpretations of the location of floodway and floodplain boundary lines may be made by the Zoning Administrator as provided in Section 5-7.

8-4 Requests to Be Heard Exeditiously

The Board of Adjustment shall hear and decide all appeals, variance requests, and requests for interpretations as expeditiously as possible, consistent with the need to follow regularly established agenda procedures, provide notice in accordance with Section 8-7 and obtain the necessary information to make sound decisions.

8-5 Burden Of Proof in Appeals and Variances

- A. When an appeal is taken to the Board of Adjustment in accordance with Section 8-1, the Zoning Administrator shall have the initial burden of presenting to the Board of Adjustment sufficient evidence and argument to justify the order or decision appealed from. The burden of presenting evidence and argument to the contrary then shifts to the appellant, who shall also have the burden of persuasion.
- B. The burden of presenting evidence sufficient to allow the Board of Adjustment to reach the conclusions set forth in Section 8-2, A, 2 as well

as the burden of persuasion on those issues, remains with the applicant seeking the variance.

8-6 Evidentiary Hearing Procedures Required On Appeals and Variances

- A. Before making a decision on an appeal or an application for a variance, the Board of Adjustment shall hold an evidentiary hearing on the appeal or variance.
- B. Subject to subsection C below, the hearing shall be open to the public and all persons interested in the outcome of the appeal or application shall be given an opportunity to present evidence and arguments and ask questions of persons who testify.
- C. The Board of Adjustment may place reasonable and equitable limitations on the presentation of evidence and arguments and the cross-examination of witnesses so that the matter at issue may be heard and decided without undue delay.
- D. The Board of Adjustment may continue the hearing until a subsequent meeting and may keep the hearing open to take additional information up to the point a final decision is made. No further notice of a continued hearing need be published.

8-7 Notice of Hearing

The Zoning Administrator shall give notice of any hearing required by Section 8-6 for mailed and posted notice at least 10 but not more than 25 days prior to the date of the hearing as follows:

- A. The person or entity whose appeal, application, or request is the subject of the hearing.
- B. The owner of the property that is the subject of the hearing if the owner did not initiate the hearing.
- C. The owners of all parcels of land abutting the parcel of land that is the subject of the hearing; and
- D. To any other persons entitled to receive notice as provided by the zoning or unified development ordinance.

8-8 Board of Adjustment Action on Appeals and Variances

- A. With respect to appeals, a motion to reverse, affirm, or modify the order, requirement, decision, or determination appealed from shall include, insofar as practicable, a statement of the specific reasons or findings of facts that support the motion. If a motion to reverse or modify is not made or fails to receive the four-fifths vote necessary for adoption, then the motion is not approved.

- B. Before granting a variance, the Board of Adjustment must take a vote and vote affirmatively (by a 4/5 majority) on the required findings stated in Section 8-2, A, 2. Insofar as practicable, a motion to make an affirmative finding on each of the requirements set forth in Section 8-2, A, 2 shall include a statement of the specific reasons or findings of fact supporting such motion.
- C. A motion to deny a variance may be made on the basis that any one or more of the six criteria set forth in Section 8-2, A, 2 are not satisfied or that the application is incomplete. Insofar as practicable, such a motion shall include a statement of the specific reasons or findings of fact that support it. This motion is adopted as the Board of Adjustment's decision if supported by more than one fifth of the Board's membership.
- D. For the purposes of this Section, vacant positions on the Board and members who are disqualified from voting on a quasi-judicial matter shall not be considered 'members of the board' for calculation of the requisite supermajority if there are no qualified alternates available to take the place of such members.
- E. Pursuant to the requirements of NCGS 160D-109(d), a member of the Board of Adjustment or any other body exercising the functions of a Board of Adjustment shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible conflicts include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed *ex parte* communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.

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8-9 Evidence

- A. The provisions of this Section apply to all hearings for which a notice is required by Section 8-6.
- B. All persons who intend to present evidence to the Board of Adjustment, rather than arguments only, shall be sworn.
- C. All findings and conclusions necessary to the issuance or denial of the requested appeal or variance (crucial findings) shall be based upon reliable evidence. Competent evidence (evidence admissible in a court of law) shall be preferred whenever reasonably available, but in no case may crucial findings be based solely upon incompetent evidence unless competent evidence is not reasonably available, the evidence in question appears to be particularly reliable, and the matter at issue is not seriously disputed.
- D. The Board of Adjustment may subpoena witnesses and compel the production of evidence. If a person fails or refuses to obey a subpoena

issued pursuant to this subsection, the Board of Adjustment may apply to the General Court of Justice for an order requiring that its order be obeyed, and the court shall have jurisdiction to issue these orders after notice to all proper parties. No testimony of any witness before the Board of Adjustment pursuant to a subpoena issued in exercise of the power conferred by NCGS 160D-405 & 160D-406 may be used against the witness in the trial of any civil or criminal action other than a prosecution for false swearing committed on the examination. Any person who, while under oath during a proceeding before the Board of Adjustment, willfully swears falsely, is guilty of a Class 1 misdemeanor. The chair shall issue requested subpoenas he or she determines to be relevant, reasonable in nature and scope, and not oppressive. The chair shall rule on any motion to quash or modify a subpoena.

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8-10 Modification of Application at Hearing

- A. In response to questions or comments by persons appearing at the hearing or to suggestions or recommendations by the Board of Adjustment, the applicant may agree to modify his application, including the plans and specifications submitted.
- B. Unless such modifications are so substantial or extensive that the Board cannot reasonably be expected to perceive the nature and impact of the proposed changes without revised plans before it, the Board of Adjustment may approve the application with the stipulation that the permit will not be issued until plans reflecting the agreed upon changes are submitted to the Zoning Administrator.

8-11 Record

- A. A record shall be made of all hearings required by Section 8-6, and such record shall be kept as provided by state law. Accurate minutes shall also be kept of all such proceedings, but a transcript need not be made.
- B. Whenever practicable, all documentary evidence presented at a hearing as well as all other types of physical evidence shall be made a part of the record of the proceedings.

8-12 Written Decision

- A. Any decision made by the Board of Adjustment regarding an appeal or variance shall be reduced to writing and served upon the applicant or appellant and all other persons who make a written request for a copy.
- B. In addition to a statement of the Board of Adjustment's ultimate disposition of the case and any other information deemed appropriate, the written decision shall state the Board's findings and conclusions, as well as supporting reasons or facts.

8-13 Appeal of Board of Adjustment Decisions to Superior Court

Every final decision of the Board of Adjustment shall be subject to review by the Superior Court of the applicable county by proceedings in the nature of certiorari (see Section 11-7, Judicial Review).

**ARTICLE 9
AMENDMENTS**

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**ARTICLE 9
AMENDMENTS**

9-1 Amendments in General

- A. Amendments to the text of this Ordinance or to the zoning map may be made in accordance with the provisions of this Article.
- B. Conditional zoning district requests shall be made in accordance with the provisions of Section 9-7.
- C. As provided in NCGS 160D-108(d), amendments, modifications, supplements, repeal or other changes in zoning regulations and restrictions and zone boundaries shall not be applicable or enforceable without consent of the owner with regard to buildings and uses for which either (i) a building permit has been issued pursuant to NCGS 160D-403 prior to the enactment of the ordinance making the change or changes as long as the permit remains valid and unexpired or (ii) a vested right has been established pursuant to NCGS 160D-108 and the provisions of Section 2-26, Zoning Vested Rights and such vested right remains valid and unexpired.

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- D. The review process for an amendment to the text of this Ordinance or to the zoning map shall include:
 - 1. Planning and Zoning Department staff review;
 - 2. Planning Board review and recommendation in accordance with Section 9-3; and
 - 3. City Council review and action.

9-2 Initiation of Amendments

- A. Any person or organization may petition the City Council to amend the text of this Ordinance. Amendments to the zoning map may be initiated by the City Council, Planning Board, Board of Adjustment, or owner (or owner's agent) of land for which the rezoning is requested. Petitions for text amendments and rezonings shall be filed with the Zoning Administrator and shall include, among the information deemed relevant by the Zoning Administrator:
 - 1. The name, address, and phone number of the applicant;
 - 2. A metes and bounds description and a scaled map of the land affected by the amendment if a change in zoning district classification is proposed; and

3. A description of the proposed map change or a summary of the specific objective of any proposed change in the text of this Ordinance.
- B. Petitions for amendments shall be submitted to the Zoning Administrator in accordance with a filing and fee schedule available at the Planning and Zoning Department. Such petitions shall be presented to the Zoning Administrator at least fifteen working days prior to the Planning Board meeting at which it is to be heard, not to include the day of the meeting.

9-3 Planning Board Review and Recommendation

- A. The Planning Board shall advise and comment on whether the proposed amendment is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. In accordance with the provisions of NCGS 160D-604 and 160D-605, the Planning Board shall provide a written recommendation to the City Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the City Council.

Amended June 7, 2021

- B. Upon receipt of a petition for an amendment, the Zoning Administrator shall forward the request to the Planning Board for its consideration. No ordinance that amends any of the provisions of this Ordinance may be adopted until it has been referred to the Planning Board for its recommendation. In accordance with the requirements of NCGS 160D-604, the Planning Board shall be given at least 30 days in which to make a recommendation.

Amended June 7, 2021

- C. The Planning Board shall review the proposed amendment and submit its recommendation to the City Council. Failure of the Planning Board to submit its recommendation within the 30-day time period shall constitute a favorable recommendation.
- D. In accordance with the requirements of NCGS 160D, members of Planning Board shall not vote on recommendations regarding any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member or if the applicant is a person with whom the member has a close familial, business, or other associational relationship.

9-4 City Council Review and Adoption

- A. Prior to adopting or rejecting any zoning amendment, the City Council shall, in accordance with the provisions of NCGS 160D-605, adopt a statement

describing whether its action is consistent with an adopted comprehensive plan and explaining why the Board considers the action taken to be reasonable and in the public interest. This consistency statement is not subject to judicial review.

Amended June 7, 2021

- B. Upon receipt of a recommendation from the Planning Board, the City Council shall review the proposed amendment at a public hearing. The public notice required for the public hearing shall be in accordance with Section 9-5.
- C. At the conclusion of a public hearing on the proposed amendment, the City Council may proceed to vote on the proposed amendment, refer it to a committee for further study, or take any other action consistent with its usual rules of procedure.
- D. If no written report is received from the Planning Board within 30 days of referral of the amendment to that board, the City Council may proceed in its consideration of the amendment without the Planning Board report. The City Council is not bound by the recommendations, if any, of the Planning Board that are before it at the time it takes action on a proposed amendment.
- E. The City Council is not required to take final action on a proposed amendment within any specific period of time, but it should proceed as expeditiously as practicable on petitions for amendments since inordinate delays can result in the petitioner incurring unnecessary costs.
- F. Voting on amendments to this Ordinance shall proceed in the same manner as other ordinances except that in the case of receipt of a qualified protest petition, a super majority vote is required in accordance with the provisions of Section 9-10.
- G. In accordance with the requirements of NCGS 160D, a member of the City Council shall not vote on any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member, or if the applicant is a person with whom the member has a close familial, business, or other associational relationship.

Amended June 7, 2021

9-5 Public Hearing Requirements

- A. No ordinance that amends any of the provisions of this Ordinance may be adopted until a public hearing has been held on such ordinance.
- B. The Zoning Administrator shall publish a notice of the public hearing on any ordinance that amends the provisions of this Ordinance once a week for two successive weeks in a newspaper having general circulation in the city. The notice shall be published for the first time not less than ten days nor more than twenty-five days before the date fixed for the public hearing. In

computing this period, the date of publication shall not be counted but the date of the public hearing shall be.

- C. With respect to map amendments, the Zoning Administrator shall provide first class mail notice of the public hearing to the record owners for tax purposes of all properties whose zoning classification is changed by the proposed amendment as well as the owners of all properties within 300 feet of the property rezoned by the amendment. The first-class mail notice shall be deposited in the mail at least 10 but not more than 25 days prior to the date of the public hearing. The Zoning Administrator shall also post notices of the public hearing on the property proposed to be rezoned in accordance with subsection F and take any other action deemed by the Zoning Administrator to be useful or appropriate to give notice of the public hearing.

Amended 06/05/2017

- D. The notice required in subsection C. shall not be required if the zoning map amendment directly affects more than 50 properties, owned by a total of at least 50 different property owners. In this instance, the city may elect, in lieu of the mail notice specified in subsection C., to publish a notice of the hearing once a week for 2 consecutive weeks, published for the first time not less than ten days nor more than twenty-five days before the date fixed for the public hearing. In computing this period, the date of publication shall not be counted but the date of the public hearing shall be. Each of the advertisements shall not be less than one-half of a newspaper page in size. The advertisement shall only be effective for property owners who reside in the area of general circulation of the newspaper which publishes the notice. Property owners who reside outside of the newspaper circulation area, according to the address listed on the most recent property tax listing for the affected property, shall be notified according to the provisions of subsection C. of this section. The person or persons mailing the notices to adjoining property owners, as defined in NCGS 160D-602, shall certify to the City Council that fact, and the certificate shall be deemed conclusive in the absence of fraud.

Amended June 7, 2021

- E. The notice required or authorized by this Section shall:
 - 1. State the date, time, and place of the public hearing;
 - 2. Summarize the nature and character of the proposed change;
 - 3. If the proposed amendment involves a change in zoning district classification, reasonably identify the property whose classification would be affected by the amendment;
 - 4. State that the full text of the amendment and maps of the area proposed to be rezoned can be obtained from the Zoning Administrator; and

5. State that substantial changes in the proposed amendment may be made following the public hearing.
- F. When a zoning map amendment is proposed, the city shall prominently post a notice of the public hearing on the site proposed for rezoning or on an adjacent public street or highway right-of-way. When multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required, but the city shall post sufficient notices to provide reasonable notice to interested persons.

9-6 Ultimate Issue before City Council on Amendments

In deciding whether to adopt a proposed amendment to this Ordinance, the central issue before the City Council is whether the proposed amendment advances the public health, safety or welfare. All other issues, except those issues related to a conditional zoning as delineated in Section 9-7, are irrelevant, and all information related to other issues at the public hearing may be declared irrelevant by the Chairman and excluded.

When considering proposed map amendments:

- A. Except for conditional zoning requests submitted in accordance with Section 9-7, the City Council shall not consider any representations made by the petitioner that, if the change is granted, the rezoned property will be used for only one of the possible range of uses permitted in the requested classification. Rather, the City Council shall consider whether the entire range of permitted uses in the requested classification is more appropriate than the range of uses in the existing classification.
- B. The City Council shall not regard as controlling any advantages or disadvantages to the individual requesting the change, but shall consider the impact of the proposed change on the public at large.

9-7 Conditional Zoning

- A. There are circumstances in which a general zoning district designation allowing a use by right would not be appropriate for a particular property even though the use itself could, if properly planned, be appropriate for the property consistent with the objectives of this Ordinance and adopted land development plan, comprehensive plan, corridor plans, small area plans, and other land use policy documents. The rezoning process established in this Section provides for the accommodation of such uses by a reclassification of property into a conditional zoning district, subject to additional conditions which ensure compatibility of the proposed use with the use and enjoyment of neighboring properties. A conditional zoning district allows a particular use or uses to be established only in accordance with specified standards and conditions tailored to each individual development project. This is a voluntary rezoning procedure that is intended for firm development proposals. It is not intended or suited for securing early zoning for tentative proposals that may not be undertaken for some time.

- B. The review and approval process for conditional zoning petitions involves a legislative hearing and legislative decision by the City Council. The review of conditional zoning petitions shall be undertaken in accordance with the provisions of Sections 9-3 through 9-5.
- C. Property may be placed in a conditional zoning district only in response to a petition by the owners of all the property to be included. A petition for conditional zoning shall include:
 - 1. A master site plan prepared in accordance with Appendix A;
 - 2. Written supporting documentation that specifies the actual use or uses proposed for the property,
 - 3. Proposed rules, regulations, and conditions that, in addition to all predetermined requirements of this Ordinance, will govern the development and use of the property; and
 - 4. A statement analyzing the reasonableness of the proposed rezoning.
- D. Conditional zoning districts, as established in Section 3-1, B, parallel general use zoning districts. Only those land uses (including uses by right, special uses, and conditional districts) permitted in a general use zoning district to which a conditional zoning district corresponds shall be allowed. All rules, regulations, and conditions of any corresponding general district and all other requirements of this Ordinance apply to a conditional zoning district except as specifically modified by the City Council.

Amended November 5, 2018; June 7, 2021

- E. **Community Informational Meeting**

During its initial review of a conditional zoning petition, the Planning Board shall consider whether or not a community informational meeting, to be organized and conducted by the petitioner, would be beneficial to make project information available to those most likely to be impacted by the proposed zoning change. If the Planning Board concludes that a community informational meeting should be held, the petitioner shall conduct such meeting in accordance with the following provisions:

 - 1. The community informational meeting shall be held prior to the date of the next Planning Board meeting at which the petition will be reviewed.
 - 2. Written notice of such a meeting shall be given to the property owners and organizations entitled to notice as determined by policies established by the city.
 - 3. The petitioner shall file a written report of the community informational meeting with the Zoning Administrator. The petitioner's report shall include, among other things, a listing of those persons and organizations contacted about the meeting and the manner and date of contact; the date; time and location of the meeting; a roster of the names, mailing addresses, and telephone numbers of the persons in

attendance at the meeting; a summary of issues discussed at the meeting; and a description of any changes to the rezoning petition made by the petitioner as a result of the meeting.

4. The purpose of the community informational meeting is to (i) provide specific information regarding the proposed development including but not limited to a description of the proposed use(s) of the property, the proposed density and intensity of land uses, the location and arrangement of the proposed land use(s) on the property, the proposed development schedule, and proposed regulations or conditions, in addition to those required by this Ordinance, that will govern the development and use of the property and (ii) to receive comments and input from citizens likely to be impacted by the proposed zoning change and subsequent development of the property.
5. In the event the petitioner has not held at least one meeting pursuant to this subsection, the petitioner shall file a report with the Zoning Administrator documenting efforts that were made to arrange such a meeting and stating the reasons such a meeting was not held.
6. The adequacy of a meeting held or report filed pursuant to this section shall be considered by the City Council but shall not be subject to judicial review.

F. Review and Approval Process

The review and approval of a petition for a conditional zoning district shall follow the same process as outlined in Sections 9-3 through 9-5 for a general use rezoning.

1. In the course of evaluating the proposed use, the City Council may request additional information deemed appropriate to provide a complete analysis of the proposal.
2. Conditional zoning district decisions are a legislative process subject to judicial review using the same procedures and standard of review applicable to general use district zoning decisions.
3. Conditional zoning district decisions shall be made in consideration of identified relevant adopted land use plans for the area, including, but not limited to, land development plans, comprehensive plans, strategic plans, district plans, small area plans, corridor plans, and other land development policy documents.

G. Conditions to Approval

Specific conditions applicable to the conditional zoning districts may be proposed by the petitioner or the city or its agencies, but only those conditions mutually approved by the city and the petitioner may be incorporated into the zoning regulations or permit requirements.

1. Conditions and site-specific standards imposed in a conditional zoning district shall be limited to those that address the conformance

of the development and use of the site to city ordinances and an officially adopted comprehensive or other plan and those that address the impacts reasonably expected to be generated by the development or use of the site.

2. Any such conditions should relate to the relationship of the proposed use to surrounding property, proposed support facilities such as parking areas and driveways, pedestrian and vehicular circulation systems, screening and buffer areas, the timing of development, street and right-of-way improvements, water and sewer improvements, stormwater drainage, the provision of open space, and other matters that the City Council may find appropriate or the petitioner may propose. Such conditions to approval of the petition may include dedication to the city or state, as appropriate, of any rights-of-way or easements for streets, water, sewer, or other public utilities necessary to serve the proposed development.
3. The petitioner shall have a reasonable opportunity to consider and respond to any such conditions prior to final action by the City Council.
4. If for any reason any condition for approval is found to be illegal or invalid or if the petitioner should fail to accept any condition following approval, the approval of the site plan for the district shall be null and void and of no effect and proceedings shall be instituted by the City to rezone the property to its previous zoning classification or to another zoning district.

H. Effect of Approval

If a petition for conditional zoning is approved, the development and use of the property shall be governed by the predetermined ordinance requirements applicable to the district's classification, the approved site plan or master plan for the district, and any additional approved rules, regulations, and conditions, all of which shall constitute the zoning regulations for the approved district and are binding on the property as an amendment to this Ordinance and to the zoning map.

1. If a petition is approved, only those uses and structures indicated in the approved petition and site plan shall be allowed on the subject property. A change of location of the structures may be authorized pursuant to subsection I, 1 below provided that such change in building layout does not result in an increase in the number of structures.
2. Following the approval of the petition for a conditional zoning district, the subject property shall be identified on the zoning map by the appropriate district designation. A conditional zoning district shall be identified by the same designation as the underlying general district followed by the letters 'CD' [for example 'R-15 (CD)'].
3. No permit shall be issued for any development activity within a conditional zoning district except in accordance with the approved petition and site plan for the district

4. Any violation of the approved site plan or any rules, regulations and conditions for the district shall be treated the same as any other violation of this Ordinance and shall be subject to the same remedies and penalties as any such violation.
- I. Alterations to Approval
- Except as provided in subsection 1, below, changes to an approved petition or to the conditions attached to the approved petition shall be treated the same as amendments to this Ordinance or to the zoning map and shall be processed in accordance with the procedures in this Ordinance.
1. The Planning Director shall have the delegated authority to approve an administrative amendment to an approved site plan. The Planning Director shall have no authority to amend the conditions of approval of a petition. The standard for approving or denying such a requested change shall be that the change does not significantly alter the site plan and that the change does not have a significant impact upon abutting properties. Any decision by the Planning Director must be in writing stating the grounds for approval or denial.
 2. The Planning Director, however, shall always have the discretion to decline to exercise the delegated authority either because of uncertainty about approval of the change pursuant to the standard or because a rezoning petition for a public hearing and City Council consideration is deemed appropriate under the circumstances. If the Planning Director declines to exercise this authority, the applicant may file a rezoning petition for a public hearing and City Council decision in accordance with the provisions delineated in Sections 9-2 through 9-5.
 3. Any request for an administrative amendment shall be pursuant to a written letter, signed by the owners of all of the property affected by the proposed change, detailing the requested change. Upon request, the applicant shall provide any additional information as deemed necessary by the Planning Director. Upon an approval of an administrative amendment, the applicant shall file a sufficient number of copies of the revised site plan as deemed necessary by the Planning Director.
 4. If the Planning Director denies approval of the requested administrative amendment, the applicant may file a rezoning petition for a public hearing and City Council decision in accordance with the provisions delineated in Sections 9-2 through 9-5.
- J. Review of Approved Conditional Zoning Districts
- It is intended that property shall be reclassified to a conditional zoning district only in the event of firm plans to develop the property. Therefore, no sooner than one year (or two years if a vested right has been established in accordance with the provisions of Section 2-28) after the date of approval of the petition, the Planning Board may examine the progress made toward

developing the property in accordance with the approved petition and any conditions attached to the approval.

1. If the Planning Board determines that substantial progress has not been made in accordance with the approved petition and conditions, the Planning Board shall forward to the City Council a report which may recommend that the property be rezoned to its previous zoning classification or to another zoning district. If the City Council concurs with the Planning Board's recommendation, the City Council may initiate the rezoning of the property in accordance with the procedures delineated in Sections 9-3 through 9-5.
2. If the Planning Board determines that substantial progress has been made to develop the property, the Planning Board may recommend that an extension of time be granted. The City Council, after reviewing the recommendation of the Planning Board, may approve an extension of time not to exceed an additional 12 months. Approval of such a time extension by the City Council may be made without conducting a formal public hearing.
3. If, after the expiration of the extended time period, the Planning Board determines that no substantial progress has been made and the City Council concurs with that determination, the City Council shall proceed to (i) conduct a public hearing on the matter to evaluate whether or not another extension of time is warranted or (ii) initiate the rezoning of the property to its previous zoning classification or to another zoning classification using the procedures delineated in Sections 9-3 through 9-5.
4. For purposes of this Section, examples of substantial progress may include (i) the approval of construction plans for streets, utilities, and other infrastructure; (ii) the initiation of land preparation activities such as clearing and grading; (iii) the initiation of the construction of the principal building(s); and (iv) the initiation of the construction of streets, utilities, other infrastructure, or required site amenities.

9-8 Amendments to Flood Hazard Zoning and Flood Hazard Boundary Map

- A. All requests for revisions of areas of special flood hazard boundaries and base flood elevations shall be reviewed and approved by the Federal Emergency Management Agency (FEMA).
- B. The existing location of any area of special flood hazard as defined in Section 5-7 may be amended in cases where:
 1. A flood control project of the federal, state, city or municipal government has substantially altered the flood hazard; or
 2. Flood data indicates that the boundaries of either of the areas as shown on the official flood boundary and floodway map are no longer correct; or

3. A private individual, corporation, firm or municipal agency has submitted plans for a channel improvement or relocation requiring an amendment to the official flood hazard boundary map.
- C. Applications for an amendment to the official flood boundary and floodway map shall be processed in the same manner as an amendment to the official zoning map. The applicant shall be responsible for submitting the proposed amendment and supporting documentation to the FEMA for its approval. The application for flood zone map amendments shall be deemed incomplete if not accompanied by a letter of approval from FEMA.
- D. All amendments to the official flood boundary map and floodway map shall be filed in accordance with NCGS 143-215.56 (c).

9-9 Amendments to Watershed Protection Provisions

The Zoning Administrator shall keep a record of all text amendments to this Ordinance which involve regulations, standards, or procedures regarding public water supply watersheds as outlined in Section 5-4. Copies of all such amendments shall, upon adoption, be provided to the Supervisor of the Classification and Standards Group, Water Quality Section, N.C. Division of Environmental Management. Under no circumstances shall an amendment be adopted which would cause this Ordinance to violate the public water supply watershed rules as adopted by the NC Environmental Management Commission.

9-10 Protests to Zoning District Changes

- A. If a petition opposing a change in the zoning classification of any property is filed in accordance with the provisions of this Section, then the proposed amendment may be adopted only by a favorable vote of three-fourths of the membership of the City Council.
- B. To invoke the three-fourths vote requirement, the petition must:
 1. Be signed by the owners of either (i) twenty percent (20%) or more of the area included in the proposed change or (ii) five percent (5%) of a 100 foot-wide buffer extending along the entire boundary of each discrete or separate area proposed to be rezoned. A street right-of-way shall not be considered in computing the 100-foot buffer area as long as that street right-of-way is 100 feet wide or less. When less than an entire parcel of land is subject to the proposed zoning map amendment, the 100-foot buffer shall be measured from the property line of that parcel. In the absence of evidence to the contrary, the city may rely on the city tax listing to determine the 'owners' of potentially qualifying areas.
 2. Be in the form of a written petition actually bearing the signatures of the requisite number of property owners and stating that the signers do protest the proposed change or amendment.
 3. Be received by the Zoning Administrator in sufficient time to allow the city at least two normal working days before the date established for

a public hearing on the proposed amendment to determine the sufficiency and accuracy of the petition.

4. Be on a form provided by the Zoning Administrator and contain all the information requested on this form.
- C. A person who has signed a protest petition may withdraw his or her name from the petition at any time prior to the vote on the proposed zoning amendment.

9-11 Withdrawal of Amendment Petition

The petitioner shall have the right to withdraw, in writing, an amendment petition at any time prior to a final decision by the City Council. However, petitions that have been withdrawn shall be reconsidered only as a new petition and shall adhere to the submission and review requirements of Sections 9-2 through 9-5.

9-12 Petition Resubmittal

If an amendment petition is denied by the City Council, the Zoning Administrator shall not accept a rezoning petition similar to that denied for the same property or a portion of the property within one year of the Board's action, except that the Zoning Administrator may accept a new rezoning petition within the one-year period if the Zoning Administrator determines that:

- A. There has been a significant change in the zoning district classification of an adjacent property;
- B. A new or updated land use plan that changes public policy regarding the property is adopted by the city;
- C. Public facilities such as roads, water lines, sewer lines, or other infrastructure are constructed or expanded to serve the property and enable the proposed development to be accommodated; or
- D. There has been some other significant change, other than a change in ownership of the property, which might justify waiving the one-year restriction on submitting a new petition.

9-13 Notification of Decision

Within five working days of any action by the City Council on an amendment petition, notice of such action shall be sent by first-class mail to the petitioner and any other persons who have indicated to the Zoning Administrator, in writing, that they would like the decision mailed to them. Additionally, within 15 days after the effective date of a zoning change to commercial or industrial zones within 660 feet of the right-of-way of an interstate or primary highway, written notice by registered mail shall be sent to the Raleigh offices of the North Carolina Department of Transportation in accordance with NCGS 136-136 and 136-153.

**ARTICLE 10
NONCONFORMITIES**

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ARTICLE 10 NONCONFORMITIES

10-1 General

A nonconforming situation occurs when, on the effective date of this Ordinance, an existing lot or structure or use of an existing lot or structure does not conform to one or more of the regulations applicable to the district in which the lot or structure is located. Among other possibilities, a nonconforming situation may arise because a lot does not meet minimum acreage requirements, because structures exceed maximum height limitations, because the relationship between existing buildings and the land (in such matter as density and setback requirement) is not in conformity with this Ordinance, because signs do not meet the requirements of this Ordinance, or because land or buildings are used for purposes made unlawful by this Ordinance.

Unless otherwise specifically provided for in this Ordinance and subject to the restrictions and qualifications set forth in the remaining sections of this Article, nonconforming situations that were otherwise lawful on the effective date of this Ordinance may be continued. Whenever this Ordinance refers to the effective date of this Ordinance, the reference shall be deemed to include the effective date of any amendments to this Ordinance if the amendment, rather than this Ordinance as originally adopted, creates a nonconforming situation. **It shall be the responsibility of the property owner to demonstrate that a nonconformity was legally established, with assistance as reasonable and appropriate from City staff to access City records.**

Commented [CS189]: Clarifies that the responsibilities of declaring a nonconformity lies with the applicant

10-2 Nonconforming Lots

A. Single Lot of Record with Lot Area and/or Lot Width Nonconformity

1. When an undeveloped lot has an area or width which does not conform to the dimensional requirements of the district where located, but such lot was approved and of record at the time of adoption of this Ordinance or any subsequent amendment which renders such lot nonconforming, then such lot may be used for a use permitted in the district where located, provided that the setback dimensions and other requirements, except area or width, are complied with.
2. In residential zones, **the lot may be used for used for a public purpose or facility, with all development standards applying, but otherwise only a single-family dwelling shall be permitted on the nonconforming lot.**
3. Nothing contained herein exempts a lot from meeting the applicable provisions of the Alamance County or Orange County Environmental Health Department regulations.

Commented [CS190]: Allows a nonconforming lot to serve a public purpose (e.g. pocket park) in addition to being redeveloped

B. Lots with Contiguous Frontage in One Ownership

1. When two or more adjoining and vacant lots of record with contiguous frontage are in one ownership at the time of the adoption

of this Ordinance or subsequent to adoption and said lots individually have a lot area or lot width which does not conform to the dimensional requirements of the district where located, such lots shall be combined to create one or more lots that meet the standards of the district where located.

2. Nothing contained herein exempts the contiguous lots considered as a single buildable lot or lots from meeting the applicable provisions of the Alamance County or Orange County Environmental Health Department regulations.

C. Reduction of a Lot of Record

A lot of record reduced to less than the required area, width, or setback dimensions ~~as the result of a condemnation or purchase by a local or state government agency~~ shall become a nonconforming lot of record if this reduction is the result of any of the following:

1. Condemnation or purchase by a local or state government agency;
2. Land dedication by the property owner that is accepted by the City or State.

Commented [CS191]: Clarifies that ROW acquisition can result in nonconforming lots/uses that are exempt from UDO criteria

D. Lot of Record with Setback Nonconformity

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

1. The property cannot reasonably be developed for the use proposed without such deviations;
2. The deviations are necessitated by the size or shape of the nonconforming lot;
3. ~~The applicant has complied with the setbacks to the maximum extent practicable; and~~
4. The property can be developed as proposed without any significantly adverse impact on surrounding properties or the public health or safety.

Commented [CS192]: Clarifies that an attempt must be made to comply with the UDO

10-3 Nonconforming Use of Land

A. Continuance of Nonconforming Use of Land

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

B. Conditions for Continuance

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

1. No nonconforming use shall be changed to another nonconforming use unless such use is determined to be of equal or less intensity. In determining whether a nonconforming use is of equal or less intensity, the Board of Adjustment shall consider:
 - (a) Probable traffic of each use;
 - (b) Parking requirements of each use;
 - (c) Probable number of persons on the premises of each use at a time of peak demand;
 - (d) Off-site impacts of each use, such as noise, glare, dust, vibration or smoke and other impacts on surrounding properties or the public health or safety.
2. The number of dwelling units in a nonconforming residential use shall not be increased.
3. No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Ordinance.
4. If any nonconforming use of land ceases for any reason for a continuous period of more than 180 days, any subsequent use of such land shall be a permitted use in the district in which such land is located. Recontinuance of any nonconforming use must be with the clear intent of being continuous and permanent.
5. The resumption of a nonconforming use of land shall not be permitted if such nonconforming use is superseded by a permitted use for any period of time.
6. No additional structure(s) not conforming to the requirements of this Ordinance shall be erected in connection with such nonconforming use of land.

C. Extension, Enlargement or Replacement of a Nonconforming Use

1. Except as provided for in subsections 2 through 5, no nonconforming use shall be extended, enlarged, or replaced.
2. Any single-family residential nonconforming use (which may be a manufactured home) may be enlarged or replaced with a similar single-family residential structure of the same size or of a larger size, so long as the enlargement or replacement is constructed in such a manner as to comply with the North Carolina Building Code and does not create new nonconformities or increase the extent of existing nonconformities with respect to setback requirements.

(Amended February 13, 2012)

3. A nonconforming use may be extended throughout any portion of a completed building that, when the use was made nonconforming by this Ordinance, was manifestly designed or arranged to accommodate such use. However, a nonconforming use may not be extended to additional buildings or to land outside the original building unless specifically authorized in accordance with subsection 6.
4. A nonconforming use of open land may not be extended to cover more land than was occupied by that use when it became nonconforming, except that a use that involves the removal of natural materials from the lot (e.g., a sand pit) may be expanded to the limits of the site plan upon which the mining permit was granted if ten percent or more of the natural materials had already been removed on the effective date of this Ordinance.
5. The volume, intensity, or frequency of use of property where a nonconforming use exists may be increased and the equipment or processes used at a location where a nonconforming use exists may be changed if these or similar changes amount only to changes in the degree of activity rather than changes in kind or use and no violations of other Sections of this Ordinance occur.

10-4 Nonconforming Structures

A. Continuance of Nonconforming Structure

Any nonconforming structure legally existing at the time of adoption or amendment of this Ordinance may be continued so long as it remains otherwise lawful. **Such structures are encouraged to receive minor repairs and routine maintenance necessary to maintain the structure and its surroundings in a safe condition and protect against hazards.**

Commented [CS193]: Provides staff and the public clarity that structures should be maintained and improved as allowed by the UDO rather than held in a state of disrepair.

B. Conditions for Continuance

Such nonconforming structures shall be subject to the following conditions:

1. No nonconforming structure may be enlarged or altered in any way which increases its dimensional deficiencies; however, any nonconforming structure or portion thereof may be altered to decrease its dimensional deficiencies. Any enlargement of the structure shall conform to the current dimensional requirements.
2. In the event of damage by fire or other causes to the extent exceeding **60% sixty percent** of its tax value prior to such damage as established by the Building Inspector, reconstruction of a nonconforming structure shall be permitted only in compliance with the dimensional provisions of this Ordinance.
3. In the event of damage by fire or other causes to the extent causing less than **60% sixty percent** of its tax value prior to such damage as established by the Building Inspector, reconstruction of a nonconforming structure shall be permitted provided it is constructed:

- (a) In the same manner in which it originally existed subject to compliance with the requirements of the NC State Building Code; ~~or~~ and
 - (b) In compliance with the dimensional requirements.
4. No nonconforming structure shall be moved or relocated unless it is made to comply with the dimensional and use requirements of the district in which it is relocated and with the requirements of the NC State Building Code.

C. Preservation of Safe or Lawful Conditions

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

10-5 Miscellaneous Nonconforming Situations

A. Nonconforming Situation Resulting From Governmental Acquisition

Any lot reduced in size by municipal, city or state condemnation or purchase of land, ~~or by land dedication of the property owner that is accepted by the City or State,~~ shall obtain nonconforming lot or building status to the extent that said condemnation or purchase causes noncompliance with any provisions of this Ordinance.

Commented [CS194]: Clarifies that ROW donation resulting in nonconformance will not be penalized – condemnation is not necessary to allow staff to consider a legal nonconformance.

B. Nonconforming Parking & Landscaping Created By Change of Use

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

Commented [CS195]: Reflects the language in 6-3 regarding nonconforming landscaping situations and how to resolve them

10-6 Nonconforming Projects

All nonconforming projects on which construction was begun at least 180 calendar days before the effective date of this Ordinance as well as all nonconforming projects that are at least ten percent completed in terms of the total expected cost of the project on the effective date of this Ordinance may be completed in accordance with the terms of their permits, so long as these permits were validly issued and remain unrevoked and unexpired. If a development is designed to be completed in stages, this Section shall apply only to the particular phase under construction. In addition, as provided in NCGS 160D-108, neither this Ordinance nor any amendment to it shall, without the consent of the property owner, affect any lot with respect to which a building permit has been issued pursuant to NCGS

160D-1110 prior to the enactment of the Article making the change so long as the building permit remains valid, unexpired, and unrevoked.

10-7 Nonconforming Signs

A. Continuance of Nonconforming Signs

1. Signs in existence on the effective date of this Ordinance which do not conform to the provisions of this Ordinance, but which were constructed, erected, affixed or maintained in compliance with all previous regulations, shall be regarded as nonconforming signs. Although it is not the intent of this Ordinance to encourage the continued use of nonconforming signs, nonconforming signs shall be allowed to continue and a decision as to the continued existence and use or removal of such signs shall be controlled as follows:
 - (a) No nonconforming sign shall be changed to another nonconforming sign.
 - (b) No nonconforming sign shall have any changes made in the words or symbols used or the message displayed on the sign unless the sign is specifically designed for periodic change of message.
 - (c) No nonconforming sign shall be structurally altered so as to change the shape, size, height, type or design of the sign other than to make the sign a conforming sign.
 - (d) No nonconforming sign shall be re-established after the activity, business or use to which it relates has been discontinued and such sign shall be removed. For nonconforming signs promoting multiple businesses or uses, this requirement shall apply when 50% or more of the businesses or uses have ceased activity within a 24-month window of time.
 - (e) No nonconforming sign shall be re-established and all remains of the sign must be removed after damage or destruction, if the estimated expense of repairs exceeds 60% sixty percent of the estimated total value of the sign at the time of destruction, as determined by the Building Inspector. If damaged by less than 60% sixty percent, but repairs are not made within three months of the time such damage occurred, the nonconforming sign shall not be allowed to continue and must be removed.
 - (f) No nonconforming sign shall be relocated unless it is brought into conformance with the requirements of this Ordinance, except in the case of a condemnation or other governmental action. In such case, the sign can be relocated, provided that the new location of the sign does not create a safety concern (such as interfere with a traffic management sight triangle).

Commented [CS196]: Provides discrete thresholds of when non-conforming signs must be retired

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- (g) Normal maintenance and repair of a nonconforming sign is permitted providing the shape, size, height, type or design of the sign is not altered.
- 2. Any nonconforming sign that is structurally altered, relocated or replaced shall immediately be brought into compliance with all the provisions of this Ordinance.
- 3. Any nonconforming sign which
 - (i) is a menace to the public safety,
 - (ii) has been abandoned, or
 - (iii) which has not been properly maintained, including cleaning and painting of painted surface areas and replacement of damaged parts, shall be removed after due notice has been given by the Zoning Administrator.

B. Violations of Nonconforming Sign Provisions

The Zoning Administrator shall order the removal of any sign maintained in violation of the provisions of this Section for which removal procedures are herein prescribed, accordingly: the Zoning Administrator shall give ninety days written notice to the owner or lessee to remove the sign or to bring it into compliance with this Ordinance. If the owner or lessee fails to remove the sign within ninety days after the ninety-day written notice has been given, the Zoning Administrator or his duly authorized representative may institute removal proceedings according to the procedures specified in NCGS 160D-404.

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C. Bringing Nonconforming Signs into Compliance

- 1. No permit for addition, expansion, new construction, or change of use on a site shall be issued by the City until any nonconforming signs on the property comply with current ordinance requirements.
- 2. Notwithstanding the previous subsection, a property owner may petition the Board of Adjustment to grant a deviation to allow the continued display of a legal nonconforming sign if the Board of Adjustment determines that the applicant has demonstrated the following through a quasi-judicial process:
 - a. The sign was legally established;
 - b. The sign makes a meaningful positive contribution to community appearance;
 - c. The sign is structurally sound and does not pose a danger to the public health, safety, or welfare.

Commented [CS197]: Provides discrete thresholds of when non-conforming signs must be retired

10-8 Nonconforming Site Features

A. Definition

A nonconforming site feature is any obstruction within a required sight distance triangle or any off-street parking, landscaping, perimeter and streetyard buffer, or screening that was lawfully established before the effective date of this Ordinance, or a subsequent amendment thereto, but does not comply with the sight distance triangle standards or the off-street parking, landscaping perimeter and streetyard buffer, or screening standards applied by this Ordinance or the subsequent amendment. The lack of required sight distance triangle, off-street parking, landscaping, perimeter or streetyard buffer, or screening also shall constitute a nonconforming site feature.

B. Continuation of Nonconforming Site Features

Nonconforming site features may be continued subject to the following limitations:

1. For development existing (or for which a vested right had been established) before the effective date of this Ordinance, nonconforming site features created by a change in regulations may continue to exist, and structures comprising such nonconforming site features may be reconstructed in accordance with the provisions in Section 10-4 if demolished or destroyed.
2. For all other nonconforming site features, no action shall be taken that increases the degree or extent of the nonconforming site feature, and no nonconforming site feature shall be extended, expanded, enlarged, or otherwise altered, unless the site feature thereafter conforms to all current requirements of this Ordinance.

C. Upgrading of Nonconforming Site Features with Substantial Remodeling of Structures

If an application is filed for a Building Permit for the remodeling of one or more structures on a site containing nonconforming site features, and the cumulative costs of any such remodeling over the past five-year period (as shown on Building Permit applications) exceeds 50 percent of the current assessed value of the structures, the nonconforming site features shall be upgraded in conjunction with the remodeling to conform to all current standards of this Ordinance.

D. Upgrading of Nonconforming Site Features with Substantial 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, and the cumulative increase in such structures' floor area over the past five-year period (as shown on Building Permit applications) exceeds 50 percent of the current floor area of the structures, the nonconforming site features shall be upgraded in conjunction with the expansion to conform to the current standards of this Ordinance.

E. Upgrading of Nonconforming Site Features with 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 or streetyard buffers 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 standards of this Ordinance.

F. Compliance to Maximum Extent Practicable

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 constraints on development, the applicant shall comply with the requirements of this section to the maximum extent practicable, as determined by the Planning Director.

Commented [CS198]: Provides staff and the public with guidance for redeveloped properties and reasonable thresholds on when to require properties to come into conformance, especially for non-building features.

**ARTICLE 11
ENFORCEMENT AND JUDICIAL REVIEW**

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ARTICLE 11
ENFORCEMENT AND JUDICIAL REVIEW

11-1 Violations

Any of the following shall be a violation of this Ordinance and shall be subject to the enforcement remedies and penalties provided by this Ordinance and by state law.

A. Development without Permit

A 'development without a permit' violation means to engage in any development, use, construction, remodeling or other activities of any nature upon the land or improvements thereon subject to the jurisdiction of this Ordinance without required permits, certificates or other forms of authorization as set forth in this Ordinance.

B. Development Inconsistent With Permit

A 'development inconsistent with a permit' violation means to engage in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with any approved plan, permit, certificate, or other form of authorization granted for such activity.

C. Violation by Act or Omission

A 'violation by act or omission' means to violate, by act or omission, any term, variance or waiver, condition, or qualification placed by the City Council or its authorized boards upon any required permit, certificate, or other form of authorization for the use, development or other activity upon land or improvements thereon.

D. Use in Violation

A 'use in violation' means to erect, construct, reconstruct, alter, repair, convert, maintain or use any building or structure or to use any land in violation or contravention of this Ordinance, or any other regulation made under the authority conferred thereby.

E. Continue a Violation

Each day's violation of any provision of this Ordinance is a separate and distinct offense.

11-2 Enforcement Intent

It is the intention of this Ordinance, unless otherwise provided, that all questions arising in connection with the enforcement of this Ordinance shall be presented first to the Zoning Administrator and that such questions shall be presented to the Board of Adjustment only on appeal from the Zoning Administrator's final decision. An appeal from the decision of the Board of Adjustment shall be by proceedings in the nature of certiorari to the Superior Court as provided by law and must be filed with the Alamance or Orange County Clerk of Court within the 30-day appeal period described in Section 11-7. It is further the intention of this Ordinance that the duties of the City Council in connection with this Ordinance shall not include the hearing and passing upon disputed questions that may arise in connection with the enforcement thereof.

11-3 Enforcement Procedures

When the Zoning Administrator or designee discovers a violation of this Ordinance or receives a complaint alleging a violation of this Ordinance, it shall be his or her duty to attempt to immediately notify the owner and occupant of the land, building, structure, sign, or use of the violation.

A. Initial Notification

Upon discovery of the existence of a violation of this Ordinance, the Zoning Administrator shall by first-class mail, telephone, fax, email, or personal service attempt to notify the owner or occupant of the property of the nature of the violation, provide a citation of the Section(s) of the Ordinance violated, and describe the measures necessary to remedy the violation. The Zoning Administrator may also request that the owner or occupant of the property arrange a meeting with the Planning and Zoning Department staff to further discuss the violation and options for remedying the violation. Any recipient of notifications under this subsection shall not be considered a 'person aggrieved' for appeal purposes.

B. Order of Compliance

If the owner or occupant of the land, building, sign, structure, or use in violation fails to take prompt corrective action, the Zoning Administrator shall give the owner or occupant written notice, by certified or registered mail, to his last known address, or by personal service, or by personal service or by posting notice of the violation and order of compliance conspicuously on the property:

1. That the land, building, sign, structure, or use is in violation of this Ordinance;
2. The nature of the violation, and citation of the Section of this Ordinance violated; and
3. The measures necessary to remedy the violation.

C. Appeal

Any owner or occupant who has received a Notice of Violation and Order of Compliance may appeal, in writing as a person aggrieved, the final decision of the Zoning Administrator to the Board of Adjustment, in accordance with the provisions of Section 8-1 within ten days following the date of receipt or posting of the Notice of Violation and Order of Compliance. The Board of Adjustment shall hear an appeal within a reasonable time, and it may affirm, modify, or revoke the Notice of Violation and Order of Compliance. In the absence of an appeal, the remedies and penalties sought by the Zoning Administrator in the Notice of Violation and Order of Compliance shall be final.

D. Order of Corrective Action by the Board of Adjustment

If upon a hearing held pursuant to an appeal as prescribed above, the Board of Adjustment shall find that the owner or occupant is in violation of this Ordinance, the Board of Adjustment shall issue an order in writing to the owner or occupant affirming the violation and ordering compliance.

E. Failure to Comply with an Order

If the owner or occupant of a property fails to comply with a Notice of Violation and Order of Compliance from which no appeal has been taken, or an Order of Corrective Action following an appeal, the owner or occupant shall be subject to such remedies and penalties as may be provided for by the NC General Statutes and Section 11-4. If the owner or occupant fails to comply with the remedies and penalties prescribed, enforcement shall be sought through an order of a court of competent jurisdiction.

F. Emergency, Dangerous, or Hazardous Situations

In the event that the Zoning Administrator determines that a violation creates an immediate hazard to the public safety, health, or welfare, the standard notice requirements delineated in subsection A above may be waived. The Zoning Administrator is authorized to make a reasonable attempt to notify the person responsible for the violation, property owner, or other person that has an identifiable relationship to the violation and/or property owner and to order the immediate remedying of the violation. In the case of a safety hazard created by a sign or sign structure, the Zoning Administrator is authorized to immediately remove such sign or sign structure, at the expense of the property owner. In the case of a safety hazard created by the use or occupancy of a building or land, the Zoning Administrator shall consult with the city attorney for guidance concerning immediate enforcement actions.

11-4 Penalties and Remedies

As authorized by NCGS 160D-404, NCGS 160D-807, NCGS 160A-175, and NCGS 14-4, any one or all of the following procedures may be used to enforce the provisions of this Ordinance.

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A. Injunction

Any violation of this Ordinance or of any condition, order, or requirement, or remedy adopted pursuant hereto may be restrained, corrected, abated, mandated, or enjoined by other appropriate proceeding pursuant to state law.

B. Civil Penalties

Any person who violates any provisions of this Ordinance shall be subject to the assessment of a civil penalty under the procedures provided in Section 11-5.

C. Denial of Permit or Certificate

The Zoning Administrator may withhold or deny any permit, certificate, occupancy or other form of authorization on any land, building, sign, structure or use in which there is an uncorrected violation of a provision of this Ordinance or of a condition or qualification of a permit, certificate or other authorization previously granted.

D. Conditional Approval

The Zoning Administrator may condition the authorization of any permit or certificate upon the correction of the deficiency, payment of civil penalties within a specified time, or the posting of a compliance security approved by the city attorney.

E. Revocation of Permits

In accordance with Section 11-6, permits shall be revoked for any substantial departure from the approved applications, plans, or specifications; refusal or failure to comply with the requirements of state or local laws; or for false statements or misrepresentations made in securing the permit. Any permit mistakenly issued in violation of an applicable state or local law may also be revoked.

F. Criminal Penalties

Any violation of this Ordinance shall be a misdemeanor or infraction as provided by NCGS 14-4.

G. State and Common Law Remedies

In addition to other enforcement provisions contained in this Ordinance, the City Council may exercise any and all enforcement powers granted to it by state law or common law.

H. Penalties for Transferring Lots in Unapproved Subdivisions

In accordance with the provisions of NCGS 160D-807, any person who, being the owner or agent of the owner of any land located within the planning and zoning jurisdiction of the City of Mebane, subdivides his land in violation of the requirements of this Ordinance or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under the provisions of this Ordinance and recorded in the office of the appropriate register of deeds, shall be guilty of a Class 1 misdemeanor. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty. The City of Mebane may bring an action for injunction of any illegal subdivision, transfer, conveyance, or sale of land, and the court shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with the provisions of this Ordinance. Building permits required pursuant to NCGS 160D-1110 may be denied for lots that have been illegally subdivided. In addition to other remedies, the City of Mebane may institute any appropriate action or proceedings to prevent the unlawful subdivision of land, to restrain, correct, or abate the violation, or to prevent any illegal act or conduct.

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The provisions of this subsection shall not, however, prohibit any owner or its agent from entering into contracts to sell or lease by reference to an approved preliminary plat for which a final plat has not yet been properly approved or recorded with the register of deeds provided that the contract does all of the following:

1. Incorporates as an attachment a copy of the preliminary plat referenced in the contract and obligates the owner to deliver to the buyer a copy of the recorded plat prior to closing and conveyance.
2. Plainly and conspicuously notifies the prospective buyer or lessee that a final subdivision plat has not been approved or recorded at the

time of the contract, that no governmental body will incur any obligation to the prospective buyer or lessee with respect to the approval of the final subdivision plat, that changes between the preliminary and final plats are possible, and that the contract or lease may be terminated without breach by the buyer or lessee if the final recorded plat differs in any material respect from the preliminary plat.

3. Provides that if the approved and recorded final plat does not differ in any material respect from the plat referred to in the contract, the buyer or lessee may not be required by the seller or lessor to close any earlier than five days after the delivery of a copy of the final recorded plat.
4. Provides that if the approved and recorded final plat differs in any material respect from the preliminary plat referred to in the contract, the buyer or lessee may not be required by the seller or lessor to close any earlier than 15 days after the delivery of the final recorded plat, during which 15-day period the buyer or lessee may terminate the contract without breach or any further obligation and may receive a refund of all earnest money or prepaid purchase price.

The provisions of this subsection also shall not prohibit any owner or its agent from entering into contracts to sell or lease land by reference to an approved preliminary plat for which a final plat has not been properly approved under these regulations or recorded with the register of deeds where the buyer or lessee is any person who has contracted to acquire or lease the land for the purpose of engaging in the business of construction of residential, commercial, or industrial buildings on the land, or for the purpose of resale or lease of the land to persons engaged in that kind of business, provided that no conveyance of that land may occur and no contract to lease it may become effective until after the final plat has been properly approved under this Ordinance and recorded with the register of deeds.

11-5 Civil Penalties-Assessment and Procedures

A. Penalties

Any person who violates any provisions of this Ordinance shall be subject to assessment of the maximum civil penalty allowed by law.

B. Notice

No civil penalty shall be assessed until the person alleged to be in violation has been notified of the violation in accordance with Section 11-3 A. If after receiving a notice of violation under Section 11-3 A, the owner or other violator fails to take corrective action, a civil penalty may be imposed under this Section in the form of a citation. The citation shall be served in the manner of a Notice of Violation. The citation shall state the nature of the violation, the civil penalty to be imposed upon the violator and shall direct the violator to pay the civil penalty within fifteen days of the date of the notice.

C. Responsible Parties

The owner or occupant of any land, building, structure, sign, or use of land or part thereof and any architect, builder, contractor, agent or any other person who participates or acts in concert, assists, directs, creates, or maintains any condition that is in violation of the requirements of this Ordinance may be held responsible for the violation and subject to the civil penalties and remedies herein provided.

D. Continuing Violation

For each day the violation is not corrected, the violator will be guilty of an additional and separate offense and subject to additional civil penalty.

E. Demand for Payment

The Zoning Administrator shall make written demand for payment upon the property owner or the person in violation, and shall set forth in detail a description of the violation for which the civil penalty has been imposed.

F. Nonpayment

If payment is not received or equitable settlement reached within thirty days, after demand for payment is made, the matter shall be referred to legal counsel for institution of a civil action in the appropriate division of the General Courts of Justice for recovery of the civil penalty. Provided however, if the civil penalty is not paid within the time prescribed, the Zoning Administrator may have a criminal summons or warrant issued against the violator. Nothing herein shall preclude the Zoning Administrator from exercising other enforcement rights simultaneously.

11-6 Permit Revocation

A. General

A zoning, sign, or special use permit may be revoked by the permit-issuing authority (in accordance with the provisions of this Section) if the permit recipient fails to develop or maintain the property in accordance with the approved plans, the requirements of the Ordinance, or any additional requirements lawfully imposed by the permit-issuing authority.

No person may continue to make use of land or buildings in the manner authorized by any zoning, sign, or special use permit after such permit has been revoked in accordance with this Section.

B. Special Use Permit Revocation

Before a special use permit may be revoked, all of the notice and hearing requirements of Section 2-18 shall be complied with. The notice shall inform the permit recipient of the alleged grounds for the revocation.

C. Zoning or Sign Permit Revocation

Before a zoning or sign permit may be revoked, the Zoning Administrator shall give the permit recipient ten days notice of intent to revoke the permit and shall inform the recipient of the alleged reasons for the revocation and of his right to obtain an informal hearing on the allegations. If the permit is revoked, the Zoning Administrator shall provide to the permittee a written statement of the decision and the reasons therefor.

11-7 Judicial Review

A. Appeal to Superior Court

Every decision of the City Council granting or denying a special use permit and every final decision of the Board of Adjustment shall be subject to review by the Superior Court of Alamance or Orange County by proceedings in the nature of certiorari pursuant to G.S. 160D-1402.

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B. Timing of Appeal

The petition for the writ of certiorari must be filed with the applicable County Clerk of Superior Court within 30 days after the later of the following occurrences:

1. A written copy of the City Council's or Board of Adjustment's decision has been filed in the office of the Zoning Administrator.
2. A written copy of the City Council's or Board of Adjustment's decision has been delivered, by personal service or certified mail, return receipt requested, to the applicant or appellant and every other aggrieved party who has filed a written request for such copy at the hearing of the case given in accordance with G.S. 160D-405 & 160D-406. When first class mail is used to deliver notice, three days shall be added to the time to file the petition.

A copy of the writ of certiorari shall be served upon the City of Mebane.

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ARTICLE 12: DEFINITIONS

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ARTICLE 12 DEFINITIONS

12-1 INTERPRETATION OF ORDINANCE

12-1.1 Minimum Requirements

In the interpretation and application of this Ordinance, all provisions shall be considered to be minimum requirements and deemed neither to limit nor repeal any other powers granted under state statutes.

12-1.2 Greater Restrictions Govern

These regulations shall be the minimum requirements for administration, enforcement, procedures, restrictions, standards, uses, variances, and all other areas addressed by this Ordinance. If any federal or state law or any other existing ordinance or regulation allows lesser regulation, this Ordinance shall govern so that, in all cases, the more restrictive limitation or requirement shall govern. Whenever regulations imposed by this Ordinance are less restrictive than regulations imposed by any governmental authority through regulation, rule or restriction, the regulations imposed by that authority shall govern. Regardless of any other provision of this Ordinance, no land shall be developed or used, and no structure shall be erected or maintained in violation of any state or federal regulation.

12-1.3 Rounding of Numbers

All calculations that result in a part or fraction of a whole number shall be rounded up to the next highest whole number, except that in calculating density, all calculations that result in a part or fraction of a whole number shall be rounded down to the next lowest whole number.

12-1.4 Figures and Tables

The figures and tables provided in this Ordinance are designed to provide a visual explanation to selected Sections of the Ordinance. If any illustration appears to be in conflict with the text of the Ordinance, the text shall govern.

12-2 RULES OF CONSTRUCTION

12-2.1 Word Interpretation

Words not defined in this Ordinance shall be given their ordinary and common meaning.

12-2.2 Rules of Construction

For purposes of this Ordinance, the following rules of construction shall apply:

- A. **Tense:** Words used in the present tense include the future tense;

- B. **Singular and Plural:** Words used in the singular number include the plural number, and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise;
- C. **Mandatory Meaning:** The words 'shall', 'will', and 'must' are mandatory in nature implying an obligation or duty to comply with the particular provision;
- D. **Gender:** Words used in the male gender include the female gender;
- E. **References:** Any reference to an Article or Section shall mean an Article or Section of this Ordinance, unless otherwise specified. Whenever any provision or definition of this Ordinance refers to or cites a section of the North Carolina General Statutes (NCGS) or any other state or local law and that section is later amended or superseded, this Ordinance shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section;
- F. **Inconsistencies between 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;
- G. **Examples:** Unless otherwise specifically indicated, lists of examples that use terms such as 'for example', 'including', and 'such as' or similar language are intended to provide examples and are not exhaustive lists of all possibilities;
- H. **Computation of Time:** References to days are calendar days unless otherwise specifically stated. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the City of Mebane, the deadline or required date of action shall be the next day that is not a Saturday, Sunday, or city-observed holiday; and
- I. **Delegation of Authority:** Any act authorized by this Ordinance to be performed by a specific official of the City of Mebane may be carried out by a designee of such official.

12-3 INTERPRETATION OF DISTRICT BOUNDARIES

12-3.1 Boundary Interpretation

Where uncertainty exists as to the boundaries of any district shown on the Official Zoning Map, the following rules shall apply:

- A. **Centerline:** Where a boundary line lies within and follows a road or alley right-of-way, a railroad right-of-way, or utility easement, the boundary shall be construed to be in the center of such road or alley right-of-way, railroad right-of-way, or utility easement. If such a road or alley right-of-way, railroad right-of-way, or utility easement forming the boundary between two separate zoning districts is abandoned or removed from dedication, the district boundaries shall be construed as following the centerline of the abandoned or vacated road bed or utility easement.
- B. **Edge Line:** Where a boundary line follows the edge of a street or alley right-of-way, a railroad right-of-way, or utility easement, the boundary shall be construed to be in the edge of such street or alley right-of-way, railroad

right-of-way, or utility easement. If such a street or alley right-of-way, railroad right-of-way, or utility easement forming the boundary between two separate zoning districts is abandoned or removed from dedication, the district boundaries shall be construed as following the edge of the abandoned or vacated road bed or utility easement.

- C. **Lot Line:** Boundaries indicated as approximately following lot lines shall be construed as following such lot lines. In the event that a district boundary line divides a lot or tract, each part of the lot or tract so divided shall be used in conformity with the regulations established by this Ordinance for the district in which said part is located.
- D. **Municipal Limits:** Boundaries indicated as approximately following municipal limits or extraterritorial boundary lines shall be construed as following the municipal limits or extraterritorial boundary lines.
- E. **County Line:** Boundaries indicated as approximately following county lines shall be construed as following the county line.
- F. **Watercourses:** Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines.
- G. **Extensions:** Boundaries indicated as parallel to, or as extensions of road or alley rights-of-way, channelized waterways, railroad rights-of-way, utility easements, lot lines, municipal limits, county lines, or extraterritorial boundaries, shall be so construed.
- H. **Scaling:** Where a district boundary does not coincide with any boundary line as delineated above and no distances are described by specific ordinance, the boundary shall be determined by the use of the scale appearing on the map. In the case of Flood Zones, Flood Hazard Boundary Maps, if available, shall be used for scaling.

12-3.2 Interpretation by Board of Adjustment

Where existing natural or man-made features on the ground are at variance with those shown on the Official Zoning Map, or are not covered by Section 12-3.1, Boundary Interpretation, the Board of Adjustment shall interpret the district boundary.

12-3.3 Annexation

If any portion of the territory subject to county jurisdiction under this Ordinance shall be annexed by the City of Mebane, or taken into Mebane's planning and zoning jurisdiction by act of the General Assembly, or in accordance with NCGS 160D, Article 2, county regulations and powers or enforcement shall remain in effect until:

- A. The City of Mebane has adopted regulations for said annexed or extraterritorial area; or
- B. A period of sixty days has elapsed following the effective date of annexation or extension of extraterritorial jurisdiction.

Amended June 7, 2021

12-3.4 Parcels Divided by Zoning District Boundary Lines

- A. Whenever a single parcel two acres or less in size is located within two or more different zoning districts, the district regulations applicable to the district within which the larger portion of the parcel lies shall apply to the entire parcel.
- B. Whenever a single parcel greater than two acres in size is located within two or more different zoning districts, then:
 - 1. If each portion of the parcel located within a separate zoning district is equal or greater than the minimum lot size for that district, then each portion of the parcel shall be subject to all regulations applicable to the district in which it is located.
 - 2. If any portion of the parcel located within a separate zoning district is smaller than the minimum lot size for that district, then such smaller portion shall be regarded as if it were in the same zoning district as the nearest larger portion to which it is attached.
- C. The above provisions apply only to parcels created on or before the effective date of this Ordinance unless the Board of Adjustment, in a proceeding authorized in Section 8-3 to determine district boundaries, concludes that a parcel established after the effective date of this Ordinance was not created to bring additional lot area within a more intensive zoning district, or otherwise to take unfair or unwarranted advantage of the provisions of this subsection.

12-4 DEFINITIONS

10-YEAR, 24-HOUR STORM. A stormwater event which occurs on average once every 10 years or statistically has a 10% chance on average of occurring in a given year. The 10-year, 24 hour storm produces 5.9 inches of rain in the Mebane area.

Amended June 7, 2021

ABUTTING. Having property lines in common. Lots are also considered to be abutting if they are directly opposite each other and separated by a street or alley.

ACCESS EASEMENT. An easement which grants the right to cross property.

ACCESSORY BUILDING. A detached subordinate building, the use of which is incidental to that of the principal building and located on the same lot therewith.

ACCESSORY DWELLING UNIT. A dwelling that exists either as part of a principal dwelling or as an accessory building that is secondary and incidental to the use of the property as single family residential.

ACCESSORY DWELLING UNIT TO AN OFFICE USE. A dwelling that exists as an accessory building that is incidental to the primary use of the property as office

Commented [CS199]: Most of the new definitions reflect permitted uses that have never had a definition, providing for interpretation/application challenges. There are some new cross-references provided for uses defined and regulated by State laws, including two new ones (Temporary Debris Storage and Temporary Health Care Structure). The architectural/design definitions have been relocated here. Some new comments are provided where specific concerns may arise but, otherwise, the categories of changes mentioned here apply throughout.

space. If the dwelling is in the same structure as as the office, this shall be considered a Live Work use instead and be regulated accordingly.

ACCESSORY EQUIPMENT. Any equipment installed and owned by a third used that is used to deliver a service (other than a communications service) to a telecommunications facility, such as an electric meter.
(Amended July 9, 2018)

ACCESSORY STRUCTURE. A detached subordinate structure(s), the use of which is incidental to that of the principal structure and located on the same lot therewith.

ACCESSORY USE. See 'Use, Accessory'.

ADDRESS. The official house, building, or structure number assigned by the City for a specific lot, building or portion thereof.

ADMINISTRATIVE DECISION. Decisions made in the implementation, administration, or enforcement of development regulations that involves the determination of facts and the application of objective standards set forth in 160D of the North Carolina General Statutes or other applicable federal, state or local laws, regulations or rules or set forth in this Ordinance. These are sometimes referred to as "ministerial" decisions or "administrative determinations".

Amended June 7, 2021

ADMINISTRATIVE HEARING. A proceeding to gather facts needed to make an administrative decision.

Amended June 7, 2021

ADULT ESTABLISHMENT. Any establishment having a substantial portion of materials or entertainment characterized by an emphasis on sexual activities, anatomical genital areas, or the female breast as listed and defined in NCGS, Section 14.202.10 (or any successor thereto). An adult arcade, adult bookstore or adult video store, adult cabaret, adult massage parlor, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, lingerie studio, sexual encounter studio, or any combination of the foregoing. As used in this Ordinance, the following definitions shall apply:

Commented [CS200]: Cross reference to NCGS ensures that the definition will always be current with any changes to NC state laws

A. Adult Arcade (also know as 'peep show'). Any place to which the public is permitted or invited, wherein coin-operated or token-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to persons in booths or viewing rooms where the images so displayed depict or describe specified sexual activities and/or specified anatomical areas.

B. Adult Bookstore or Adult Video Store. A commercial establishment which as one of its principal business purposes offers for sale or rental, for any form of consideration, any one or more of the following:

1. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations that depict or

- describe specified sexual activities and/or specified anatomical areas; or
2. Instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.
- C. Adult Cabaret.** A nightclub, bar restaurant, or other commercial establishment that regularly features, exhibits, or displays as one of its principal business purposes:
1. Persons who appear nude or semi-nude; or
 2. Live performances which are characterized by the exposure of specified anatomical areas and/or by specified sexual activities; or
 3. Films, motion pictures, video cassettes, slides, or other photographic reproductions which depict or describe specified sexual activities and/or specified anatomical areas.
- D. Adult Massage Parlor.** A commercial establishment where, for any form of consideration, massage, alcohol rub, fomentation, electrical or magnetic treatment, or similar treatment or manipulation of the human body is administered, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist, massage therapist, or similar professional person licensed by the State of North Carolina. This definition does not include an athletic club, physical fitness center, school, gymnasium, reducing salon, or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.
- E. Adult Motel.** A hotel, motel, or similar commercial establishment that:
1. Offers accommodations to the public, for any form of consideration, and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions that depict or describe specified sexual activities and/or specified anatomical areas as one of its principal business purposes; or
 2. Offers a sleeping room for rent for a period of time that is less than ten hours; or
 3. Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than ten hours.
- F. Adult Motion Picture Theater.** A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown as one of its principal business purposes that depict or describe specified sexual activities and/or specified anatomical areas.
- G. Adult Theater.** A theater, concert hall, auditorium, or similar commercial establishment which regularly features, exhibits, or displays, as one of its principal business purposes, persons who appear in a state of nudity or

- semi-nude, or live performances that expose or depict specified anatomical areas and/or specified sexual activities.
- H. Escort.** A person who, for tips or any other form of consideration, agrees or offers to act as a date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
 - I. Escort Agency.** A person or business that furnishes, offers to furnish, or advertises to furnish escorts as one of its principal business purposes, for a fee, tip, or any other form of consideration.
 - J. Nude Model/Lingerie Studio.** Any place where a person who appears nude or semi-nude, or who displays specified anatomical areas, is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any other form of consideration. 'Nude model studio' shall not include a proprietary school licensed by the State of North Carolina or a college, junior college, or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or in a structure:
 - 1. That has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; and
 - 2. Where in order to participate in a class a student must enroll at least three days in advance of the class; and
 - 3. Where no more than one nude or semi-nude model is on the premises at any one time.
 - K. Nude or a State of Nudity.** The appearance of a human anus, male genitals, or female genitals; or a state of dress which fails to opaquely cover a human anus, male genitals, or female genitals.
 - L. Semi-nude.** A state of dress in which clothing covers no more than the genitals, pubic region, or areola of the female breast, as well as portions of the body covered by supporting straps or devices.
 - M. Sexual Encounter Center.** A business or commercial enterprise that, as of one of its principal business purposes, offers for any form of consideration, physical contact in the form of wrestling or tumbling between persons ~~of the opposite sex~~, or activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.
 - N. Specified Anatomical Areas.** Less than completely and opaquely covered human genitals, pubic region, buttock, or female breast below a point immediately above the top of the areola; or human male genitals in a discernibly turgid state, even if completely and opaquely covered.
 - O. Specified Sexual Activities.** Includes any of the following:

1. Human genitals in a state of sexual stimulation, arousal, or tumescence; or
2. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; or
3. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; or
4. Masturbation, actual or simulated; or
5. Masochism, erotic or sexually-oriented torture, beating or the infliction of pain; or
6. Erotic or lewd touching, fondling, or other contact with an animal by a human being; or
7. Human excretion, urination, menstruation, vaginal or anal irrigation.

ADVERTISING, OUTDOOR SERVICES. Establishments primarily engaged in the preparation of poster displays and painted and electric displays on billboards, panels, bulletins, and frames, principally outdoors. Such establishments may construct, repair, and maintain display board and may post advertisements.

AGRITOURISM. Seasonal or temporary activities or events that take place on working farms for the enjoyment and education of the public, such as corn mazes and hay rides.

AIRPORT OR AIR TRANSPORTATION FACILITY. A facility or area for the takeoff and landing of fixed or rotary wing aircraft.

ALCOVE. A recess in a wall, or partly enclosed extension connected to or forming part of a room, often curved and often used to house sculpture, a seat, or a fountain.

ALLEY. A strip of land, either publicly or privately owned, that is set aside primarily for vehicular service access to the rear or side of properties otherwise abutting on a street.

Amended June 7, 2021

AMBULANCE SERVICE. A privately-owned facility for the dispatch, storage, and maintenance of emergency medical care vehicles.

ANIMAL SHELTER. A facility that provides animal sheltering, animal veterinary care, animal control, public education, and law enforcement.

ANTENNA. As defined in NCSG Chapter 160D 931.

Amended July 9, 2018; June 7, 2021

APARTMENT. See 'Multifamily Dwelling' definition.

APPEAL. A request for a review by the Board of Adjustment of the Zoning Administrator's interpretation of any provision of this Ordinance.

APPLICANT. Any person or entity that requests any administrative action or approval as allowed under this Ordinance. Also referred to as 'petitioner'.

APPLICATOR. Person who applies fertilizer to the land or the immediate supervisor of such person.

Amended June 7, 2021

APPROVED ACCOUNTING TOOL. As used in Article 5, the accounting tool for nutrient loading approved by the North Carolina *EMC* for the relevant geography and development type under review.

Amended June 7, 2021

ARCADE. A continuous passageway parallel to and open to a street, open space, or building, usually covered by a canopy or permanent roofing.

ARCHITECTURAL FEATURE. A prominent or significant part of element of a building, structure, or site.

ARCHITECTURAL STYLE. The characteristic form and detail of buildings of a particular historic period.

ARTS AND CRAFTS SHOW. An event to display and sell the work of craftspeople engaged in woodworking, tinsmithing, silversmithing, pottery throwing, glass blowing, painting, weaving, caning, metal working, photography, sculpting, clothing making, beadwork, and other similar crafts,

ASSEMBLY. A joining together of completely fabricated parts to create a finished product.

ATHLETIC FIELD. Outdoor sites, often requiring equipment, designed for formal athletic competition in field sports (e.g. softball, soccer, football).

AUDITORIUM, COLISEUM, OR STADIUM. An open, partially enclosed, or fully enclosed facility used or intended for spectator sports, entertainment events, expositions, and other public gatherings. Typical uses include convention and exhibition halls and sports arenas.

AUTOMATIC TELLER MACHINE (ATM). An automated mechanized consumer banking device operated by a financial institution for the convenience of its customers, whether inside or outside of a financial institution, or located in a structure unrelated to the financial institution operating it.

AUTOMOBILE RENTAL OR LEASING. A business that rents automobiles, light trucks, and vans, including incidental parking and servicing of vehicles for rent or lease.

~~**AUTOMOBILE REPAIR SERVICES.** An establishment primarily engaged in one or more of the following activities: (i) general automotive repair or service, (ii) automotive engine repair, (iii) installation or repair of automotive transmissions, (iv) installation or repair of automotive glass, (v) installation or repair of automotive exhaust systems, (vi) repair of automotive tops, bodies and interiors, and (vii) automotive painting and refinishing.~~

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. Includes these kinds of services as well as all activities included in "Automobile Repair, Minor".

AUTOMOBILE REPAIR, MINOR. Minor repairs, incidental replacement of parts, and maintenance and servicing of passenger automobiles and trucks with not more than two axles, and of any repairs to motorcycles and all terrain vehicles.

AUTOMOBILE TOWING AND STORAGE. An outdoor storage facility for the temporary storage of towed vehicles. May include a business office.

AUTO WRECKING. A person or business that provides open storage, disassembling, or salvaging for more than two junked motor vehicles.

AWNING. An architectural projection that provides weather protection, identity and/or decoration and is wholly supported by the building to which it is attached. An awning is comprised of a lightweight, rigid or retractable skeleton over which an approved cover is attached.

BALANCE OF WATERSHED. The remainder of the Graham-Mebane Lake watershed outside the critical area.

BANK, SAVINGS AND LOAN, CREDIT UNION. A financial institution that is open to the public and engaged in deposit banking, and that performs closely related functions such as making loans, investments, and other fiduciary activities. A drive-through window must be approved as a separate use (see "Drive-Through Window").

BAR, NIGHT CLUB, TAVERN, BREWPUB. An establishment primarily engaged in the retail sale of alcoholic beverages for consumption on the premises. Such establishment must obtain an ABC license for on-premise alcoholic beverage consumption only. The establishment may also be engaged in (i) the retail sale of prepared food for on-premise consumption or (ii) the provision of entertainment such as live bands, other music, and dancing.

BASE FLOOD. The flood having a one percent chance of being equaled or exceeded in any given year.

Amended June 7, 2021

BASEMENT. Any area of the building having its façade floor subgrade (below ground level).

Amended June 7, 2021

BASE STATION. A structure or equipment at a fixed location that enables Federal Communications Commission licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a wireless support structure or any equipment associated with such structure. The term does include wireless facilities.

1. The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
2. The term includes, but is not limited to, radio transceivers, antennae, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and small wireless facilities).
3. The term includes any structure other than a wireless support structure that, at the time the relevant application is filed with the City under Section 4-7.9E supports or houses equipment described herein that has been reviewed and approved under the applicable zoning or siting process, or under another State of local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.
4. The term does not include any structure that, at the time the relevant application is filed with the City under this ordinance, does not support or house equipment described herein.

(Amended July 9, 2018)

BED AND BREAKFAST. A ~~private-home business within a dwelling offering bed-and-breakfast~~ accommodations to eight or fewer rooms ~~less persons~~ per night for a period of less than ~~two a~~ weeks ~~where the principal resident resides onsite and is present overnight when lodgers are present. Food and drink are served to guests but not to the general public for pay, and the price of breakfast is included in the room rate.~~

Commented [CS201]: The definition has been updated to exclude "short-term rentals" (aka Air BnBs), which are a distinctly different use and should be handled accordingly, should Mebane choose to do so.

BERM. A man-made mound of dirt with gently sloping sides and crown.

BEST MANAGEMENT PRACTICES (BMP). A structural or nonstructural management-based practice used singularly or in combination to reduce nonpoint source inputs to receiving waters in order to achieve water quality protection goals.

BILLBOARD OR OUTDOOR ADVERTISING SIGN. See sign definitions in Section 6-6.3.

BOARD OF ADJUSTMENT. A quasi-judicial body, appointed by the City Council, composed of residents of Mebane and its extraterritorial area, empowered to hear appeals from decisions of the Zoning Administrator, grant special use permits in certain cases and minor variances from the provisions of this Ordinance. In Mebane, the City Council has appointed itself as the Board of Adjustment, plus two additional individuals appointed by the boards of commissioners in Orange and Alamance counties.

BOARDING HOUSE. A dwelling or part thereof, in which lodging is provided by the owner or operator to more than three boarders.

BOAT REPAIR. A facility where boats are repaired and stored until repairs are completed. The use may include a boat repair garage and/or boat storage yard.

BONA FIDE FARM PURPOSES. Agricultural activities as set forth in N.C.G.S. 160D-903.

Amended June 7, 2021

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.

BUFFER. An area of land planted or constructed to separate uses.

BUFFER, STREAM. An area of natural or planted vegetation through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams or rivers.

Amended June 7, 2021

BUILDABLE OR ZONE LOT. One or more lots of record in one undivided ownership with sufficient total area, sufficient area exclusive of easement, flood hazards, well and septic tank fields, total dimensions, and street access to permit construction thereon of a principal building together with its required parking and buffer yards.

BUILDING. Any structure having a roof supported by walls or columns constructed or used for residence, business, industry or other public or private purposes. Each portion of a building separated from other portions by a fire wall shall be considered a separate building.

BUILDING BASE. The structural elements, design features, and materials associated with the first floor elevation of a building façade.

BUILDING CAP. The structural elements, design features, and materials associated with the top floor elevation of a building façade.

BUILDING ELEVATION. The front, side, or rear of a structure.

BUILDING HEIGHT. The vertical distance measured from the average elevation of the finished grade to the topmost section of the roof. Height of a building in stories does not include basements, except as specifically provided for in this Ordinance.

BUILDING LINE. A line perpendicular to the lot depth which establishes the horizontal distance between the structure and the front property line excluding the outermost steps, uncovered porches, gutters, and similar fixtures.

BUILDING MASS. The height, width, and depth of a structure.

Amended June 7, 2021

BUILDING SEPARATION. The minimum required horizontal distance between buildings.

BUILDING SETBACK LINE. The line parallel to the front property line in front of which no structure shall be erected.

BUILDING SUPPLY SALES. An establishment engaged in the wholesaling of building supplies or equipment, and that typically includes lumber yards and tool and equipment sales or rental establishments, but excludes establishments exclusively devoted to retail sales and activities classified under vehicle or equipment sales and services.

BUILDING WALL. The entire surface area, including windows and floors, of an exterior wall of a building.

BUILDING WALL OFFSET Projections or recesses organized in a random or repeating pattern along a building wall used to visually interrupt the mass of the façade plane.

BUILT-UPON AREA. 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. Built-upon area requirements for watershed overlay districts are delineated in Article 5, Section 4.

Amended June 7, 2021

BULK. The size and shape of buildings, structures, and non-building uses and the physical relationship of the exterior walls or construction or their location to lot lines and other buildings or structures or other walls or construction of the same building or structure.

Amended June 7, 2021

BULK MAILING AND PACKAGING. An establishment that processes and transports bulk mail and packages. This includes parking lots for overnight truck storage, and such establishments as commercial distribution services, freight forwarding services, and freight agencies.

BUSINESS SERVICE USES. Establishments that engage primarily in rendering services to businesses including, but not limited to printers, equipment rental, protective services, mailing, photo finishing, and similar uses.

BUS TERMINAL. A facility that supports the transfer of people between buses and other modes of transportation.

CALIPER. A standard trunk diameter measurement for nursery-grown trees taken six inches above the ground for up to and including four-inch caliper size, and twelve inches above the ground for larger sizes.

CAMPGROUND/RV PARK. An area where tents, trailers, and/or Recreational Vehicles (RVs) are permitted for the purpose of temporary habitation for the travelling or vacationing public or for educational or spiritual groups. This does not include camping on residential properties incidental to the primary residential use.

CANAL. See “Ditch”.

Amended June 7, 2021

CANOPY. A structure constructed of rigid materials, including but not limited to metal, wood, concrete, canvas, or glass, which attached to and supported by a building, or which is free-standing and supported by columns, poles, or braces extended to the ground.

Amended June 7, 2021

CARETAKER DWELLING. A dwelling unit that exists either as part of a principal structure or as an accessory building, is secondary and incidental to the use of the principal structure, is occupied by a person (persons) that is (are) employed by the owner of the principal structure to provide domestic, maintenance, or security services.

CARNIVALS AND FAIRS. Travelling or transportable groups or aggregations of rides, shows, concerts, games, agricultural displays, livestock competitions and judging, or concessions of any combination thereof. This use does not include racetrack operations nor publicly-supported events such as parades and street festivals.

CAR PORT. A roofed structure not more than 75 percent enclosed by walls and attached to or adjacent to the principal structure that is provided for the purpose of sheltering one or more motor vehicles.

CAR WASH/AUTO DETAILING. An area or structure equipped with automatic or self-service facilities for washing and waxing automobiles.

CEMETERY, COLUMBARIUM, OR MAUSOLEUM. Property used for the interring of the dead, including columbaria and mausoleums.

CERTIFICATE OF OCCUPANCY. A statement signed by an authorized city official, setting forth that the building, structure or use complies with the zoning ordinance and that the same may be used for the purposes stated therein.

CERTIFICATE OF ZONING COMPLIANCE. A certificate, signed by the Zoning Administrator, stating that a parcel of land or a building or structure complies with the provisions of this Ordinance, or that the parcel of land, building, or structure may lawfully be employed for specified uses.

CHARTER. As defined in N.C.G.S. §160A-1(2).

Amended June 7, 2021

CHURCH OR OTHER (“PLACE OF WORSHIP”). A site and its buildings used primarily for religious worship and related religious services by a tax-exempt religious group. Churches and other places of worship may include may include

cemeteries belonging to and operated by the ~~church~~ religious organization. Churches and other places of worship shall not include day care facilities, pre-schools, schools, or homeless shelters unless such uses are allowed in the zoning district in which the church is located.

Amended June 7, 2021

CITY. The City of Mebane, North Carolina. As further defined in N.C.G.S. §160A-1(2).

Amended June 7, 2021

CITY COUNCIL. The City Council of the City of Mebane, North Carolina.

CITY UTILITY POLE. As defined in NCSG Chapter 160D 931..
(Amended July 9, 2018)

CLUBS AND LODGES. Buildings and premises for ~~An incorporated or unincorporated~~ associations engaged in ~~for~~ civic, social, cultural, fraternal, literary, political, recreational or like activities, operated on a non-profit basis for the benefit of its members.

CLUSTER DEVELOPMENT. The grouping of buildings in order to conserve land resources and provide for innovation in the design of the project including minimizing stormwater runoff impacts. This term includes nonresidential development as well as single-family residential and multi-family developments. For the purpose of this Ordinance, planned unit developments, residential cluster developments, and traditional neighborhood developments are considered as cluster development.

COLLEGE, UNIVERSITY, OR TECHNICAL INSTITUTE. A post-secondary institution for higher learning that grants certificates or associate, bachelor, or higher degrees. This use includes community colleges and technical institutes that grant associate or bachelor degrees or may offer certificate courses in business and technical fields.

COLLOCATION/SITE SHARING. The use of a common wireless communication facility (WCF) or common site with more than one wireless license holder or by one wireless license holder for more than one type of communications technology and/or placement of a WCF on a structure owned or operated by a utility or other public entity.

COLOR, ACCENT. A material or color used on a building's trim.

COLOR, MAIN. A material or color used on a building's walls and constituting more than 50 percent of the color on such walls.

COMBINATION USE. A use consisting of a combination on one lot of two or more principal uses separately listed in the Table of Permitted Uses. (Under some circumstances, a second principal use may be regarded as accessory to the first, and thus a combination use is not established. See Section 4-1, E. In addition, when two or more separately owned or separately operated enterprises occupy the same lot, and all such enterprises fall within the same principal use classification, this shall not constitute a combination use.)

COMMERCIAL. Any nonresidential use of land engaged in commerce or commercial activity such as wholesale or retail trade or the provision of services.

COMMERCIAL FEEDER/BREEDER OPERATION. Commercial and/or industrial operations primarily engaged in the production, feeding, or fattening of cattle, hogs, chickens, or turkeys in a confined area for a period of at least 45 days on a contract or fee basis. Examples of this use include feedlots, feeding farms, cattle ranches, hog farms, chicken farms or ranches, and turkey farms or ranches. This definition does not include the keeping of domesticated animals for pets.

COMMISSION. As used in Article 5, the North Carolina Environmental Management Commission.

Amended June 7, 2021

COMMON AREA(S). All areas, including private roads, conveyed to an owners' association within a development, or owned on a proportional undivided basis in a condominium development.

COMMUNICATIONS TOWER (TOWER). Any structure that is designed and built for the purpose of supporting one or more antennas, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, personal communications service towers (PCS), microwave towers, common-carrier towers, and cellular telephone towers.

COMMUNICATIONS TOWER, PUBLIC SAFETY. Any structure that is designed and built for the purpose of supporting one or more antennas, including self-supporting lattice towers, guyed towers, or monopole towers that is used specifically for public safety purposes such as police, fire, emergency medical services, and emergency management. The term includes radio and television transmission towers, personal communications service towers (PCS), microwave towers, common-carrier towers, and cellular telephone towers.

COMMUNITY CENTER. A place, building, area, or other facility used for providing social and recreational programs.

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. The comprehensive plan, land-use plan, small area plans, neighborhood plans, transportation plan, capital improvement plan, and any other plans regarding land use and development that have been officially adopted by the City.

Amended June 7, 2021

CONCEALED (STEALTH) WIRELESS FACILITY. Any telecommunications facility, wireless support structure, or antenna that is integrated as an architectural feature of a structure or that is designed in whole or in part to camouflage or conceal the presence of the telecommunications facility, wireless

support structure, or antenna so that the purpose of the telecommunications facility, wireless support structure, or antenna is not readily apparent to the casual observer.

(Amended July 9, 2018)

CONCEALMENT ELEMENT. Any design feature, including, but not limited to, painting, shielding requirements, shrouds, and restrictions on location or height in relation to the surrounding area that are intended to make a telecommunications facility less visible to the casual observer. The design elements of a concealed (stealth) telecommunications facility are concealment elements.

(Amended July 9, 2018)

CONCERTS, STAGE SHOW. Live musical performances or shows in front of an audience.

CONDITIONAL ZONING. A legislative zoning map amendment with site-specific conditions incorporated into the zoning map amendment.

Amended June 7, 2021

CONDITIONAL ZONING DISTRICT. A zoning district that permits a particular use or uses established only in accordance with specified standards and conditions tailored to each individual development project. Conditional zoning districts are established in accordance with the requirements of Section 9-7.

CONDOMINIUM. Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners. Condominium developments are subject to the North Carolina Unit Ownership Act (NCGS Chapter 47A) or the North Carolina Condominium Act (NCGS Chapter 47C).

CONGREGATE CARE FACILITY. A facility providing shelter and services for ambulatory individuals whom by reason of the age, functional impairment, or infirmity may require meals, housekeeping, and personal care assistance. Congregate care facilities do not include nursing homes or similar institutions devoted primarily to the care of the chronically ill or the incurable.

CONSULTANT. Person who is hired to provide professional advice to another person.

Amended June 7, 2021

CONTRACTOR OFFICE WITH OUTSIDE STORAGE YARD. Offices and storage yard for a general contractor or builder engaged in the construction of buildings and/or activities such as paving, road construction, and utility construction. The storage yard is used to store and maintain construction equipment and other materials customarily used in the trade carried out by the contractor.

CONVENIENCE STORE. A retail store that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a 'supermarket'). It is

designed to attract and depends upon a large volume of 'stop and go' traffic. A convenience store operation may also include self-service gasoline sales. Illustrative examples of convenience stores are those operated by the 'Fast Fare', '7-11', and 'Pantry' chains.

CONVENTION, TRADE SHOW. Meetings of the members or representatives of groups, including meeting space, exhibition space, entertainment functions, food and beverage consumption. This term does not include "Clubs and Lodges" for regular meetings of private or nonprofit groups that are primarily used by group members.

CORNER LOT. A lot abutting two or more roads at their intersection.

CORNICE. A horizontal member, structural or nonstructural, of any building, projecting outward from the exterior walls at the roof line, including eaves and other roof overhang.

COURIER SERVICE. Establishments primarily engaged in the delivery of individually addressed letters, parcels, and packages.

COUNTRY CLUB. A 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, pickle ball, riding, basketball, outdoor recreation, club house, locker room, and pro shop. This use does not include "Shooting Range, Indoor" or "Shooting Range, Outdoor".

COURTYARD. A space, open and unobstructed to the sky, located at or above grade level on a lot bounded on three or more sides by walls or a building.

CRAFT STUDIO. A studio or workshop for artists, artisans, and craftspeople. Higher impact activities such as metal work, stone sculpture, glass work, fired ceramics, or woodworking must occur within a fully enclosed building or with adequate setbacks from the property line and/or adequate buffers to prevent potential impacts such as noise, vibrations, heat, or other impacts from extending off site.

CREMATORIUM. A facility designed for the cremation of human bodies.

CRITICAL AREA. The area adjacent to a water supply intake where risk associated with pollution is greater than for the remaining portions of the watershed. The critical area is defined as extending either (i) one-half mile from the normal pool elevation of the reservoir in which the intake is located or to the ridge line of the watershed, whichever comes first or (ii) one-half mile upstream from and draining to the intake located directly in the stream or river or the ridge line of the watershed, whichever comes first. The City of Mebane may extend the boundary of the critical area as needed. Major landmarks such as highways or property lines may be used to delineate the outer boundary of the critical area if these landmarks are immediately adjacent to the appropriate outer boundary of one-half mile.

CRITICAL ROOT ZONE. A circular region measured outward from a tree trunk representing the essential area of the roots that must be maintained in order for the tree's survival. The critical root zone is one foot of radial distance for each inch of tree diameter-at-breast-height, with a minimum of eight feet.

CUPOLA. A domelike structure on top of a roof or dome, often used as a lookout or to admit light and air.

dbA. The sound pressure level, in decibels, as measured using the impulse mode and 'A' weighting network on a precision sound level meter.

DBH (Diameter-at-breast height). The tree trunk diameter measured in inches at a height of 4.5 feet above the ground.

DATA CENTER. A facility used primarily for the storage, management, processing, and transmission of digital data, which houses computer and/or network equipment, systems, servers, appliances and other associated components related to digital data operations. Such facility may also include air handlers, power generators, water cooling and storage facilities, utility substations, and other associated utility infrastructure to support sustained operations at a data center.

DAY. Any reference to days shall mean calendar days unless otherwise specified. A duration of days shall include the first and last days on which an activity is conducted, and all days in between, unless otherwise specified by state law. See also Section 12-2.2, H.

DAY CARE CENTER, ADULT AND CHILD, 5 OR FEWER CLIENTS (ACCESSORY USE). A commercial child care facility where, at any one time, there are three ~~or more~~ to five preschool-age children or ~~nine or more~~ school-age children receiving child care as defined in NCGS 110-86. Day care center also includes a facility providing adult day care on a regular basis to three to five adults for more than two hours per day.

DAY CARE CENTER, ADULT AND CHILD, 6-12 CLIENTS (PRINCIPAL USE). A commercial child care facility where, at any one time, there are six to twelve preschool-age children or school-age children receiving day care as defined in NCGS 110-86. Day care center also includes a facility providing adult day care on a regular basis to six to twelve adults for more than two hours per day.

DAY CARE CENTER, ADULT AND CHILD, 13 OR MORE CLIENTS (PRINCIPAL USE). A commercial child care facility where, at any one time, there are thirteen or more preschool-age children or school-age children receiving day care as defined in NCGS 110-86. Day care center also includes a facility providing adult day care on a regular basis to thirteen or more adults for more than two hours per day.

DECISION MAKING BOARD. A governing board, planning board, board of adjustment, historic district board, or other board assigned to make quasi-judicial decisions under this Ordinance.

Amended June 7, 2021

DECLARATION OF UNIT OWNERSHIP. A duly recorded instrument by which property is submitted to the provisions of NCGS 47A or NCGS 47C for the purpose of creating a condominium.

DEDICATION. A gift, by the owner, of the right to use or possess land for a specified purpose or purposes. This transfer of property rights requires a written document stating dedication and is completed with an acceptance.

DEPARTMENT. As used in Article 5, the North Carolina Department of Environment and Natural Resources.

Amended June 7, 2021

DESIGN COMPATIBILITY. A condition occurring between two of the same or two different use types where the buildings harmonize together through the use of common scale, setbacks, heights, materials, design treatments, roof forms, orientation, or other features.

DESIGN MANUAL. As used in Article 5, the stormwater design manual approved for use in this part of the Falls Watershed by the NC Department of Environmental Quality for the proper implementation of the requirements of the Falls Watershed stormwater program. All references herein to the Design Manual are to the latest published edition or revision.

Amended June 7, 2021

DETENTION POND. A pond which collects stormwater runoff, filters the water and releases it slowly over a period of hours or days. It does not have a permanent pool and is sometimes referred to as a dry pond or wet weather pond.

DEVELOPER. A person, including a governmental agency or redevelopment authority, who undertakes any development and who is the landowner of the property to be developed or who has been authorized by the landowners to undertake development on that property.

Amended June 7, 2021

DEVELOPMENT. Any land disturbing activity which adds to or changes the amount of impervious or partially pervious cover on a land area or which otherwise decreases the infiltration of precipitation into the soil, other than rebuilding activity that does not qualify as redevelopment.

Amended June 7, 2021

DEVELOPMENT. Unless the context clearly indicates otherwise, the term means: (a) the construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure; (b) excavation, grading, filling, clearing, or alteration of land; (c) the subdivision of land as defined in the N.C.G.S. 160D-8-2; or (d) the initiation or substantial change in the use of land or the intensity of use of land. This definition does not alter the scope of regulatory authority granted by the provisions of Chapter 160D of the North Carolina General Statutes or of this Ordinance.

Amended June 7, 2021

DEVELOPMENT (IN WATERSHEDS). Any land disturbing activity which adds to or changes the amount of impervious or partially impervious cover on a land area or which otherwise decreases the infiltration or precipitation into the soil.

DEVELOPMENT ACTIVITY. Any activity defined as Development which will necessitate a Floodplain Development Permit. This includes buildings, structures, and non-structural items, including (but not limited to) fill, bulkheads, piers, pools, docks, landings, ramps, and erosion control/stabilization measures.

Amended June 7, 2021

DEVELOPMENT APPROVAL. An administrative or quasi-judicial approval made pursuant to this Ordinance that is written and that is required prior to commencing development or undertaking a specific activity, project or development proposal. Development approvals include, but are not limited to, zoning permits, site plan approvals, special use permits, variances and certificates of appropriateness. The term also includes all other regulatory approvals required by regulations adopted pursuant to this Ordinance, including plat approvals, permits issued, development agreements entered into and building permits issued.

Amended June 7, 2021

DEVELOPMENT, DENSITY OF. The density of development shall be determined using a gross acreage system. The total area of the tract, including areas to be used for new roads, rights-of-way, drives, parking, structures, recreation areas, dedicated areas, and required setbacks, shall be used for density calculations.

DEVELOPMENT DIRECTOR. The Director of the Planning and Zoning Department of the City of Mebane, North Carolina.

Amended June 7, 2021

DEVELOPMENT REGULATION. This unified development ordinance, zoning regulation, subdivision regulation, erosion and sedimentation control regulation, floodplain or flood damage prevention regulation, mountain ridge protection regulation, stormwater control regulation, wireless telecommunication facility regulation, historic preservation or landmark regulations, housing code, State Building Code enforcement, or any other regulation adopted pursuant to Chapter 160D of the North Carolina General Statutes, or a local act or charter or ordinance that regulates land use or development.

Amended June 7, 2021

DIRECTOR. As used in Article 5, the director of the Division of Water Quality or the North Carolina Department of Environment and Natural Resources.

Amended June 7, 2021

DISCHARGE POINT. That point at which runoff leaves a tract of land.

DISPOSAL. As defined in N.C.G.S. 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

Amended June 7, 2021

DISPOSAL FACILITY. A facility or part of a facility at which hazardous waste or toxic substance is intentionally placed into or on any land or water, and at which hazardous waste or toxic substance will remain after closure.

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.

Amended June 7, 2021

DIVISION. As used in Article 5, the Division of Water Quality in the Department of Environmental Quality.

Amended June 7, 2021

DOMESTIC WASTEWATER DISCHARGE. The discharge of sewage, non-process industrial wastewater, other domestic wastewater or any combination of these items. Unless specifically excepted by the NCDWM, domestic wastewater includes liquid waste generated by domestic water-using fixtures and appliances, from any residence, place of business, or place of public assembly even if it contains no sewage. Examples of domestic wastewater include once-through, non-contact cooling water; seafood packing facility discharges; and wastewater from restaurants.

DOMICILIARY HOME. A facility, by whatever name it is called, which provides residential care for aged or disabled persons whose principal need is a home which provides the supervision and personal care appropriate to their age or disability. The three types of domiciliary homes are: (i) homes for the aged and disabled, (ii) family care homes and (ii) group homes for developmentally disabled adults.

DORMITORY, PRIVATE. A multiple unit residential accommodation which is established directly or indirectly in association with a college, business college, trade school or university for the purpose of housing students registered and attending such as institution. A private dormitory may contain food preparation and eating facilities primarily for the use of its occupants.

DRAINAGE EASEMENT. An easement which grants the right of water drainage to pass in open channels or enclosed structures.

DRAINAGEWAY. Any natural or man-made channel that carries surface runoff from precipitation.

DRAINAGEWAY AND OPEN SPACE AREA, DEDICATED. The area designated for floodplain and open space purposes on a recorded subdivision plat and thereby dedicated to the public for such purposes.

DRIPLINE. A vertical line extending the outermost portion of a tree's canopy to the ground.

DRIVE-THROUGH 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 feature onsite ordering stations, such as remote menu boards. Use types that commonly have drive-through service include banks, restaurants, specialty eating or drinking establishments, and drug stores.

DRIVEWAY. A vehicular accessway or series of accessways providing ingress and egress to a use or development from a public street, private street, or vehicular use area associated with another use.

DUPLEX. (See 'Two-Family Dwelling').

DWELLING. Any building, structure, manufactured home or mobile home, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith, except that for purposes of Article 12 of Chapter 160D of the North Carolina General Statutes it does not include any manufacture home, mobile home, or recreational vehicle, if used solely for a seasonal vacation purpose.

Amended June 7, 2021

DWELLING UNIT. One or more rooms designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided therein. Units in dormitories, hotels, motels, shelters for the homeless, or other structures designed for transient residents are not dwelling units.

DWELLING UNIT, ATTACHED. Any dwelling unit that shares one or more common walls with other similar units. Examples of attached dwellings includes duplexes, triplexes, quadruplexes, and townhouses.

DWELLING UNIT, DETACHED. Any dwelling unit that is freestanding and shares no common walls with any other dwelling unit.

DWELLING, MULTIFAMILY. A building or portion thereof used or designed as a residence for three or more families living independently of each other with separate housekeeping and cooking facilities for each, and includes apartments, townhouses and condominiums.

DWELLING, PATIO HOME. A one-family detached or semi-detached dwelling unit, on an individual lot with a zero or reduced building setback along one side lot line. Each patio home dwelling unit is built on a small lot owned in fee simple by the owner of the dwelling unit. The individual patio home lots are typically within a development containing open space that is owned in common by the patio home owners.

DWELLING, SINGLE-FAMILY. A separate building designed for and occupied exclusively by one family. For purposes of this Ordinance, a single-family dwelling includes a site built structure, a modular structure to N.C. Building Code requirements, or a manufactured home built to HUD requirements located on individual lots or within manufactured home parks are considered to be single family dwellings.

DWELLING, TOWNHOUSE. A single-family dwelling on its own lot owned in fee simple by the owner of the dwelling, with a private entrance that is part of structure where the dwelling units are all joined side-by-side and separated by party walls, with no unit being located above or below another unit, and having totally exposed front and rear walls for access, light, and ventilation. Townhouse dwellings are generally within a development containing drives, walks, and open space all of which are owned in common.

DWELLING, TWO-FAMILY DWELLING. A building on one lot arranged and designed to be occupied by two families living independently of each other. Also referred to as a 'duplex'.

EASEMENT. A grant of one or more of the property rights, by the property owner, to, or for use by, the public, a corporation, or other entity.

EAVE. The projecting lower edges of a roof overhanging the wall of a building.

ELIGIBLE FACILITIES REQUEST. Any request for modification of an existing wireless support structure or base station that does not substantially change the physical dimensions of such telecommunications tower or base station, as defined in either 47 C.F.R. 1.40001(b) or NCGS Chapter 160D, Part 3, or successive regulations, statutes, or rules.

Amended July 9, 2018; June 7, 2021

EMERGENCY SHELTER, TEMPORARY. A facility providing, without charge, temporary sleeping accommodations, with or without meals, for individuals and/or families displaced from their residences as a result of sudden natural or man-made catastrophe including, but not limited to, earthquake, fire, flood, tornado, hurricane, or the release of hazardous or toxic substance(s) into the environment. Such a natural or man-made catastrophe must be designated by the responsible local, state, or federal official, or an emergency agency such as the American Red Cross or the Emergency Management Assistance Agency.

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.

Amended June 7, 2021

ENTERTAINMENT FACILITY, INDOOR. A facility open to the general public within a completely enclosed building or buildings. Indoor entertainment facilities may include, but are not limited to, theatrical productions, music venues, arcades, coin-operated amusements (not including adult arcades and video gaming arcades), pool halls, bingo parlors, fortune tellers/astrologers,

bowling centers, miniature golf courses (indoor course), movie theaters, or similar indoor uses. This use does not include facilities that are part of public parks or recreation facilities or public cultural facilities.

ENTERTAINMENT FACILITY, OUTDOOR

A facility open to the general public, but not solely within a completely enclosed building or buildings. Outdoor entertainment facilities may include, but are not limited to, amusement parks, water parks, outdoor theaters, go-cart raceways, miniature golf courses (outdoor course), arcades, movie theaters, or similar outdoor uses. This use does not include facilities that are part of public parks or recreation facilities or public cultural facilities.

EPHEMERAL (STORMWATER) STREAM. A feature that carries only stormwater in direct response to precipitation with water flowing only during and shortly after large precipitation events. An ephemeral stream may or may not have a well-defined channel, the aquatic bed is always above the water table, and stormwater runoff is the primary source of water. An ephemeral stream typically lacks the biological, hydrological, and physical characteristics commonly associated with the continuous or intermittent conveyance of water.

Amended June 7, 2021

EQUIPMENT RENTAL AND LEASING (NO OUTSIDE STORAGE). The temporary rental or leasing of tools, materials, lawn and garden equipment, party supplies and equipment, or construction equipment, including storage and incidental maintenance, with all materials and operations housed within fully enclosed building(s). This use does not include automobile rental or leasing, or equipment repair.

EQUIPMENT RENTAL AND LEASING (WITH OUTSIDE STORAGE). The temporary rental or leasing of tools, materials, lawn and garden equipment, party supplies and equipment, or construction equipment, including storage and incidental maintenance, with all materials and operations housed within building(s) and/or in a storage yard. This use does not include “automobile rental or leasing”, “personal services”, or “equipment and large appliance repair”.

EQUIPMENT AND LARGE APPLIANCE REPAIR. An establishment that repairs lawn and garden equipment, farm equipment, construction equipment, and/or large appliances such as refrigerators, with all materials and operations housed within fully enclosed building(s).

EVERGREEN. Those plants that retain foliage throughout the year.

EVIDENTIARY HEARING. A hearing to gather competent, material and substantial evidence in order to make findings for a quasi-judicial decision required by a development regulation under this Ordinance.

Amended June 7, 2021

EXISTING BUILDING AND EXISTING STRUCTURE. Any building and/or structure for which the “start of construction” commenced before the initial effective date of the floodplain management regulations adopted by the community.

Amended June 7, 2021

EXISTING DEVELOPMENT. Development not otherwise exempted by this ordinance that meets one 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

Amended June 7, 2021

EXISTING LOT (LOT OF RECORD). See Lot of Record.

EXISTING DEVELOPMENT (IN WATERSHEDS). Those projects that are built or those projects that at a minimum have established a vested right under North Carolina zoning law as of the effective date of this Ordinance based on at least one of the following criteria:

- A. Substantial expenditures of resources (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the project, or
- B. Having an outstanding valid building permit as authorized by law, or
- C. Having an approved site specific or phased development plan as authorized by law.

Amended June 7, 2021

EXTRATERRITORIAL JURISDICTION (ETJ) OR PLANNING AND ZONING AREA. That portion of a municipal planning jurisdiction that lies outside of the corporate limits of the municipality within which municipal land use regulations apply.

FACADE. The exterior side of a building which faces, and is most nearly parallel to, a public or private street. The façade shall include the entire building wall, including wall face, parapets, fascia, windows, doors, canopy, and visible roof structures of one complete elevation.

FACE BRICK. Nonstructural brick or similar masonry material that is applied as a veneer to a wall or foundation as a decorative element.

FAMILY. One or more persons occupying a dwelling unit and living as a single household.

FAMILY CARE HOME. A domiciliary home that provides room and board, support and supervisory personnel and personal care and habilitation services for 2 to 6 resident handicapped persons in a family environment. "Handicapped person" means a person with a temporary or permanent physical, emotional, or 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. For zoning purposes a family care home shall be deemed a residential use of property and shall be permissible in all residential districts. No political subdivision of the state may require that a family care home obtain, because of the use, a conditional use permit or special use permit from any zoning ordinance; provided, however, that a political subdivision may prohibit a family care home from being located within a one-half mile radius of an existing family care home. (G.S.131D-2 and G.S. 168-21)

Amended June 7, 2021

FARM PRODUCT RAW MATERIALS. Establishments engaged in buying and/or marketing wholesale farm products, for example such as vegetable fibers, animal hair, animal hides, livestock, nuts, or tobacco.

FARM PRODUCT WAREHOUSING AND STORAGE. Establishments engaged in the warehousing and storage of farm products. This includes, for example, cotton warehousing, grain elevators, potato cellars, and tobacco warehousing.

FARM SUPPLIES AND EQUIPMENT. A business selling products, materials, and/or equipment used in 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.

FENCE OR WALL. A physical barrier or enclosure consisting of wood, stone, brick, block, wire, metal or similar material, used as a boundary or means of protection or confinement, but not including a hedge or other vegetation.

FINANCIAL GUARANTEE. Any form of security, including a cash deposit, collateral, property, or instrument of credit, in an amount and form approved by the City of Mebane for use in place of actual construction of required improvements. Also referred to as 'surety'.

FINISHED FLOOR ELEVATION. The height of the lowest floor serving habitable space within a structure or building.

FIRE STATION/EMERGENCY MEDICAL SERVICES. A building used to house equipment and personnel for firefighting and emergency medical services.

FIREWORKS STAND. A temporary outdoor stand for selling fireworks and other articles prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration, or detonation.

FLEA MARKET. Sales area (indoors or outdoors) in which space is set aside or rented, and is intended for use to sell a variety of articles such as those which are either homemade, hand-crafted, new, used, old or obsolete.

FLOOD HAZARD AREA. See Section 5-7.2 for flood hazard-related definitions.

FLOOR. The top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood

frame construction. The term does not include the floor of a garage used solely for parking vehicles.

FLOOR AREA, GROSS. The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for motor vehicles or any space where the floor-to-ceiling height is less than six feet.

FLOOR AREA RATIO. The numerical value obtained by dividing the gross floor area of the building(s) by the net lot area on which the building(s) is/are located.

FOOD STORES. A retail trade use category that includes grocery stores; meat and fish markets; fruit and vegetable markets; candy, nut, and confectionery stores; dairy products stores; retail bakeries; and miscellaneous food stores. See "retail store".

FOOT-CANDLE. A unit of measurement referring to illumination incident to a single point at finished grade. One foot-candle is equal to one lumen uniformly distributed over an area of one square foot.

FORESTRY OPERATIONS. Establishments primarily engaged in the operation of timber tracts, tree farms, forest nurseries, and related activities. Not included in this definition are logging establishments, sawmills, and planing mills.

FRONT FAÇADE. See Primary Façade.

FRONTAGE, PRIMARY. The side(s) of a lot abutting a legally accessible public or private street right-of-way. Each property has one primary frontage, determined using the following analysis:

- A) location along a "primary street";
- B) the street on which it is addressed; or
- C) the street with the greatest length, measured in linear feet.

FRONTAGE, SECONDARY. The side(s) of a lot that abut(s) a legally accessible public or private street right of way that are not the primary frontage. This frontage shall be subject to the side setback and landscaping requirements listed for the applicable use in the applicable zoning district.

FUEL OIL SALES. The sale and delivery of fuel oil for heating and other uses. Includes on-site storage of fuel oil, trucks, and associated equipment.

FUNCTIONALLY DEPENDENT FACILITY. A facility which cannot be used for its intended purpose unless it is located in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

Amended June 7, 2021

FUNERAL HOME. An establishment engaged in preparing the dead for burial and/or conducting funerals.

FURNITURE DISPLAY AND SHOWROOMS. The sale of furniture, including

Commented [CS202]: This definition will establish that each lot in Mebane has a single primary frontage to which the appropriate setbacks and landscaping requirements apply. All other perimeters shall be sides or the rear. I adopted, no "dual frontage" lots will exist in Mebane.h

storage space and display areas.

FURNITURE UPHOLSTERY AND REPAIR. An establishment engaged in the reupholstery and repair of furniture.

GARAGE. An outbuilding or accessory structure used for the parking or storage of vehicles.

GARAGE, REAR-LOADED. An outbuilding or accessory structure that faces the rear of the lot for the purpose of parking vehicles.

GARAGE, SIDE-LOADED. An outbuilding or accessory structure that faces the side of the lot for the purpose of parking vehicles.

GARAGE, STREET-FACING. An outbuilding or accessory structure that faces the street from which the structure derives its street address for the purpose of parking vehicles.

GARDEN CENTER OR RETAIL NURSERY. 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.

GLARE. The reflection or harsh, bright light and the physical effect resulting from high luminances or insufficiently shielded light sources to cause annoyance, discomfort, or loss in visual performance and visibility.

GLAZING. The portion of an exterior building surface occupied by glass or windows.

GOLF COURSE. A tract of land laid out for playing the game of golf and improved with features such as tees, greens, fairways, and hazards. Accessory uses of a golf course may include a clubhouse (with or without bar and/or eating facilities), shelters, a driving range, putting green, maintenance facilities, an irrigation system, and outdoor storage of materials and equipment.

GOVERNMENT OFFICE. A building containing offices of a governmental agency that provides administrative and/or direct services to the public, such as, but not limited to, local or state government agency administration, public assistance, postal services, employment services, or motor vehicle licensing and registration services.

GRADE. A reference plane representing the average of finished ground level adjacent to any structure.

GRADING. Any operation or occurrence by which the existing site elevations are changed, or where any ground cover, natural or man-made, is removed, or any buildings or other structures are removed, or any water course or body of water, either natural or man-made, is relocated on any site, thereby creating an unprotected area. The term 'grading' is interchangeable with 'land-disturbing activity'.

GENERAL USE ZONING DISTRICT. A zoning district that permits all of the general uses allowed in that district as well as special uses allowed in that district, provided that all of the specified conditions are met.

GREENWAY. Public open space owned and maintained by a local government which has been designated for bicycle and pedestrian use on an officially adopted plan.

Amended June 7, 2021

GROUND COVER. A prostrate plant growing less than 2 feet in height at maturity that is grown for ornamental purposes. Ground covers are used as an alternative to grasses. On slopes, ground covers control erosion while eliminating the maintenance of mowing on hillsides. Many ground covers survive in poor soils, shade and other adverse conditions.

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

GROUP DEVELOPMENT. A development in which, in lieu of division of a tract of land into separate lots of record for separate principal buildings, a tract of land is divided into two or more principal building sites for the purpose of building development (whether immediate or future), and occupancy by separate families, firms, businesses, or other enterprises. Examples include multifamily developments, shopping centers, and office and business parks. The requirements for special use permits for group developments vary by the specific type of group development.

GYM. See "Health Club".

HABITABLE FLOOR. Any floor useable for living purposes which includes working, sleeping, eating, cooking or recreation or a combination thereof. A floor used only for storage purposes is not a habitable floor.

HALFWAY HOUSE. A home for not more than nine persons who have demonstrated a tendency toward alcoholism, drug abuse, mental illness [as defined by Statute, or antisocial or criminal conduct, together with not more than two persons providing supervision and other services to such persons, all of whom live together as a single housekeeping unit.

Amended June 7, 2021

HANDICAPPED PERSON. A person with a temporary or permanent physical, emotional, or mental disability including but not limited to mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances and orthopedic impairments but not including mentally ill persons who are dangerous to others as defined in NCGS 122C-3 (11) b.

HARDWARE. An establishment primarily engaged in the wholesale sale of various hardware lines such as tools, builders' hardware, heating, ventilation, air conditioning, plumbing and electrical supplies, paint and glass, outdoor yard equipment (e.g. lawnmowers) and maintenance, and household appliances

primarily contractors, builders, and other professionals working in the building trades. Does not include retail sales of such supplies as would occur in a home improvement superstore.

HARDWARE STORE. A retail establishment which may sell various household goods, paints, building and hardware products, household animal supplies, nursery and yard goods, durable goods (e.g., lawnmowers, appliances, etc.), or other materials identified as a wholesale hardware materials.

HAZARDOUS MATERIAL. Any substance listed as such in or as included through amendment: Superfund Amendments and Reauthorization Act (SARA) section 302, Extremely Hazardous Substances, Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) Hazardous Substances, or Section 311 of the Clean Water Act (CWA) (oil and hazardous substances),.

Amended June 7, 2021

HAZARDOUS OR TOXIC SUBSTANCE. Any solid waste as defined in NCGS 130A-290(a)(35), or any substance regulated under the Federal Toxic Substance Control Act of 1976, (PL 94-476), as amended from time to time, which because of its quantity, concentration, or physical chemical or infectious characteristic(s) may:

- (i) cause or significantly contribute to an increase in serious irreversible or incapacitating illness, or;
- (ii) pose a substantial present or potential threat to the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

HAZARDOUS WASTE FACILITY. As defined in NCGS 130A, Article 9, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

Amended June 7, 2021

HAZARDOUS WASTE GENERATOR. Any person whose act or process produces hazardous waste or toxic substance identified or listed in Part 261 of the North Carolina Hazardous Waste Management Rules or whose act first causes a hazardous waste or toxic substance to become subject to regulation provided that, 'generator' does not include a facility which accepts hazardous waste or toxic substances for the purpose of treatment, storage, or disposal, and in that process creates a different hazardous waste or toxic substance.

HAZARDOUS WASTE LONG-TERM STORAGE FACILITY. Any facility or any portion of a facility constructed for storage of the residuals of the treatment of hazardous waste, on or in land.

HAZARDOUS WASTE MANAGEMENT. The systematic control of the collection, source separation, storage, transportation, processing, treatment, recovery and disposal of hazardous wastes.

HEALTH CARE STRUCTURE, TEMPORARY. A transportable residential structure providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person that (i) is primarily assembled at a

location other than its site of installation, (ii) is limited to one occupant who shall be the mentally or physically impaired person, (iii) has no more than 300 gross square feet, and (iv) complies with applicable provisions of the State Building Code and G.S. 143-139.1(b). Placing the temporary family health care structure on a permanent foundation shall not be required or permitted.

Commented [CS203]: Required by 160D-910.

HEALTH CLUB OR GYM. An establishment that provides exercise facilities such as weight lifting, aerobics, running, stationary bicycling, court sports, and swimming, as well as locker rooms, showers, massage rooms, saunas, and related accessory uses.

HIGH-DENSITY PROJECT. Any project in a water supply watershed that exceeds the low density threshold for dwelling units per acre or built-upon area.

Amended June 7, 2021

HISTORIC STRUCTURE. Any structure that is: (i) listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register; (ii) certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (iii) individually listed on a local inventory of historic places with a 'Certified Local Government (CLG) Program'; and (iv) Certified as contributing to the historical significance of a historic district designated by a community with a CLG program, as approved by the US Department of the Interior in cooperation with the North Carolina Department of Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966 as amended in 1980.

Amended June 7, 2021

HOME OCCUPATION. Any use conducted entirely within a dwelling and carried on by the occupants thereof, which use is incidental and secondary to the use of the dwelling for residential purposes and does not change the character thereof nor adversely impact the surrounding neighborhood. See Section 4-7.4, E for specific regulations concerning home occupations.

HOMELESS SHELTER. A facility operating year-round which provides lodging and supportive services including, but not limited to, a community kitchen; assistance in obtaining permanent housing; medical counseling, treatment, and/or supervision; psychological counseling, treatment, and/or supervision; assistance in recuperating from the effects of or refraining from the use of drugs and/or alcohol; nutritional counseling; employment counseling; job training and placement; and child care for indigent individuals and/or families with no regular home or residential address; and which complies with the following requirements: (i) the facility shall be contained within the building and operated by a government agency or nonprofit organization; (ii) a minimum floor space of fifty square feet shall be provided for each individual sheltered; and (iii) the facility operator(s) shall provide continuous on-site supervision by an employee(s) and/or volunteer(s) during the hours of operation.

HOMEOWNERS (OR PROPERTY OWNERS) ASSOCIATION. A private, nonprofit corporation of homeowners or property owners formally constituted for

the purpose of owning, operating, and maintaining common properties. Also known as a Declaration of Unit Ownership in a condominium development.

HORSE SHOW, RODEO. A temporary equestrian activity that is not conducted in conjunction with a riding academy, or an exhibition or contest in which cowboys show their skill at riding broncos, roping calves, wrestling steers, racing wagons, and other similar activities.

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, and staff offices. 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 OR MOTEL. An establishment providing guest rooms for lodging, typically on less than a weekly basis, with no or minimal kitchen facilities in the guest rooms. A hotel or motel may include accessory uses such a restaurant, recreational facilities, and fitness centers.

IMPERVIOUS SURFACE COVERAGE. That portion of a lot covered by buildings, structures, paving or other impervious surface materials (see also definition of Built-upon Area).

INCOMPATIBLE USE. A use or service which is unsuitable for direct association and/or contiguity with certain other uses because it is contradictory, incongruous, or discordant.

INDUSTRIAL DEVELOPMENT (IN WATERSHEDS). Any non-residential development that requires an NPDES permit for an industrial discharge and/or requires the use or storage of any material for the purpose of manufacturing, assembling, finishing, cleaning or developing any product or commodity.

INDUSTRIAL DISCHARGE. The discharge of industrial process treated wastewater or wastewater other than sewage and includes:

- A. Wastewater resulting from any process of industry or manufacture, or from the development of any natural resource;
- B. Wastewater resulting from processes of trade or business, including wastewater from laundromats and car washes, but not wastewater from restaurants;
- C. Stormwater will not be considered to be an industrial wastewater unless it is contaminated with industrial wastewater; and
- D. Wastewater discharged from a municipal wastewater treatment plant requiring a pretreatment program.

Amended June 7, 2021

INDUSTRIAL PARK. A special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries providing them with all necessary facilities and services in attractive surroundings among

compatible neighbors. Industrial parks may be promoted or sponsored by private developers, community organizations, or government organizations.

INDUSTRY, 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 industry is distinguished from light industry by its potential for off-site impacts, not necessarily being entirely within an enclosed building, not being limited in the extent of outdoor storage it involves, and/or producing products that are combustible or explosive. Examples include but are not limited to the manufacture of asphalt, batteries, chemicals, concrete, dairy products, paints and allied products, glass, rubber and plastics, and tobacco products.

INDUSTRY, LIGHT. The manufacturing, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products, provided all manufacturing activities are contained entirely within a building and noise, odor, smoke, heat, glare, and vibration resulting from the manufacturing activity are confined entirely within the building. Examples of light industry include, but are not limited to production or repair of small machines or small electronic parts and equipment, apparel and finished fabrics, bakery products, beverage products, cabinet and woodworking shops, computers and office equipment, drugs and pharmaceuticals, food preparation, ice making, jewelry and silverware (no plating), machine shops, manufactured housing and wood buildings, printing and publishing, roofing shops, sign making, electronic or optical instruments, sporting goods and toys, welding shops, artificial limbs, dentures, hearing aids, and surgical instruments, and similar processes. This use includes light industrial assembly.

INFILL DEVELOPMENT. New development or redevelopment of buildings and structures on vacant or underused lots within areas containing existing structures.

INTERIOR DECORATING. A commercial establishment that provides professional home interior decorating services including floor covering, drapery, upholstery, and furnishings.

INTERMITTENT STREAM. A well-defined channel that contains water for only part of the year, typically during winter and spring when the aquatic bed is below the water table. The flow may be heavily supplemented by stormwater runoff. An intermittent stream often lacks the biological and hydrological characteristics commonly associated with the conveyance of water.

Amended June 7, 2021

JUNKED MOTOR VEHICLE. A motor vehicle that does not display a current license plate and is one or more of the following: (i) is partially dismantled or wrecked; or (ii) cannot be self-propelled or moved in the manner in which it originally was intended to move; or (iii) more than five years old and appears to be worth less than one hundred dollars (\$100.00); provided that any motor vehicle used on a regular basis for business or personal use shall not be caused to be removed or disposed.

Commented [CS204]: Provides land uses to designate heretofore undescribed uses and zone/regulate them appropriately.

JUNKYARD/SALVAGE OR RECYCLING FACILITY. The use of more than 600 square feet for the collection, storage, ~~keeping, or accumulation~~ and sale of material, including scrap metals, glass, plastics, waste paper, rags, tires, or other scrap materials, or used building materials, for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof, and for the sorting and processing of such materials in preparation for reuse or the shipment to others for use in manufacturing new products.

KENNEL, INDOOR. A commercial operation that: (i) provides food and shelter and care of animals for purposes not primarily related to medical care (a kennel may or may not be run by or associated with a veterinarian), or (ii) engages in the breeding of animals for sale. All operations occur within fully enclosed buildings.

KENNEL, WITH OUTSIDE RUNS. A commercial operation that: (i) provides food and shelter and care of animals for purposes not primarily related to medical care (a kennel may or may not be run by or associated with a veterinarian), or (ii) engages in the breeding of animals for sale. Animals spend some time outdoors in fenced runs.

LABORATORY, MEDICAL/DENTAL. A facility for laboratory analysis for use in medical and dental applications, including analysis of blood, tissue, teeth, or other human medical or dental products.

LABORATORY, RESEARCH. A facility for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory. Such facilities must meet all applicable state and federal regulations.

LAKE or NATURAL WATERCOURSE. Any stream, river, brook, swamp, sound, bay, creek, run, branch, canal, waterway, estuary, and any reservoir, lake or pond, natural or impounded, in which sediment may be moved or carried in suspension, and which could be damaged by accumulation of sediment.

LAND CLEARING DEBRIS. Solid waste that is generated solely from land clearing activities such as stumps, trees, limbs, brush, grass and other naturally occurring vegetative material.

LAND-DISTURBING ACTIVITY. Any use of the land by any person or persons in residential, industrial, educational, institutional, or commercial development, highway or road construction or maintenance, that results in a change in natural cover or topography that may cause or contribute to sedimentation.

LANDFILL. A facility for the disposal of solid waste on land in a sanitary manner in accordance with Chapter 130A Article 9 of the NC General Statutes. For the purpose of this Ordinance, this term does not include composting facilities.

LANDFILL, DEMOLITION AND CONSTRUCTION DEBRIS . A disposal site for stumps, limbs, leaves, concrete, brick, wood and uncontaminated earth generated solely from the construction, remodeling, repair, or demolition of pavement, buildings, and structures. Disposal of any other types of wastes must be approved by the State Division of Health Services.

LANDFILL, DISCHARGING. A facility with liners, monitoring equipment and other measures to detect and/or prevent leachate from entering the environment and in which the leachate is treated on site and discharged to a receiving stream.

LANDFILL, LAND CLEARING AND INERT DEBRIS (LCID). A lot, parcel, area, or facility for the land disposal of land clearing waste **such as stumps, trees, limbs, brush, grass, and other naturally occurring vegetation**, concrete, brick, concrete block, uncontaminated soil, gravel and rock, untreated and unpainted wood and yard trash by burying and covering with soil. This definition does not include the placing of any land clearing or inert debris on a lot, plot, or parcel that was generated on, or came from the property on which it was placed, by the owner of the property.

LANDFILL, ~~SANITARY~~MUNICIPAL SOLID WASTE. A site for solid waste disposal from residential, industrial, ~~or~~ commercial, **or institutional** activities **that would normally be collected, processed, and disposed of through a public or private solid waste management service.**

LANDOWNER OR OWNER. The holder of the title in fee simple. Absent evidence to the contrary, the City may rely on the county tax records to determine who is a landowner. The landowner may authorize a person holding a valid option, lease, or contract to purchase to act as his or her agent or representative for the purpose of making applications for development approvals.

Amended June 7, 2021

LANDSCAPE AND HORTICULTURE SERVICES. A business principally engaged in the decorative and functional alteration, planting, and maintenance of grounds. Such a business may engage in the installation and construction of underground improvements but only to the extent that such improvements (e.g., drainage facilities) are accessory to the principal business and are necessary to support or sustain the landscaped surface of the ground.

LANDSCAPING. The process or product of site development including grading, installation of plant materials, and seeding of turf or ground cover. Landscaping includes any live plant material such as trees, shrubs, ground cover, and grass used in spaces void of any impervious material or building structure and areas left in their natural state.

LARGER COMMON PLAN OF DEVELOPMENT OR SALE. Any area where multiple separate and distinct construction or land disturbing activities will occur under one plan. A plan is any announcement or piece of documentation (including but not limited to a sign, public notice or hearing, sales pitch, advertisement, loan application, drawing, permit application, zoning request, or computer design) or physical demarcation (including but not limited to boundary signs, lot stakes, or surveyor markings) indicating that construction activities may occur on a specific plot.

Amended June 7, 2021

LAUNDRY OR DRY CLEANING PLANT. A facility used for cleaning fabrics, textiles, wearing apparel, or articles of any sort by immersion and/or agitation in volatile solvents or other cleaning agents.

LEGISLATIVE ACTION. The adoption, amendment, or repeal of a regulation under Chapter 160D of the North Carolina General Statutes, this Ordinance or an applicable local act. It also includes the decision to approve, amend, or rescind a development agreement consistent with the provisions of Article 10 of Chapter 160D of the North Carolina General Statutes and this Ordinance.

Amended June 7, 2021

LEGISLATIVE HEARING. A hearing to solicit public comment on a proposed legislative decision.

Amended June 7, 2021

LIBRARY. A building containing printed information, electronic information, pictorial material, musical recordings, and equipment such as computers for the public use, and not normally for sale.

LINER BUILDINGS. A series of smaller buildings located along the primary façade of a larger structure or as stand-alone perimeter structures positioned to break up the structure's mass.

LIVE/WORK UNIT. A type of structure which includes living space and space for nonresidential activities. Typically, live/work units are part of mixed use townhouse developments and planned unit developments.

LOCAL ACT. As defined in North Carolina General Statutes 160A-1(5).

Amended June 7, 2021

LOCAL GOVERNMENT. The City of Mebane.

Amended June 7, 2021

LOT. A portion of a subdivision or any other parcel of land intended as a unit for transfer of ownership, or for development or both. The word 'lot' includes 'plot', 'parcel', or 'tract'.

LOT, CORNER. A lot abutting two or more streets at their intersection, featuring a primary frontage and secondary frontage.

LOT, DOUBLE FRONTAGE. See definition of 'Through Lot.'

LOT, FLAG. A lot, created by a subdivision, with less street frontage than is required for the district by this ordinance and composed of a narrow 'flagpole' strip extending from the street and a much wider 'flag' section lying immediately behind a lot or lots having the required street frontage for a conventional lot. In the case of a flag lot, the lot line at the end of the flag pole lying generally parallel to the street to which the flagpole connects shall be considered to be the front lot line for setback purposes.

Amended June 7, 2021

LOT, INTERIOR. A lot other than a corner lot with frontage on only one street.

LOT, REVERSE FRONTAGE. A through lot which is not accessible from one of the parallel or non-intersecting streets upon which it fronts.

Amended June 7, 2021

LOT, TOWNHOUSE. A parcel of land intended as a unit for transfer of ownership, and lying underneath, or underneath and around, a townhouse dwelling unit.

LOT, THROUGH. A lot abutting two streets that do not intersect at the corner of the lot. ~~One frontage shall be established as a primary frontage and the other shall serve as a side frontage.~~

LOT, TRADITIONAL NEIGHBORHOOD DEVELOPMENT. Lots within a mixed use, pedestrian-oriented development designed in accordance with the standards delineated in Section 4-7.3, P.

LOT, ZONE. One or more lots of record in one undivided ownership with sufficient total area, exclusive of easements, flood hazards, well and septic tank fields; sufficient total dimensions; and access to permit construction thereon of a principal building together with its required parking and buffer yards.

LOT AREA. The total area circumscribed by boundaries of a lot except that when the legal instrument creating a lot shows the boundary of the lot extending into a public road or private right-of-way, then the lot boundary for purposes of computing the lot area shall be the road right-of-way line, or if the right-of-way line cannot be determined, a line running parallel to and 30 feet from the center of the traveled portion of the road.

LOT COVERAGE. The portion of a lot covered by building(s) and/or structure(s).

LOT DEPTH. The distance measured along the perpendicular bisector of the smallest possible rectangle enclosing the lot.

LOT OF RECORD. A lot, plot, parcel or tract recorded in the Office of the Register of Deeds in conformance with the ordinance(s) in effect at the time of recordation.

LOT LINE, FRONT. The boundary line of a lot running along a road right-of-way. If a lot has two or more property lines which are also road right-of-way lines abutting different roads, ~~the front lot line shall be determined by the established primary frontage. then the road side to which the property address has been assigned shall constitute the front lot line. If no property address has been assigned, the front lot line shall be determined by the property owner if the front property line has not been designated on a final plat (minimum building lines are construed to designate the front lot line).~~

LOT WIDTH. The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.\

LOW-DENSITY PROJECT. A project in a water supply watershed that has no more than two dwelling units per acre or twenty-four percent built-upon area (BUA) for all residential and non-residential development. A project with an overall density at or below the relevant low-density threshold, but containing

areas with a density greater than the overall project density, may be considered low density as long as the project meets or exceeds the post-construction model practices for low-density projects and locates the higher density in upland areas and away from surface waters and drainageways to the maximum extent practicable.

Amended June 7, 2021

LUMEN. A unit of luminous flux. One foot-candle is one lumen per square foot and is roughly equivalent to the light emitted by a 60 watt light bulb. Lumen output values shall be the initial lumen output ratings of a lamp.

MAKERSPACE. A workshop or other place in which people with shared interests can gather to work on projects while sharing ideas, equipment, and knowledge.

MANUFACTURED HOME. A structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems therein. 'Manufactured home' includes any structure that meets all of the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the US Secretary of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974 [See NCGS 143-145(7)].

For manufactured homes built before June 15, 1976, "manufactured home" means a portable manufactured house unit designed for transportation on its own chassis and placement on a temporary or permanent foundation having a length of over 32 feet in length and over 8 feet in width. "Manufactured home" also means a double-wide manufactured home, which is two or more portable manufactured units designed for transportation on their own chassis that connect on site for placement on a temporary or semi-permanent foundation having a length of over 32 feet in length and over 8 feet in width.

Amended June 7, 2021

MANUFACTURED HOME PARK. A group development site with required improvements and utilities for the long-term location of two or more manufactured dwellings for rental purposes, which development may include services and facilities for the residents.

MANUFACTURED HOME SALES. A business primarily engaged in the display and sale of manufactured housing. This use may include sales offices for manufactured homes and display of inventory on site.

MANUFACTURED HOME SPACE. A designated area of land within a manufactured dwelling park designed for the accommodation of a single manufactured dwelling in accordance with the requirements of this Ordinance.

MANUFACTURED HOME SUBDIVISION. A subdivision containing two or more building lots that are specifically designed to be sold for residential occupancy by manufactured home owners.

MARQUEE. Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

MICROBREWERY. A facility that produces less than 15,000 barrels of beer per year.

MICRODISTILLERY. A facility that produces less than 50,000 gallons of alcoholic spirits per year.

MINING, QUARRYING, SAND PITS, CLAY, AND MINERAL EXTRACTION. The breaking of the surface soil in order to facilitate or accomplish the extraction or removal of minerals, ores, or other solid matter; any activity or process constituting all or part of a process for the extraction or removal of mineral, ores, soils, and other solid matter from its original location; and/or the preparation, washing, cleaning, or other treatment of minerals, ores, or other solid matter so as to make them suitable for commercial, industrial, or construction use.

~~**MISCELLANEOUS SHOPPING GOODS STORES.** A retail trade use category that includes sporting goods stores and bicycle shops; stationery stores; jewelry stores; hobby, toy, and game shops; camera and photographic supply stores; gift, novelty, and souvenir shops; luggage and leather goods stores; and sewing, needlework, and piece goods stores.~~

MIXED-USE BUILDING. A structure containing a residential use and a commercial, institutional, or industrial use.

MIXED-USE DEVELOPMENT. A tract of land or structure developed for both residential and nonresidential uses. Such uses may be vertically integrated within a multi-story building or horizontally integrated within a single story building or on a lot or development site.

MODULAR HOME. A dwelling unit constructed in accordance with the standards set forth in the NC State Building Code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Among other possibilities, a modular home may consist of two or more sections transported to the site in a manner similar to a manufactured home (except that the modular home meets the NC State Building Code), or a series of panels or room sections transported on a truck and erected or joined together on the site. For purposes of this Ordinance, a modular home is treated as a site-built dwelling.

MONOPOLE. A single, self-supporting, freestanding pole-type structure built for the sole purpose of supporting one or more antennae, which is not a Utility Pole. (Amended July 9, 2018)

MOTORCYCLE REPAIR. Repair of motor vehicles designed to travel on not more than three wheels in contact with the ground.

MOTOR VEHICLE SALES, NEW AND USED. Storage and display for sale, rental, or lease of more than two cars, trucks, vans, and other similar motor vehicles, whether new or used.

MOVING AND STORAGE SERVICE. An establishment engaged in trucking and storage of household goods.

MULTIFAMILY DWELLING. See 'Dwelling, Multifamily'.

MULTI-TENANT BUILDING. A building that is used for two or more occupancies, provided each occupancy is separated by construction having fire-resistive ratings in compliance with the NC Building Code.

MUSEUM OR ART GALLERY. An establishment for preserving and exhibiting artistic, historical, scientific, natural, and/or human-made objects of interest. Such activity may include the sale of the objects collected and memorabilia, the sale of craft work and artwork, boutiques, and the holding of meetings and social events.

NATIONAL GUARD/MILITARY RESERVE CENTER. A facility for the recruitment and training of military personnel, and storage of military equipment. Does not include facilities for the live fire or detonation of weapons or explosives, unless permitted separately.

NEW CONSTRUCTION. Structures for which the 'start of construction' commenced on or after the effective date of this Ordinance, including any subsequent improvements to such structures.

NONCONFORMING. A lot, structure, sign, or use of land, which is now prohibited under the terms of this Ordinance, but was lawful at the date of this Ordinance's enactment, or any amendment or revision thereto.

NONCONFORMING LOT(S). A lot of record that does not conform to the dimensional requirements of the zoning district in which it is located. The nonconformity may result from adoption of this Ordinance or any subsequent amendment.

NONCONFORMING PROJECT. Any structure, development, or undertaking that is incomplete at the effective date of this Ordinance and would be inconsistent with any regulation applicable to the district in which it is located if completed as proposed or planned.

NONCONFORMING STRUCTURE(S) OR USE(S). A structure or use that does not conform to the requirements of this Ordinance. The nonconformity may result from adoption of this Ordinance or any subsequent amendment.

Amended June 7, 2021

NON-PROCESS DISCHARGE. Industrial effluent not directly resulting from the manufacturing process. An example would be non-contact cooling water from a compressor.

NONRESIDENTIAL DEVELOPMENT. All development other than residential development, agriculture, and silviculture.

NURSING AND CONVALESCENT HOME, REST HOME. An establishment which provides full-time convalescent or chronic care, or both, to persons who are not related by blood or marriage to the operator, or who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.

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, hospital, and/or medical/dental laboratory.

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.

OFFICE USE. An establishment primarily engaged in providing professional, financial, administrative, clerical, and similar services. This definition is not meant to include manufacturing, processing, repair, or storage of materials or products.

Amended June 7, 2021

OFFICIAL MAPS OR PLANS. Any maps, plans, charts, or text officially adopted by the Mebane City Council as a guide for the development of the city and surrounding area. The Land Use Plan and Thoroughfare Plan are two examples of an official map or plan.

OFF-SITE. Any area not contained within the boundaries of the site being developed, whether or not the developer owns such land.

OPACITY. The surface area of a fence, wall or buffer that is impenetrable to light when viewed perpendicularly to the plane of the fence, wall or buffer.

Amended June 7, 2021

OPAQUE SCREEN. A device or materials, unable to be seen through, that is used to conceal one element of a development from other elements or from adjacent or contiguous development or rights-of-way.

OPEN SPACE. An area of land and/or water which is generally unimproved and is reserved for recreation, resource protection, amenity, or buffer purposes. Public open space is open space owned by a governmental jurisdiction.

Amended June 7, 2021

OUTDOOR DISPLAY AND SALES. The placement of products or materials for sale outside the entrance of a retail or wholesale sales establishment.

OUTDOOR RELIGIOUS EVENT. An activity of a religious organization that is conducted outdoors as a free-standing use and is not an accessory use to a principal use such as a church or other place of worship. An example of an outdoor religious event would be a tent revival.

OUTDOOR SALES, SEASONAL. A temporary outdoor business enterprise that is conducted primarily outdoors and offers for retail sale items that only produced

at a particular time of year or related to a cultural event—including the sale of Christmas trees, pumpkins, fireworks, but not including “Farmers Markets”.

OUTDOOR STORAGE. The keeping, in an unroofed area of any goods, junk, material, merchandise, or vehicles in the same place for more than 24 hours. This shall not include the display of vehicles or equipment for sale in a sales lot, or a junkyard or recycling facility.

OUTPARCEL. Individual retail sites in a retail center that, when combined, are less than the square footage of the attached retail spaces which form the majority of the square footage of the center.

Amended June 7, 2021

OVERLAY ZONING DISTRICT. A zoning district which overlaps one or more general and/or conditional zoning districts. Overlay zoning districts impose additional regulations on property located within general and/or conditional use districts. Overlay zoning districts are established in Section 3-1, C.

OWNER. A holder of any legal or equitable estate in the premises, whether alone or jointly with others, and whether in possession or not.

OWNER. The legal or beneficial owner of land, including but not limited to a mortgagee or vendee in possession, receiver, executor, trustee, or long-term or commercial lessee, or any other person or entity holding proprietary rights in the property or having legal power of management and control of the property. “Owner” shall include long-term commercial tenants; management entities, such as those charged with or engaged in the management of properties for profit; and every person or entity having joint ownership of the property. A secured lender not in possession of the property does not constitute an owner, unless the secured lender is included within the meaning of “owner” under another description in this definition, such as a management entity.

Amended June 7, 2021

PARALLEL ACCESS DRIVE. A minor local street which parallels a main street, and is intended to be used primarily for vehicular service access to the rear or side of properties otherwise abutting on a public street.

PARAPET WALL. That portion of a building wall that extends above the roofline and is often used to shield mechanical equipment and vents.

PARKING LOT. An area of land where vehicles are kept on a daily, overnight, or temporary basis; not to include the storage of wrecked or abandoned vehicles, vehicle parts, or the repair of vehicles.

Amended June 7, 2021

PARKING LOT PLANTINGS. Planting areas within and adjacent to parking areas designed to shade and improve the attractiveness of large areas of pavement.

PARKING SPACE. A specific site within a parking area designed to accommodate a single motor vehicle.

PARKING, SHARED. Off-street parking facilities shared by two or more uses that are in proximity to one another and the parking area, and that have different operational characteristics such that utilization of the parking facilities by one use will not generally overlap with the utilization of the parking area by the other use(s).

PEDESTRIAN WAY. A right-of-way or easement dedicated to public use to facilitate pedestrian access to adjacent streets and properties.

PERENNIAL WATERS. Waters as identified on recent USGS topographic maps which are free flowing during a year of normal rainfall with the aquatic bed located below the water table for most of the year. Groundwater is the primary source of water for a perennial stream, but it also carries stormwater runoff. A perennial stream exhibits the typical biological, hydrological, and physical characteristics commonly associated with the continuous conveyance of water.

Amended June 7, 2021

PERMIT-ISSUING AUTHORITY/BOARD. The person or board authorized by this Ordinance to issue a permit in accordance with the requirements of this Ordinance. The term applies to the Zoning Administrator when issuing a zoning or sign permit, to the City Council when issuing a special use permit, and to the Board of Adjustment when issuing a special use permit or special exception.

PERSON. Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, or public or private institution, utility, cooperative, the State of North Carolina and its agencies and political subdivisions, interstate body or other legal entity.

Amended June 7, 2021

PERSONAL SERVICES. Establishments that primarily engage in providing services generally involving the care of the person or person's possessions. Personal services may include, but are not limited to, laundry and dry-cleaning services, barber shops, beauty salons, health and fitness studios, music schools, informational and instructional services, tanning salons, and portrait studios.

PERVIOUS SURFACE. A surface that absorbs water or allows the passage of water through it to the ground below.

PETITIONER. Any person or entity that requests any administrative action or approval as allowed under this Ordinance. Also referred to as the 'applicant'.

PETROLEUM AND PETROLEUM PRODUCTS, BULK STORAGE. The storage of petroleum and petroleum products in a bulk form in storage tanks to support stockpiling and distribution rather than processing.

PIER. Posts, columns, or similar devices designed to elevate a building or structure above the grade level.

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 building primarily used by a non-profit organization for organized religious services and supporting uses.

Amended June 7, 2021

PLANNED UNIT DEVELOPMENT (PUD). An area of land under unified ownership or control to be developed and improved as a single entity under a Unified Development Plan in accordance with and subject to the requirements of this Ordinance.

PLAN, CONSTRUCTION. The map and accompanying text, prepared and submitted under the prescribed conditions set forth in this Ordinance, which details required improvements such as streets, utilities, fire hydrants, and street lighting.

PLAN, DRAINAGE. The portion of a construction plan that illustrates the proposed system designed to provide adequate surface and subsurface drainage for a proposed development.

PLAN, EROSION AND SEDIMENTATION CONTROL. A plan that outlines the procedure designed to control accelerated erosion and sedimentation resulting from certain land disturbing activities.

PLAN, PHASED DEVELOPMENT. A plan which has been submitted to the city by a landowner for phased development which shows the type and intensity of use for a specific parcel or parcels with a lesser degree of certainty than the plan(s) determined by the city to be a site specific development plan.

PLAN, PLOT. The map and accompanying text required for the review of a single-family or two-family dwelling. The information required to be included on a plot plan is delineated in Appendix A.

PLAN, SITE. The map and accompanying text required for the review of the proposed installation of improvements for all uses, other than a single-family or two-family dwelling, as well as for the review of a change of use. The information required to be included on a site plan are delineated in Appendix A.

PLANNING AND DEVELOPMENT JURISDICTION. All of the provisions of this Ordinance are applicable to all areas within the City limits of Mebane and to the extra-territorial areas adopted by the City.

Amended June 7, 2021

PLANNING BOARD. The Planning Board of the City of Mebane, North Carolina.

PLANNING DIRECTOR. The Director of the Planning and Zoning Department of the City of Mebane, North Carolina.

PLANTING AREA. The landscape area prepared for the purpose of accommodating the planting of trees, shrubs, and ground covers.

PLAT. A surveyed map or plan of a parcel of land which is to be, or has been subdivided.

PLAT, FINAL. The final map of all or a portion of a subdivision or site, showing the boundaries and location of lots, streets, easements and any other requirements of Section 7-4.4 and Appendix A, which is presented for City

approval and subsequent recordation in the applicable County Register of Deeds Office.

PLAT, MINOR. The final map of all of a minor subdivision, showing the boundaries and location of lots, streets, easements and any other requirements of Section 7-4.4 and Appendix A, which is presented for City approval and subsequent recordation in the applicable County Register of Deeds Office.

(Amended September 11, 2017)

PLAT, PRELIMINARY. A map indicating the proposed layout of the subdivision or site showing lots, roads, water, sewer, storm drainage, and any other requirements of Section 7-4.3 and Appendix A, which is presented for preliminary approval.

PLAZA. An open space that may be improved and landscaped; usually surrounded by streets and buildings.

POLICE STATION. A facility for police or other public safety personnel operated by a governmental agency, including a public reception area, administrative offices, training rooms, equipment storage, records and evidence storage, temporary detention facilities, and the parking of patrol vehicles. This use does not include correctional institutions.

PORCH. A projection from an outside wall of a dwelling that is covered by a roof and/or sidewalls (other than the sides of the building to which the porch is attached) for the purpose of providing shade or shelter from the elements.

PORTABLE STORAGE CONTAINER. (See 'Temporary Portable Storage Container').

PORTICO. A porch or walkway with a roof supported by columns, often leading to the entrance of a building.

POST OFFICE. A facility that contains service windows for mailing packages and letters, post office boxes, offices, vehicle storage areas, and sorting and distribution facilities for mail.

PRECONSTRUCTION LOT CLEARING. The removal of plant material including trees, shrubs, ground cover, stumps, roots and the like.

PRIMARY ENTRANCE. The place of ingress and egress to a building, parcel, or development used most frequently by the public or facing the street from which the structure obtains its street address.

PRIMARY FAÇADE. The side of the building containing the primary entrance, or the side of a building facing the street from which the building derives its street address.

PRIMARY FAÇADE MATERIALS. The predominant or most extensive exterior building materials used to clad a building façade.

PRINCIPAL BUILDING. A building in which is conducted the principal use of the zone lot on which it is located or, in a group development, of the building site

on which it is located. Any dwelling is considered a principal building unless it is an accessory dwelling in compliance with Section 4-7.4, A-C.

PRINCIPAL DWELLING. Any principal building or structure which is used and designed for human habitation including living, sleeping, cooking and eating activities excluding dormitories, hotels, motels, shelters for the homeless or other structures designed for transient residents.

PRINCIPAL STRUCTURE. A structure(s) in which is conducted the principal use(s) of the lot on which it is located.

PRIVATE DRIVE. A vehicular travel way not dedicated or offered for dedication as a public street, providing access to parking lot(s) for two or more principal buildings in a group housing or group nonresidential development.

PRIVATE SEWER. A system which provides for collection and/or treatment of wastewater from a development, or property, and which is not maintained with public funds.

PRIVATE WATER SYSTEM. A system which provides for the supply and/or distribution of potable water for use by a development, project, or owner, and which is not operated or maintained by a government organization or utility district.

PROPERTY. All real property subject to land use-use regulation by the City and includes any improvements or structures customarily regarded as a part of real property.

Amended June 7, 2021

PUBLIC BUILDING OR USE. Any facility, including but not limited to buildings, property, and streets, that are leased or otherwise operated or funded by a governmental body or public entity.

PUBLIC FACILITIES. A use conducted by, or a facility owned by a governmental agency that provides a governmental function, activity, service, or public benefit.

PUBLIC HEARING. A legally required, advertised meeting at which an appointed or elected board accepts public comment about matters relating to this Ordinance.

PUBLIC SAFETY AND/OR NUISANCE. Anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, river, bay, stream, canal, or basin.

Amended June 7, 2021

PUBLIC SAFETY COMMUNICATIONS TOWER. A telecommunications tower utilized by the federal government, state government, local government, or a non-governmental entity engaged in public safety activities. Public safety activities include, but are not limited to, homeland security, law enforcement, emergency management, fire protection, and emergency medical services.

PUBLIC SEWER SYSTEM. A system which provides for the collection and treatment of sanitary sewage from more than one property, and is owned and operated by a government organization or sanitary district.

PUBLIC UTILITY. A person, whether organized under the laws of this State or under the laws of any other state or country, now or hereafter owning or operating in this State equipment or facilities for:

1. Producing, generating, transmitting, delivering or furnishing electricity, piped gas, steam or any other like agency for the production of light, heat or power to or for the public for compensation; provided, however, that the term "public utility" shall not include persons who construct or operate an electric generating facility, the primary purpose of which facility is for such person's own use and not for the primary purpose of producing electricity, heat, or steam for sale to or for the public for compensation;
2. Diverting, developing, pumping, impounding, distributing or furnishing water to or for the public for compensation, or operating a public sewerage system for compensation; provided, however, that the term "public utility" shall not include any person or company whose sole operation consists of selling water to less than 15 residential customers, except that any person or company which constructs a water system in a subdivision with plans for 15 or more lots and which holds itself out by contracts or other means at the time of said construction to serve an area containing more than 15 residential building lots shall be a public utility at the time of such planning or holding out to serve such 15 or more building lots, without regard to the number of actual customers connected;
3. Transporting or conveying gas, crude oil or other fluid substance by pipeline for the public for compensation;

Conveying or transmitting messages or communications by telephone or telegraph, or any other means of transmission, where such service is offered to the public for compensation.

(Amended September 11, 2017)

PUBLIC WATER SYSTEM. A system which provides distribution of potable water for more than one property and is owned and operated by a government organization or utility district.

PUBLIC WORKS AND UTILITIES DIRECTOR. The Director of the Public Works and Utilities of the City of Mebane, North Carolina.

QUALIFYING CITY UTILITY POLE. A modified or replacement city utility pole that does not exceed 50 feet in height above ground level and that is associated with a new small wireless facility that does not extend more than 10 feet above such city utility pole.

(Amended July 9, 2018)

QUALIFYING SMALL WIRELESS FACILITY. A small wireless facility that does not extend more than 10 feet in height above the utility pole, city utility pole, or wireless support structure on which it is co-located and is located either a) in the municipal right-of-way or b) outside the municipal right-of-way on property other than single-family residential property.
(Amended July 9, 2018)

QUALIFYING UTILITY POLE. A new utility pole or a modified or replacement utility pole that does not exceed 50 feet in height above ground level and that is associated with a new small wireless facility that does not exceed more than 10 feet above such utility pole.
(Amended July 9, 2018)

QUASI-JUDICIAL DECISION. A decision involving the finding of facts regarding a specific application of development regulation and that requires the exercise of discretion when applying the standards of the regulation. Quasi-judicial decisions include, but are not limited to, decisions involving variances, special use permits, certificates of appropriateness and appeals of administrative determinations. Decisions on the approval of subdivision plats and site plans are quasi-judicial in nature if the regulations authorize a decision-making board to approve or deny the application based not only upon whether the application complies with the specific requirements set forth in the regulation, but also on whether the application complies with one or more generally stated standards requiring a discretionary decision on the findings to be made by the decision-making board.

Amended June 7, 2021

RACE TRACK OPERATION. A measured course where animals or machines are entered in competition against one another or against time. A racetrack may include seating, concession and souvenir areas, suites, accessory offices, and parking facilities, but does not include residences or retail facilities. This definition shall also include any facility used for driving automobiles under simulated racing or driving conditions such as test tracks, "shakedown" tracks, or other similar facilities.

RAILROAD STATION. A boarding station or platform for passengers, and related ticket sales windows, offices, and luggage transfer facilities.

RAILYARDS. An area for storing and switching freight and passenger trains and other rolling stock. Necessary functions of railyards include but are not limited to the classifying, switching, storing, assembling, distributing, consolidating, moving, repairing, weighing, or transferring of cars, trains, engines, locomotives, and rolling stock.

RECESSED ENTRANCE. A point of access into or out of a structure located behind the primary front façade plane.

RECREATIONAL VEHICLE. A vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty

- vehicle;
4. Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use; and
 5. Is fully licensed and ready for highway use.

For the purpose of this section, "Tiny Homes/Houses" and Park Models that do not meet the items listed above are not considered Recreational Vehicles and should meet the standards of and be permitted as Residential Structures.

Amended June 7, 2021

RECREATIONAL VEHICLE PARK. Any site or tract of land, of contiguous ownership, upon which fifteen or more recreational vehicles or tent spaces are provided for occupancy according to the requirements set forth in this Ordinance.

RECREATIONAL VEHICLE RENTAL, SALES, AND SERVICE. An establishment engaged in the rental or sale of recreational vehicles such as motor homes, travel trailers, and campers, as defined in this section. May include vehicle service.

RECREATIONAL VEHICLE SPACE. A plot of land within a recreational vehicle park designed for the accommodation of one recreational vehicle in accordance with the requirements set forth in this Ordinance.

RECYCLING COLLECTION STATION OR POINT. An incidental use that serves as a neighborhood drop-off point for temporary storage of recoverable resources and does not include on-site materials processing.

RECYCLING MATERIALS CENTER/PROCESSING FACILITY. An establishment primarily engaged in (i) operating facilities for separating and sorting recyclable materials from nonhazardous garbage and/ or (ii) operating facilities where commingled recyclable materials such as paper, plastics, used beverage cans, and metals are sorted into distinct categories.

REDEVELOPMENT. Any development on previously-developed land other than a rebuilding activity that results in no net increase in built-upon area and provides equal or greater stormwater control than the previous development.

Amended June 7, 2021

REMEDY A VIOLATION. To bring the structure or other development into compliance with State and community floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the section or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

Amended June 7, 2021

RESEARCH, DEVELOPMENT, AND TESTING SERVICES. Research, development, and testing laboratories that do not involve the mass manufacture, fabrication, processing, or sale of products. All activities must

occur within fully enclosed buildings and comply with all applicable state and federal regulations.

RESERVATION. An obligation shown on a plat or site plan to keep property free from development and available for public acquisition for a stated period of time. It is not a dedication nor a conveyance.

RESTAURANT. An establishment engaged in the retail sale of prepared food and drinks for consumption on the premises or for carryout. An establishment that sells alcoholic beverages and food is classified as a “bar, night club, tavern, or brewpub” if it derives most of its gross revenue from the sale of alcoholic beverages and entertainment, such as musical acts and dancing.

RESTAURANT, DRIVE-THROUGH OR TAKE-OUT WINDOW. An establishment where the principal business is the sale of food and beverages in a ready-to-consume state and where the design or principal method of operation is that of a fast-food restaurant offering quick food service, where food and beverage orders may be served directly to the customer in a motor vehicle at a drive-through window, or to drive-in and walk-up customers at a take-out window.

RESIDENTIAL CHARACTER. A building form, neighborhood, or area that is intended primarily for habitation, and includes human-scaled detailing, pedestrian orientation, and attributes intended to encourage human activity and interaction.

RESIDENTIAL DEVELOPMENT. Buildings for residence such as attached and detached single family dwellings, apartment complexes, condominiums, townhouses, cottages, and their associated outbuildings such as garages, storage buildings, gazebos, etc.

RESIDUALS. Any solid or semi-solid waste generated from a wastewater treatment plant, water treatment plant or air pollution control facility permitted under the authority of the Environmental Management Commission.

RETAIL AND COMMERCIAL USES. Establishments primarily engaged in the sale of goods and materials to the general public.

RETAIL STORE. A business whose principal purpose is the sale of goods, products, or materials directly to the consumer. This use includes, but is not limited to, ABC stores, antique stores, appliance stores, arts and craft stores, auto supply sales, bakeries, bicycle and motorcycle sales, book stores, clothing stores, department stores, drugstores, electronics, florists, food stores, furniture stores, grocers, hardware stores, home furnishings, jewelry stores, novelty stores, office supplies, paint stores, pawnshops, pet stores, sporting goods, and toys. This use does **not** include automobile service stations, bars, boat sales, building supply sales, convenience stores, farm supplies and equipment, fuel oil sales, garden center or retail nursery, manufactured home sales, motor vehicle sales, personal service establishments, service establishments, recreational vehicle sales, restaurants, shopping centers, superstores, tire sales, truck stops, or adult establishments.

RETAINING WALL. A structure, either masonry, metal, or treated wood, designed to prevent the lateral displacement of soil, rock, fill or other similar material.

RETREAT/CONFERENCE CENTER. A use primarily intended for transient guests where the primary attractions are generally conference and meeting facilities and recreational activities and features. A retreat/conference center may include a mixture of such uses as (i) conference centers; (ii) assembly halls; (iii) indoor and outdoor recreational facilities, including but not limited to golf courses, swim and tennis clubs, and physical fitness centers; (iv) hotel and motels; (v) restaurants; and (vi) incidental support retail businesses.

REZONING. See 'Zoning Map Amendment or Rezoning'

Amended June 7, 2021

RIDING ~~ACADEMY~~ FACILITY. A ~~commercial~~ facility or school that is open to the general public and offers such activities as riding lessons, horse training, and boarding of horses. For purposes of this Ordinance, riding academy does not include the keeping of horses for personal use.

RIGHT OF WAY. A strip of land acquired by reservation, dedication, prescription or condemnation and intended to be occupied by a street, trail, rail corridor, or public utility.

Amended June 7, 2021

RIVERINE. Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Amended June 7, 2021

ROOF FORMS. The type, arrangement of ridges or parapet walls, or materials used on a roof.

ROOF LINE. The top edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.

RUNOFF. That portion of the precipitation resulting from the 1-year, 24-hour storm that is discharged from the drainage area.

Amended June 7, 2021

SALVAGE YARD, AUTO PARTS. Any establishment listed in the Standard Industrial Classification Manual under Industry Number 5015. Also, any land or area used, in whole or part, for the storage, keeping, accumulation, dismantling, demolition, or abandonment of inoperable vehicles or parts therefrom.

SALVAGE YARD, SCRAP PROCESSING. Any establishment listed in the Standard Industrial Classification Manual under Industry Number 5093. Also, any land or area used, in whole or part, for the storage, keeping, accumulation of scrap or waste materials, including scrap metals, waste paper, rags, building materials, machinery, or other scrap materials.

SATELLITE DISH ANTENNA. A parabolic or dish-shaped antenna that is designed for the purpose of receiving electronic signals. Satellite dish antenna that are less than two meters in diameter and located within commercial or

industrial zoning districts and less than one meter in diameter and located within residential or residential-office districts are not included in this definition.

SCHOOL ADMINISTRATION OFFICES. Facilities including offices and training rooms for school system administrative personnel.

SCHOOL FOR THE ARTS. A school where classes in the various arts (e.g. dance, painting, sculpting, singing, acting, music instruction) are taught to groups of students.

SCHOOL, PUBLIC OR PRIVATE. A public or private institution offering a curriculum of education authorized by the State of North Carolina giving regular instruction at the primary, secondary level, or a school for the mentally or physically handicapped. Included in this definition are preschool programs integrated into the curriculum of a public or private school or that does not require daycare licensing by the State. However, this definition does not include day care facilities, preschools operating independent of a public or private school, individual instruction, or classes in a specialized subject.

Amended June 7, 2021

SCHOOL, VOCATIONAL, BUSINESS, OR TECHNICAL SECRETARIAL. A school established to provide for the teaching of industrial, clerical, managerial, artistic, and trade skills. This definition applies to schools that do not offer a complete educational curriculum (e.g. barbering, data processing), as well as schools in which machinery is employed as a means of instruction (e.g. computer repair, carpentry).

SCREENING. A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, gates, parapets, penthouse enclosures, features of a building, or densely planted vegetation.

~~**SEASONAL SALES.** The temporary sale of goods or products associated with the season or a cultural event, such as the sale of Christmas trees, pumpkins, or seasonal produce. Such sales typically take place in locations not devoted to such sales for the remainder of the year.~~

SEATING CAPACITY. The actual seating capacity of an area based upon the number of seats, or one seat per eighteen inches of bench or pew length. For other areas where seats are not fixed, the seating capacity shall be determined as indicated by the NC Building Code.

SECONDARY ENTRANCE. An entrance to a building that is subordinate to the primary entrance and is typically located on a building side that does not face the primary street (the street from which the building obtains its street address).

SEDIMENT. Solid particulate matter, both mineral and organic, that has been or is being transported by water, air, gravity, or ice from its site of origin.

SEDIMENTATION. The process by which sediment resulting from accelerated erosion has been or is being transported off the site of the land-disturbing activity or into a lake or natural watercourse.

SEDIMENTATION CONTROL PERMIT. A permit granted by the state for a person or entity to conduct a land disturbing activity pursuant to the Sedimentation Pollution Control Act of 1973, as amended.

SERVICE STATION, GASOLINE SALES. An establishment primarily engaged in selling gasoline and lubricating oils and which may sell other merchandise or perform minor repair work.

SETBACK. The minimum required horizontal distance between a structure or activity and the property line, street right-of-way line, or street centerline.

SETBACK, INTERIOR. A setback from any property line not alongside a street.

SETBACK, REAR. A setback from an interior property line lying on opposite side of the lot from the front street setback. For a through lot, there are front and side setbacks but no rear setback.

SETBACK, SIDE. Any interior property line setback other than a rear setback.

SETBACK, STREET OR FRONT. Any setback from a **primary frontage** street, road or lane, **as established by the primary lot line**. In cases where no right-of-way exists, setbacks are determined in accordance with the requirements of Section 4-3, .

SETBACK, ZERO SIDE. An alternate form of dimensional requirements that allows a dwelling unit to have one side setback of zero distance from a side property line. This definition does not include townhouses.

SEVERE PRUNING. The pruning, cutting, or otherwise damaging of the natural form of a tree or shrub, whether existing or planted, such that a significant or noticeable portion of the crown system is removed (e.g., 25 percent of the crown removed from a tree, or the continued cutting/trimming of trees previously pruned illegally, or pruning of trees that must grow naturally to meet the landscaping requirements), or if more than one-third of the overall circumference of a tree or shrub is exposed by pruning cuts.

SEWAGE WASTEWATER TREATMENT PLANT (WATER RESOURCE RECOVERY FACILITY). A facility that collects, treats, and disposes of sewage and other waterborne waste. Includes associated offices, laboratory, equipment maintenance facility, and vehicle fleet.

SHOEBOX-STYLE LIGHTING FIXTURE. An exterior lighting device in the shape of a box that is typically mounted on a pole and constructed to direct illumination to a discrete area directly beneath the lighting fixture.

SHOOTING RANGE, INDOOR. ~~An area~~ fully enclosed indoor facility ~~designed and improved to encompass~~ for the shooting of firearms, air guns, bows, or any similar shooting equipment. Indoor shooting facilities are designed to offer a totally controlled shooting environment that includes impenetrable walls, floor, and ceiling, adequate ventilation, lighting systems, and sound mitigation suitable for the range's approved use ~~shooting stations or firing lines, target areas, berms and baffles, and other related components.~~

SHOPPING CENTER. A group of commercial establishments planned, developed, and managed as a unit with a unified design of buildings and with

coordinated parking and service areas. See Section 4-7.8, I for shopping center classifications and specific standards.

SHROUD. A box or other container that contains, and is designed to camouflage or conceal the presence of a telecommunications facility, antenna, or accessory equipment.

(Amended July 9, 2018)

SHRUB. Any plant between 3 feet and 12 feet in height.

SIGHT DISTANCE EASEMENT. An easement which grants to the entity responsible for street maintenance the right to maintain unobstructed view across property located at a street intersection.

SIGHT TRIANGLE. The triangular area formed by a diagonal line connecting two points located on intersecting property lines (or a property line and the curb or a driveway), each point being ten feet and seventy feet from the point of intersection.

SIGN. See Section 6-6.3 for sign-related definitions.

SIGN PERMIT. A permit issued by the Zoning Administrator that authorizes the location of a sign.

SIGNIFICANT VEGETATION. An area of contiguous wooded area greater than 1,000 square feet with a continuous canopy exceeding 30 feet in height and where over 50 percent of the trees with a DBH over 6 inches are hardwoods or the understory includes a diversity of beeches, hickories, hollies, or other native tree species that are, as determined by the Zoning Administrator, indicative of a significant evolving Piedmont forest.

SINGLE FAMILY RESIDENTIAL. Any development where: (i) no building contains more than one dwelling unit, (ii) every dwelling unit is on a separate lot, and (iii) where no lot contains more than one dwelling unit.

Amended June 7, 2021

SITE EVALUATION TEST. An examination of subsoil used in determining the acceptability of the site for a subsurface waste disposal system and the design of the subsurface disposal field.

SITE or TRACT. All contiguous land and bodies of water in one ownership, or contiguous property in diverse ownership graded or proposed for grading or development as a unit.

SITE PLAN. A plan of land development submitted for approval by the City Council for the purpose of obtaining a vested right pursuant to NCGS 160D-108 or under common law. See N.C.G.S 160D-1-2(29).

Amended June 7, 2021

SKETCH PLAN. A rough sketch of a proposed subdivision or site, showing roads, lots, and any other information of sufficient accuracy to be used for discussion of the street system and the proposed development pattern.

SMALL WIRELESS FACILITY. As defined by Federal Communications Commission regulations, 47 C.F.R. 1.40001 and NCSG Chapter 160D-931.

Amended July 9, 2018; June 7, 2021

SOLAR FARM. A site that includes the components and subsystems required to convert solar energy into electric or thermal energy suitable for use by an electric utility or other similar user. The area of the system includes all the land inside the perimeter of the system, which extends to any fencing. The term applies, but is not limited to, solar photovoltaic (PV) systems, solar thermal systems, and solar hot water systems. The use does not include accessory use of solar energy systems, such as installation of roof-mounted solar panels on a residential dwelling or other structure.

SOLID WASTE. Garbage, refuse and other discarded solid materials.

SOLID WASTE DISPOSAL FACILITY. As defined in NCGS 130A-290 (a) (35), any facility involved in the disposal of solid waste.

Amended June 7, 2021

SOLID WASTE DISPOSAL SITE. As defined in NCGS 130A-290 (a) (36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.

Amended June 7, 2021

SPECIAL PROMOTION. An advertising activity or circumstance of a business which is not part of its daily activities or normal routine, and in which the display or sale of merchandise, wares, or other tangible items is the sole purpose for the promotion. Special promotions include grand openings or closeout sales, but do not include reoccurring sales advertisements or other similar publicity.

SPECIAL TEMPORARY EVENT. A temporary land use activity whose duration is generally longer than one day but no longer than two weeks, is intended to or likely to attract substantial crowds and to generate significant vehicular traffic, is unlike the customary or usual activity generally associated with the property where the special event is to be located. See Section 4.7.13 for specific standards applicable to special temporary events.

SPECIAL USE PERMIT. A permit issued to authorize development or land uses in a particular zoning district upon presentation of competent, material, and substantial evidence establishing compliance with one or more general standards requiring that judgment and discretion be exercised as compliance with specific standards. This definition includes permits previously referred to as "conditional use permits" or "special exceptions".

Amended June 7, 2021

SQUARE. Formal open space that provides safe and accessible places for the public to meet or gather. It may provide shelters, benches, landscaping, public art, plantings, hardscape (flagstone, brick or concrete patios, stone walls, tile paths, wooden decks, wooden arbors, etc.) and greens or other flat level surfaces.

STABILIZING VEGETATION. Any vegetation that protects the soil against erosion.

STACKING SPACE. The portion of the parking lot that is dedicated to the temporary storage or 'stacking' of vehicles engaged in drive-through use of the site or development. Parking or storage of vehicles is not permitted within the stacking area.

START OF CONSTRUCTION. Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

Amended June 7, 2021

STEALTH ANTENNA. See ('Concealed (Stealth) Wireless Facility').
(Amended July 9, 2018)

STEALTH WIRELESS FACILITY. See ('Concealed (Stealth) Wireless Facility').
(Amended July 9, 2018)

STEALTH WIRELESS SUPPORT STRUCTURE. See ('Concealed (Stealth) Wireless Facility').
(Amended July 9, 2018)

STORM DRAINAGE FACILITIES. The system of inlets, conduits, channels, ditches and appurtenances which serve to collect and convey stormwater through and from a given drainage area.

STORMWATER BMP DESIGN MANUAL. The Stormwater BMP Design Manual approved for use in Phase II jurisdictions by the North Carolina Department of the Environment and Natural Resources-Division of Water Quality for the proper implementation of the requirements of the federal Phase II stormwater program. All references herein to the Stormwater BMP Design Manual are to the latest published edition or revision.

Amended June 7, 2021

STORMWATER RUNOFF. The direct runoff of water resulting from precipitation in any form.

STORMWATER SYSTEM. All engineered stormwater controls owned or controlled by a *person* that drain to the same *outfall*, along with the conveyances between those controls. A system may be made up of one or more stormwater controls.

Amended June 7, 2021

STORY. The portion of a building intended for human occupancy included between the upper surface of a floor and the upper surface of the floor next above or the roof.

STREET (ROAD). A right-of-way for vehicular traffic which affords the principal means of access to abutting properties.

STREET, COLLECTOR. A street whose principal function is to carry traffic between cul-de-sac, local, and subcollector streets, and streets of higher classification, but which may also provide direct access to abutting properties.

STREET, CUL-DE-SAC. A short, local street having one end open to traffic and the other end permanently terminated by a vehicular turnaround.

STREET, LOCAL. A street whose primary function is to provide access to abutting properties.

STREET, MINOR THOROUGHFARE. Minor thoroughfares collect traffic from collector, subcollector, and local streets and carry it to the major thoroughfare system. Minor thoroughfares may be used to supplement the major thoroughfare system by facilitating movement of moderate volumes of traffic within and through urban areas and may also serve abutting property.

STREET, MAJOR THOROUGHFARE. Major thoroughfares consist of interstate, other freeway, expressway, or parkway links, and major roads that provide for the expeditious movement of high volumes of traffic within and through urban areas.

STREET, PRIMARY. The street adjacent to a lot that has the highest roadway classification and is designed to handle the most traffic.

Commented [CS205]: The predominant factor in determining primary frontage and the appropriate regulations, including setbacks

STREET, PRIVATE. A vehicular travel way not dedicated or offered for dedication as a public street, but resembling a cul-de-sac or a local street by carrying traffic from a series of driveways to the public street system. Private streets must comply with the requirements of Section 7-6.5, H.

STREET, PUBLIC. A dedicated public right-of-way for vehicular traffic which (i) has been accepted by the City or NCDOT for maintenance, or (ii) is not yet accepted, but in which the roadway design and construction have been approved under public standards for vehicular traffic. Alleys are specifically excluded.

STREET, SECONDARY. Any street adjacent to a lot that is not the primary street

STREET STUB. A nonpermanent dead end street intended to be extended in conjunction with development on adjacent lots or sites.

STREET, SUBCOLLECTOR. A street whose principal function is to provide access to abutting properties, but which is also designed to be used or is used to connect local streets with collector or higher classification streets.

STREET, THROUGH. A street that has both ends open to traffic.

STREET RIGHT-OF-WAY. A strip of land occupied or intended to be occupied by a travel way for vehicles and also available, with the consent of the appropriate governmental agency, for installation and maintenance of sidewalks, traffic control devices, traffic signs, street name signs, historical marker signs, water lines, sanitary sewer lines, storm sewer lines, gas lines, power lines, and communication lines.

STRUCTURE. Anything constructed, erected, or placed.

STRUCTURAL BMP. A physical device designed to trap, settle out, or filter pollutants from stormwater runoff; to alter or reduce stormwater runoff velocity, amount, timing, or other characteristics; to approximate the pre-development hydrology on a developed site; or to achieve any combination of these goals. Structural BMP includes physical practices such as constructed wetlands, vegetative practices, filter strips, grassed swales, and other methods installed or created on real property. "Structural BMP" is synonymous with "structural practice," "stormwater control facility," "stormwater control practice," "stormwater treatment practice," "stormwater management practice," "stormwater control measures," "structural stormwater treatment systems," and similar terms used in this section.

Amended June 7, 2021

SUBDIVIDER. Any person, firm, or corporation who subdivides any land deemed to be a subdivision as herein defined.

SUBDIVISION. The division of land for the purpose of sale or development as specified in the North Carolina General Statutes 160D-8-2. All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions when any one or more of those divisions are created for the purpose of sale or building development (whether immediate or future), and includes all division of land involving the dedication of a new road or a change in existing roads; however, the following are not included within this definition and are not subject to any subdivision approval regulations in this Ordinance:

- A. The combination or recombination of a portion of previously subdivided and recorded lots if the total number of lots is not increased, and the resultant lots are equal to or exceed the standards of this Ordinance;
- B. The division of land into parcels greater than ten acres if no road right-of-way dedication is involved;
- C. The public acquisition by purchase of strips of land for the widening or opening of roads or for public transportation system corridors; and
- D. The division of a tract in single ownership, the entire area of which is not greater than two acres into not more than three lots, if no road right-of-way dedication is involved, and if the resultant lots are equal to or exceed the standards of this Ordinance.

- E. The division of a tract of land into parcels in accordance with the terms of a probated Will or in accordance with interstate succession under Chapter 29 of the North Carolina General Statutes.

Amended June 7, 2021

Exemption of a partition of land from the definition of 'subdivision' shall not exempt any resulting lots, tracts or parcels from meeting the requirements of this Ordinance for the granting of zoning, building, or health department permits. However, the City may require only a plat for recordation for the division of a tract or parcel of land in single ownership if all of the following criteria are met:

- A. The tract or parcel to be divided is not otherwise exempted, as stated in this UDO;
- B. No part of the tract or parcel to be divided has been divided under this subsection in the 10 years prior to division;
- C. The entire area of the tract or parcel to be divided is greater than five acres;
- D. After division, no more than three lots result from the division; and
- E. After division, all resultant lots comply with all of the following:
 - 1. Any lot dimension size requirements of the applicable land-use regulations, if any;
 - 2. The use of the lots is in conformity with the applicable zoning requirements, if any; and
 - 3. A permanent means of ingress and egress is recorded for each lot.

Amended March 4, 2019

SUBDIVISION, MAJOR. All division of tracts of land meeting the definition of 'Subdivision' that are residential, more than three acres in size, and in which all lots have access to an existing publicly maintained street or highway. (Amended 12/05/11; 09/11/17)

SUBDIVISION, MINOR. All divisions of tracts of land meeting the definition of 'Subdivision' that are residential, less than three acres in size, and do not involve construction or extension of a public street and in which all lots have access to an existing publicly maintained street or highway.

SUBSTANTIAL CHANGE. As defined by Federal Communications Commission regulations, 47 C.F.R. 1.40001(b)(7). (Amended July 9, 2018)

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to it's before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. See definition of 'substantial improvement'.

Amended June 7, 2021

SUBSTANTIAL IMPROVEMENT. Any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one-year period for which the cost equals or exceeds 50 percent of the market value of the structure before the 'start of construction' of the improvement. This term includes structures which have incurred 'substantial damage', regardless of the actual repair work performed. The term does not, however, include either:

6. Any correction of existing violations of State or community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or,
7. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

Amended June 7, 2021

SUBSTANTIAL PROGRESS. For the purposes of determining whether sufficient progress has been made on an approved plan, one or more of the following construction activities toward the completion of a site or subdivision plan shall occur: obtaining a grading permit and conducting grading activity on a continuous basis and not discontinued for more than thirty (30) days; or installation and approval of on-site infrastructure; or obtaining a building permit for the construction and approval of a building foundation. "Substantial progress" for purposes of determining whether an approved plan is null and void is not necessarily the same as "substantial expenditures" used for determining vested rights pursuant to applicable law.

Amended June 7, 2021

SUPERSTORE. A freestanding department, variety, or general merchandise store, **grocery, or store selling items in a single merchandise category like outdoor gear or home furnishings** that contains 50,000 or more square feet of gross floor space.

SURETY. See Financial Guarantee.

SURFACE WATERS. All waters of the state as defined in G.S. 143-212 except underground waters.

Amended June 7, 2021

SURVEY. A drawing showing metes and bounds property boundaries and other measurable physical characteristics of a parcel of land, prepared and sealed by a registered surveyor.

SWIMMING POOL. A water-filled enclosure, permanently constructed or portable, having a depth of more than eighteen inches below the level of the surrounding land, or an above-surface pool, having a depth of more than thirty inches designed, used, and maintained for swimming and bathing.

SYNTHETIC STUCCO. Acrylic, rubber-based material applied over a fiberglass mesh attached to a foam backing used as a façade material. Also known as EIFS (Exterior Insulated Finish System).

TAXI TERMINAL. A facility that offers transportation in passenger automobiles and vans to persons, including those who are handicapped, in return for remuneration. The business may include facilities for servicing, repairing, and fueling the taxicabs.

TELECOMMUNICATIONS FACILITIES. Any cables, wires, lines wave guides, antennas, utility poles, and any other equipment or facilities associated with the transmission or reception of communications which a person seeks to locate or has installed upon or near a tower or antenna support structure. However, telecommunications facilities shall not include:

- A. Any satellite earth station antenna two meters in diameter or less which is located in an area zoned industrial or commercial; or
- B. Any satellite earth station antenna one meter or less in diameter, regardless of the zoning category.

Amended June 7, 2021

TELEPHONE EXCHANGE. A building used exclusively for the transmission and exchange of telephone messages. The term shall not include wireless service towers.

TEMPORARY BUILDING OR STRUCTURE. Any building of an impermanent nature, or one which is designed for use for a limited time, including any tent or canopy.

TEMPORARY CONSTRUCTION OFFICE OR SECURITY RESIDENCE. A structure or facility temporarily placed on or adjoining the site of new construction and used during the construction process for construction-related purposes - including construction trailers (manufactured structures used as an office for construction management and site security). The use may also include storage buildings, construction waste and recycling receptacles, temporary sanitation facilities, outdoor storage, and employee parking.

TEMPORARY OR SPECIAL EVENT. An activity sponsored by a governmental, charitable, civic, educational, religious, business, or trade organization which is infrequent in occurrence and limited in duration. Examples include arts and crafts shows, athletic events, community festivals, carnivals, fairs, circuses, concerts, conventions, exhibitions, trade shows, horse shows, outdoor religious events and other similar activities.

TEMPORARY HEALTH CARE STRUCTURE. See "Health Care Structure, Temporary".

TEMPORARY PORTABLE STORAGE CONTAINER. A purpose-built, fully enclosed, box-like container with signage on one or more of its outer surfaces that is designed for temporary storage of household goods and/or equipment. Such containers are uniquely designed for ease of loading to and from a transport truck.

TEMPORARY REAL ESTATE SALES OR RENTAL OFFICE. The temporary use of a dwelling unit or manufactured home as an office for the purpose of selling real estate during development. Could become a permanent office with receipt of building permit.

TEN-YEAR STORM. The surface runoff resulting from a rainfall of an intensity expected to be equaled or exceeded, on the average, once in ten years and of a duration which will produce the maximum peak rate of runoff for the watershed of interest under average antecedent wetness conditions.

TENANT. Any person who alone, or jointly, or severally with others occupies a building under a lease or holds a legal tenancy.

THOROUGHFARE PLAN. A plan adopted by the City Council for the development of existing and proposed major streets that will adequately serve the future travel needs of an area in an efficient and cost effective manner.

TIRE RECAPPING. A business where tires are collected, stored, and processed for the purpose of capping or retreading.

TIRE SALES. A place where the principal business is the sale or installation of new, used, or retread tires and tubes.

~~**TOURIST HOME.** A private residence in which lodging accommodations are provided to no more than fourteen persons and may include meals for overnight guests for a fee.~~

Commented [CS206]: Eliminated to avoid confusion with short-term rentals

TOWER. A self-supporting lattice, guyed, or monopole structure constructed from grade which supports Telecommunications Facilities. The term Tower shall not include amateur radio operator's equipment, as licensed by the FCC.

TOWER CO-LOCATION. An arrangement whereby more than one user occupies a single tower or structure.

TOWER, COMMUNICATIONS. A structure whose primary purpose is to support communications equipment. This definition includes tower/antenna/building combinations and the height measurement applies to those combinations. This definition shall not include wire-supporting electric power transmission and telephone poles.

TOWER, LATTICE. A guyed or self-supporting multi-sided, open, steel frame structure used to support communications equipment.

TOWER, MONOPOLE. A structure composed of a single spire used to support communications equipment.

TOWNHOME. A residential development made up of two or more attached single-family dwellings units when each unit is on an individual lot and the units are lined up in a row and share side walls.

Amended June 7, 2021

TOXIC SUBSTANCE. Any substance or combination of substances (including disease causing agents), which after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment

or indirectly by ingestion through food chains, has the potential to cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions or suppression in reproduction or growth) or physical deformities in such organisms or their offspring or other adverse health effects.

TRACT. All continuous land and bodies of water in one ownership, or contiguous land and bodies of water in diverse ownership, being developed as a unit, although not necessarily all at one time.

TRADITIONAL NEIGHBORHOOD DEVELOPMENT: A Traditional Neighborhood Development (TND) is a land development technique that encourages mixed-use, pedestrian-oriented communities and promotes the diversification and integration of land uses. A TND is a human scale, walkable community composed of a variety of housing types and densities and a mixed use core of shopping, offices, public, and civic uses.

TRANSFER STATION, MUNICIPAL SOLID WASTE. A fixed facility where municipal solid waste from collection vehicles is consolidated and temporarily stored for subsequent transport to a permanent disposal site.

TRUCKING OR FREIGHT TERMINAL. A facility used by a motor freight company as a carrier of goods, that is an origin or destination point of goods being transported, for the purpose of storing, transferring, loading, and unloading goods.

TREE. A woody plant, with one main stem, at least 12 feet tall, and having a distinct head in most cases.

TREE, CANOPY. A large tree growing to over 40 feet in height at maturity, usually deciduous, that is planted to provide canopy cover shade.

TREE, LANDMARK. Any Live Oak with a minimum DBH of 8 inches, or any tree with 27 DBH or more.

TREE, UNDERSTORY. A small to medium tree, growing 15 feet to 40 feet in height at maturity, that is planted for aesthetic purposes such as colorful flowers, interesting bark, or fall foliage.

TREE REMOVAL. The cutting or removing of 50 percent or more of the crown, trunk or root system of a tree, or causing the death of a tree through damage, poisoning or other direct or indirect action.

TRELLIS. A structure of open latticework, especially one used as a support for vines and other creeping plants.

TRUCK DRIVING SCHOOL. A vocational school that includes classrooms and outdoor driving practice areas.

TRUCK AND UTILITY TRAILER RENTAL AND LEASING. A business that rents trucks and utility trailers, including incidental parking and servicing of vehicles for rent or lease.

TRUCK STOP, TRAVEL PLAZA. An establishment that provides fuel, minor repair services, and overnight parking for tractor-trailers, as well as food and beverages for drivers. May include truck washing.

TRUCK WASHING. An area or structure equipped with facilities for washing and waxing trucks.

URGENT CARE FACILITY. A facility that provides urgent care medical service, including at times outside normal physician office hours, but with no provision for overnight or continuing care on an inpatient basis. This use does not include hospitals or medical/dental offices.

USABLE OPEN SPACE. An area that: (i) is not encumbered with any substantial structure; (ii) is not devoted to use as a roadway, parking area (paved or peripheral), or sidewalk; (iii) is left in its natural or undisturbed state, if such a state is compatible with use of the area or property planted and landscaped. (Facilities for the pursuit of passive types of recreation, such as picnic tables, are permissible.); (iv) is capable of being used and enjoyed for purposes of informal and unstructured recreation and relaxation; and (v) is legally and practicably accessible to the residents of the development out of which the required open space is taken, or to the public if dedication of the open space is required.

USE. The purpose or activity for which land or structures is designed, arranged or intended, or for which land or structures are occupied or maintained.

USE, ACCESSORY. A use that: (i) is clearly incidental to and customarily found in connection with a principal use; (ii) is subordinate to and serves a principal use; (iii) is subordinate in area, extent, or purpose to the principal use served; (iv) contributes to the comfort, convenience, or necessity of occupants, business, or industry in the principal use served; and (v) is located on the same lot as the principal use served except as may be specifically provided for elsewhere in this Ordinance.

USE, MIXED. Occupancy of building or land by more than one use.

USE(S), PERMITTED. Any use, as designated in this Ordinance, that is by right allowed to occur within a specific zoning district.

USE(S), PRINCIPAL. The primary purpose or function that a lot or structure serves or is proposed to serve.

UTILITY EASEMENT. An easement which grants to the City or other utility providers the right to install and thereafter maintain any and all utilities including, but not limited to, water lines, sewer lines, septic tank drain fields, storm sewer lines, electrical power lines, telephone lines, natural gas lines and community antenna television systems.

UTILITY POLE. As defined by Federal Communications Commission regulations, 47 C.F.R. 1.40001 and NCSG Chapter 160D-931.

Amended July 9, 2018; June 7, 2021

VARIANCE. Official permission from the Board of Adjustment to depart from the requirements of this Ordinance. See also the definitions of 'Major Variance' and

'Minor Variance' below for watershed protection overlay district-related variances.

VARIANCE, MAJOR. A variance from the watershed overlay district requirements or Falls Lake Rules of Article 5 that results in any one or more of the following:

- A. the relaxation, by a factor greater than ten percent, of any management requirement under the low density option;
- B. the relaxation, by a factor greater than five percent, of any buffer, density or built-upon area requirement under the high density option;
- C. any variation in the design, maintenance or operation requirements of a wet detention pond or other approved stormwater management system.

For provisions in this ordinance that are more stringent than the state's minimum water supply protection rules and Falls rules, a variance to this ordinance is not considered a *major variance* as long as the result of the variance is not less stringent than the state's minimum requirements.

Amended June 7, 2021

VARIANCE, MINOR. A variance from the watershed overlay district requirements or Falls Lake Rules of Article 5 that results in a relaxation, by a factor of up to five percent of any buffer, density or built-upon area requirement under the high density option; or that results in a relaxation, by a factor of up to ten percent, of any management requirement under the low density option.

Amended June 7, 2021

VEGETATION. 75 square feet or more of trees, shrubs, and other ground cover.

VEGETATION PLAN. A required informational drawing, which accurately identifies size, location, and species of all landmark trees on a property and describing proposed land disturbing development activity.

VELOCITY. The average velocity of flow through the cross section of the main channel at the peak flow of the storm of interest. The cross section of the main channel shall be that area defined by the geometry of the channel plus the area of flow below the flood height defined by vertical lines at the main channel banks. Overload flows are not to be included for the purpose of computing velocity of flow.

VESTED RIGHTS. The right to undertake and complete the development and use of property under the terms and conditions of an approval secured and specified under North Carolina General Statutes 160D-108 or under common law.

Amended June 7, 2021

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.

VIDEO GAMING ARCADE. An establishment engaged in the operation of a video gaming machine or machines, either as a principal use, combination use, or as an accessory use. A video gaming arcade is distinguished from other coin-operated amusement businesses in that a video gaming arcade includes one or more video gaming machines.

VIDEO GAMING MACHINE. A slot machine as defined in NCGS 14-306(a) and other forms of electrical, mechanical, or computer games such as by way of illustration:

- A. A video poker game or any other kind of video playing card game.
- B. A video bingo game.
- C. A video craps game.
- D. A video keno game.
- E. A video lotto game.
- F. Eight liner.
- G. Pot-of-gold.
- H. Gold fusion
- I. Torch game
- J. Fish-bowl game
- K. A video game based on or involving the random or chance matching of different pictures, words, numbers, or symbols not completely or fully dependent on the skill or dexterity of the player which involve a prize for the player. The "prize" may be cash, coupons redeemable for cash or other consideration, additional playing time, or other item of value.

For purposes of this Ordinance, a video gaming machine is a video machine which requires deposit of any coin, token, or use of any credit card, debit card, or any other method that requires payment to activate play of any of the games listed above.

(Amended March 4, 2019)

VIOLATION. Failure on the part of any person to comply with the provisions of this Ordinance.

WAIVER. Official permission from City Council to depart, in accordance with the procedures and requirements of Section 7-9, from specified subdivision design standards designated in Article 7 of this Ordinance.

WAREHOUSING AND DISTRIBUTION, GENERAL. Structures used for the storage or distribution of goods where there is no sale of items to retailers or the general public unless permitted as an accessory use to the warehouse.

WAREHOUSE, SELF-STORAGE. A building or group of buildings that contains equal or varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the storage of residential or commercial customer's goods or wares.

WATER TREATMENT PLANT. A facility that collects, treats, and distributes water for human use and consumption. Includes associated offices, laboratory, equipment maintenance facility, and vehicle fleet.

WATER-DEPENDENT STRUCTURE. Any structure for which the use requires access to or proximity to or siting within surface waters to fulfill its basic purpose, such as boat ramps, boat houses, docks and bulkheads. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots and commercial boat storage areas are not water-dependent structures.

WATERSHED. The entire land area contributing surface drainage to a specific point.

WATERSHED CRITICAL AREA. That portion of the Graham-Mebane Lake watershed adjacent to and within one-half mile of the normal pool elevation. In this area risk associated with pollution is greater than from the remaining portions of the watershed.

WATERSHED, WATER SUPPLY. All other parts of the watersheds in Alamance County draining directly into a water supply reservoir. A watershed is defined as an area in which all water drains to a particular body of water.

WATER SUPPLY INTAKE. The recognized point whereby surface water is removed in order to supply water for drinking and culinary purposes.

WELDING SHOP. A building or structure where metal products are joined, repaired, or shaped by welding but no mass production is involved.

WELLNESS CENTER. An establishment containing customized health services that may include fitness, personal training, and nutrition consulting, and that incorporates an individualized program. Clients are generally under the supervision of licensed staff, which may include health care providers, nutritionists, personal trainers, and/or 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 may include weights, cardio machines, swimming pools, and running tracks. Overnight stays are not permitted as part of this use.

WET DETENTION POND. A pond that has a permanent pool and which also collects stormwater runoff, filters the water, and releases it slowly over a period of days.

WETLANDS. Transitional lands between terrestrial and aquatic systems where the land supports predominantly hydrophytes; where the substrate is predominantly undrained hydric soil; and where the substrate is nonsoil and is saturated with water or covered by shallow water for a specified period of time during the growing season of each year.

WHOLESALE TRADE OR USE. Establishments or places of business primarily engaged in selling merchandise to retail, industrial, commercial, institutional, or professional business users or to other wholesalers, but not to the public at-large.

WIRELESS COMMUNICATIONS FACILITY. As defined by Federal Communications Commission regulations, 47 C.F.R. 1.40001 and NCSG Chapter 160D-931.

Amended July 9, 2018; June 7, 2021

WIRELESS SUPPORT STRUCTURE. As defined by Federal Communications Commission regulations, 47 C.F.R. 1.40001 and NCSG Chapter 160D-931. A utility pole or city utility pole is not a wireless support structure.

Amended July 9, 2018; June 7, 2021

WOODED AREA. An area historically capable of supporting indigenous landmark trees.

WORKING DAYS. Days exclusive of Saturday and Sunday during which weather conditions or soil conditions permit land-disturbing activity to be undertaken.

YARD. A space on the same lot with a principal building that is open, unoccupied, and unobstructed by buildings or structures from the ground to the sky except where encroachments and accessory buildings are expressly permitted.

YARD, FRONT. See 'Setback, Street or Front'.

YARD, REAR. See 'Setback, Rear'.

YARD, SIDE. See 'Setback, Side'.

YARD WASTE. Solid waste resulting from landscaping and yard maintenance such as brush, grass, tree limbs, shrubbery, leaves, and similar vegetative material.

ZONING. The designation of a particular property or portion thereof using one of the zoning designations contained in this Ordinance.

ZONING ADMINISTRATOR. The person(s) authorized by Section 2-4, A, 2 who is responsible for administering and enforcing this Ordinance.

ZONING DISTRICT. An area defined by this Ordinance and delineated on the Official Zoning Map, in which the requirements for the use of land and in which building and development standards are prescribed.

ZONING MAP AMENDMENT OR REZONING. An amendment to a zoning regulation to change the zoning district that is applied to a specified property or properties. It does not include the initial adoption of a zoning map or the repeal of a zoning map and re-adoption of a new zoning map for the entire planning and development regulation jurisdiction. It does not include updating the zoning map to incorporate amendments to the names of zoning districts made by zoning text amendments where that are no changes in the boundaries of the zoning district

or land uses permitted in the district. It does include the initial application of zoning when land is added to the territorial jurisdiction that has previously adopted zoning regulations. It does include the application of an overlay zoning district or a conditional zoning district.

Amended June 7, 2021

ZONING PERMIT. A permit issued by the that authorizes the recipient to make use of property in accordance with the requirements of this Ordinance.

Amended June 7, 2021

ZONING REGULATION. A zoning regulation authorized by Article 7 if Chapter 160D of the North Carolina General Statutes or by this Ordinance.

Amended June 7, 2021

ZONING VESTED RIGHT. A right established pursuant to NCGS 160D-1-2(33)-385.1 to undertake and complete the development and use of property under the terms and conditions of an approved site development plan.

Amended June 7, 2021

**APPENDIX A
INFORMATION REQUIRED WITH APPLICATIONS, SITE PLANS, SUBDIVISION
PLATS**

A-1-1 Number of Review and Filing Copies to be Submitted

Type of Plat or Plan	Review	Filing (after approval)		
	# of Prints	# of Prints	# of Mylars	# of Mylar As-Builts
Minor Subdivision Plat	12	1	1	-
Major Subdivision Sketch Design Plan	2	1	-	-
Preliminary Major Subdivision Plat	21	2	1	-
Final Major Subdivision Plat	6	2	1	1
Plot Plan	4	2	-	-
Site Plan	6 Sets	4 Sets	-	-
<ul style="list-style-type: none"> • Site Layout • Water, Wastewater, and Drainage Utility • Landscaping Plan 				1
Street and Utility Construction Plans and Profiles	As required by the City Engineer, NCDOT, and the applicable utility provider. See also Appendix E for a plan review checklist			

Note: An electronic copy, in a format acceptable to the City of Mebane, of all approved final major subdivision plats shall also be provided to the City. A description of the software and coordinate system used (e.g. State Plane, NAD 1927) shall accompany the digital data submitted to the City.

A-1-2 Required Information on Minor and Major Subdivision Plats, Plot Plans, and Site Plans

Submission of all plats and/or plans shall contain the following information before submission to the Zoning Administrator or the Planning Director for review. The information required on sketch plans for major subdivisions is delineated in Section 7-4.2.

An 'X' indicates required information. Information required on site plan sheets is indicated by the following codes: 'A' to be included on all sheets, 'S' to be included on the Site Layout sheet, 'U' to be included on the Utility sheet, and 'L' to be included on the Landscaping sheet. Depending on the scale or complexity of the development, any or all the sheets may be combined. Additional information may be required for approval of the site plan. The Zoning Administrator or the approval authority may waive items required if it is judged that they are not necessary to complete the review.

Type of Plat or Plan					
Information	Minor and Major Subdivision Plats			Plot Plan	Site Plan
	Minor Plat	Preliminary Plat	Final Plat		
Map or plan size: Maps submitted shall not exceed a maximum size of 24" by 36" (Amended 9/11/17)		X			A
Maps or plans may be drawn on more than one sheet with appropriate match lines	X	X	X		A
Standard 18" by 24" sheet for plats to be recorded, minimum 1-1/2" border on the left side and a minimum 1/2" border on all other sides; or as required by the applicable County Register of Deeds Office	X		X		
Original drawn on material as required by the applicable County Register of Deeds Office	X		X		
Title Block containing:					
Name of Development	X	X	X		A
Name of map or plan (minor plat, preliminary plat, etc.)	X	X	X		A
Owner's name with address and daytime phone number	X	X	X	X	A
Location (including address, township, county and state)	X	X	X	X	A
Date(s) map(s) prepared or revised	X	X	X	X	A
Scale of drawing in feet per inch. Drawing shall be at a scale of 1" equals not more than 200'.	X	X	X		

Type of Plat or Plan					
Information	Minor and Major Subdivision Plats			Plot Plan	Site Plan
	Minor Plat	Preliminary Plat	Final Plat		
Scale of drawing in feet per inch. Drawing shall be at a scale of 1" equals not more than 60' without prior approval. (Amended 9/11/17)					A
Scale of drawing in feet per inch. Drawing shall be at a scale of not less than 1" equal to 40'. If all lots are greater than 3 acres, only the building site needs to be shown				X	
Bar graph	X	X	X		A
Name, address, registration number, and telephone # of preparer of map (licensed surveyor, engineer, land planner, landscape architect, or architect)	X	X	X		A
Developer's name, address, and daytime phone number (if different from owner's)	X	X	X		A
Zoning district(s) within the property and adjacent properties	X	X	X	X	S, L
Existing land use within the property and on adjacent properties	X	X			S, L
Plat book or deed book reference	X	X	X	X	S
Names of adjoining property owners (or subdivisions or developments of record with plat book reference)	X	X	X		S
Grid Parcel Identification Number (GPIN) (Amended 9/11/17)	X	X	X	X	S
Sketch vicinity map showing location of site relative to surrounding area (typically drawn in upper right hand corner), at a scale of 1" = 2,000'	X	X	X		S
Corporate limits, county lines, and other jurisdiction lines, if any, on the tract	X	X	X	X	A
Seal and Signature of appropriate licensed professional (Amended 9/11/17)	X		X		S
North arrow and orientation (north arrow shall not be oriented towards bottom of map)	X	X	X	X	A

Type of Plat or Plan					
Information	Minor and Major Subdivision Plats			Plot Plan	Site Plan
	Minor Plat	Preliminary Plat	Final Plat		
Source of property boundaries signed and sealed by registered land surveyor (PLS), architect (RA), landscape architect (RLA), or engineer (PE) (Amended 9/11/17)		X			S
Boundaries of the tract to be subdivided or developed: Distinctly and accurately represented and showing all distances	X	X	X		A
Tied to nearest road intersection (within 300') or USGS (within 2000')	X	X	X		S
Showing locations of intersecting boundary lines or adjoining properties	X	X	X		S
Location and descriptions of all monuments, markers, and control corners	X		X		S
Existing property lines on tract to be subdivided. If existing property lines are to be changed, label as 'old property lines' and show as dashed lines	X	X	X		S
Dimensions, location and use of all existing and proposed buildings; distances between buildings measured at the closest point; distance from buildings to the closest property lines; building setback lines (or note). A dashed line should be shown on the plat outlining all known structures, ponds or lakes removed or filled.	X	X		X	S
The name and location of any property or building on the National Register of Historic Places or locally designated historic property	X	X	X		S
Railroad lines and right-of-ways	X	X	X	X	A
Water courses, ponds, lakes or streams	X	X	X		A
Marshes, swamp and other wetlands (Amended 9/11/17)	X	X	X		A
Areas to be dedicated or reserved for the public or a local jurisdiction		X	X		A

Information	Type of Plat or Plan				
	Minor and Major Subdivision Plats			Plot Plan	Site Plan
	Minor Plat	Preliminary Plat	Final Plat		
Areas designated as common area or open space under control of an Owners' Association	X	X	X		S, L
Proposed building locations for zero lot-line developments	X	X		X	S
Location of manufactured home park dwelling spaces and whether they are designated for single or double wide dwellings					S
Typical diagram of manufactured home park dwelling space					S
Location of designated recreation areas and facilities		X	X		S
Location of the 100-year floodway from Flood Hazard Boundary Maps and cross-section elevations	X	X	X	X	A
Existing and proposed topography of tract and 100' beyond property showing existing contour intervals of no greater than 5' (2' where available) and labeling at least two contours per map and all others at 10' intervals from sea level (not providing this requires prior approval) (Amended 9/11/17)		X		X	A
Final Floor Elevation				X	
Proposed lot lines and dimensions	X	X	X		A
Square footage of all proposed lots under an acre in size and acreage for all lots over an acre in size	X	X	X		S
Site calculations including:					
Acreage in total tract	X	X	X	X	S
Acreage in public open space		X	X		S, L
Total number of lots proposed	X	X	X		S
Linear feet in roads		X	X		S
Area in newly dedicated right-of-way		X	X		S
Lots sequenced or numbered consecutively	X	X	X		S
County Health Department information for developments without access to public sewer...					
(1) Each plat or plan shall contain a statement concerning suitability for septic system use	X	X		X	S

Commented [CS207]: Proposed changes will allow staff to identify drainage concerns for new home construction and address them. All data is either publicly-available or should be standard information with the new home.

Type of Plat or Plan					
Information	Minor and Major Subdivision Plats			Plot Plan	Site Plan
	Minor Plat	Preliminary Plat	Final Plat		
(2) Each lot that has been approved for an on-site subsurface sewage treatment and disposal system shall be shown. Denied lots or lots not evaluated shall be cross-hatched and labeled, 'NO IMPROVEMENT PERMIT HAS BEEN ISSUED FOR THIS LOT'	X		X		
Utility Layout Plan (see Appendix E for a complete plan review checklist) showing connections to existing systems, line sizes, material of lines, location of fire hydrants, blowoffs, valves, manholes, catch basins, force mains, etc. for the following types of utility lines:					
Sanitary sewer		X		X	U, L
Water distribution		X		X	U
Drainage, inc. Elevation at Low Point on Property and Interconnection to Stormwater Utilities		X		X	U
Existing natural gas, electric, cable TV, etc. (Amended 9/11/17)		X		X	U, L
Show dimensions and location of all vehicular use areas and driveways, total provided and minimum required number of parking spaces, driveways, service areas, off-street loading facilities and pedestrian walkways (Amended 9/11/17)				X	S, L
Within parking areas, clearly indicate each parking space, angle of parking and typical size				X	S, L
Street data illustrating : Existing and proposed rights-of-way lines within and adjacent to property (Amended 9/11/17)	X	X	X	X	S
Existing and proposed rights-of-way within and adjacent to property showing: Total right-of-way width dimension (Amended 9/11/17)	X	X	X		S, L

Type of Plat or Plan					
Information	Minor and Major Subdivision Plats			Plot Plan	Site Plan
	Minor Plat	Preliminary Plat	Final Plat		
Right-of-way width dimension from centerline of existing public streets	X	X	X	X	S
Existing and proposed streets showing:					
Pavement or curb lines		X			S
Pavement width dimension (face-to-face)		X			S
Cul-de-sac pavement radius		X			S
Existing street names and names of new streets as approved by the City	X	X	X	X	A
Sight triangle lines (Amended 9/11/17)		X			S, L
Road profiles (see Appendix E for a plan review checklist for roadway and street design)			X		
Location, dimension and type of all easements	X	X	X	X	A
Stormwater Management Plan prepared in accordance with the requirements of Appendix D, if applicable	X	X			X
Stormwater management data for property located in a watershed protection overlay district:					
Location of public water supply watershed boundaries and classification of watershed	X	X	X	X	A
Area to be disturbed with number of graded acres and percentage noted	X	X		X	U
Maximum allowable built-upon area for each lot or tract (if applicable)	X	X	X	X	S
Total impervious surface area, including streets, roofs, patios, parking areas, sidewalks and driveways (Amended 9/11/17)	X	X	X	X	U
Permanent watershed protection controls including wet detention ponds, maintenance and access easements and natural filtration and infiltration areas	X	X	X	X	U

Type of Plat or Plan					
Information	Minor and Major Subdivision Plats			Plot Plan	Site Plan
	Minor Plat	Preliminary Plat	Final Plat		
Location and width of required buffer areas	X	X	X	X	U
Stormwater network, including swales, culverts, inlet and outlet structures with grades, elevations, dimensions and hydraulic calculations	X	X		X	U
Engineering certification statement, if required by this Ordinance	X	X	X	X	U
Documentation of approval of a driveway permit from NCDOT		X			X
Documentation of submission of an Erosion Control Plan, if disturbing greater than one acre					X
Documentation of approval of an Erosion Control Plan, if disturbing greater than one acre			X		
Evidence of notification to US Army Corps of Engineers of earth-disturbing activities in wetlands, if applicable	X	X			X
Landscaping Plan shall include:					
Location of any required planting yard and/or parking lot plantings		X			L
Location and screening of dumpsters/compactors					L
Location, species, size, number, spacing, height of trees and shrubs in required planting areas. (If existing vegetation is to be preserved, indicate approximate height and species mix)					L
Size of planting yard, walls, berms and fences		X			L
Provisions for watering, soil stabilization, plant protection and maintenance access					L
Location and description of barriers to protect any vegetation from damage both during and after construction					L
Existing and proposed signs (location, height and area)		X			S

Type of Plat or Plan					
Information	Minor and Major Subdivision Plats			Plot Plan	Site Plan
	Minor Plat	Preliminary Plat	Final Plat		
Location, dimensions and details of proposed clubhouses, pools, tennis courts, tot lots or other common area recreation facilities		X			S
Front, side and rear elevations of proposed building(s)					If required by the approval authority
Certificates and Endorsements (See Appendix B for specific wording):					
Certificate of Ownership and Dedication	X		X		
Certificate of Minor Subdivision Plat Approval	X				
Certificate of Preliminary Major Plat Approval		X			
Certificate of Approval for Recording in Public Water Supply Watershed	X		X		
Certificate of Final Major Plat Approval & Acceptance of Dedication			X		
Certificate of Approval of the Design and Installation of Streets, Utilities, and Other Required Improvements			X		
Certificate of Survey and Accuracy	X		X		
NCDOT Division of Highways Engineer Certificate, if applicable			X		
Private Streets Disclosure Statement, if applicable			X		
Certification of the applicable Health Department, if applicable	X		X		
Utilities Certificate			X		
Public Water Supply Watershed Protection Statement, if applicable	X		X		
Certificate of Purpose for Plat	X		X		
Certificate Regarding Erosion and Sedimentation Control Plan	X		X		
Certificate of Warranty			X		
NCDOT Public Street Maintenance Disclosure Statement, if applicable			X		
City of Mebane Certificate of Approval (Amended 9/11/17)	X		X	X	X

A-1-3 Documents and Written Information in Addition to Maps and Plans

In addition to the written application and the plans, whenever the nature of the proposed development makes information or documents such as the following relevant, such documents or information shall be provided. The following is a representative list of the types of information or documents that may be requested at the time of plat or plan submission:

Information	Minor and Major Subdivisions			Plot Plan	Site Plan
	Minor Plat	Preliminary Plat	Final Plat		
Documentation confirming that the applicant has a legally sufficient interest in the property proposed for development to use it in the manner requested, or is the duly appointed agent of such a person.	X	X			X
Certifications from the appropriate agencies that proposed utility systems are or will be adequate to handle the proposed development and that all necessary easements have been provided.		X			X
Detailed descriptions of recreational facilities to be provided.		X			X
Legal documentation establishing homeowners' associations or other legal entities responsible for control over required common areas and facilities.			X		X
Bonds, letters of credit, or other surety devices.			X		X
A traffic impact assessment performed and prepared by a qualified transportation or traffic engineer or planner.		X			X
Time schedules for the completion of phases in staged development.		X			X
The environmental impact of a development, including its effect on historically significant or ecologically fragile or important areas and its impact on pedestrian or traffic safety or congestion.		X			X
If any street is proposed to intersect with a state-maintained street, a copy of the application for driveway approval as required by the Department of Transportation, Division of Highways <i>Manual on Driveway Regulations</i> .		X			X
Master Sign Plan, if required					X

**APPENDIX B
CERTIFICATES AND STATEMENTS REQUIRED ON SUBDIVISION PLATS
AND PLANS**

B-1-1 Required Certificates and Statements

Type of Certificate or Statement	Minor Plat	Major Plat
A	X	
B Certificate of Ownership and Dedication (for use with major subdivision plats only)		X
C Certificate of Minor Subdivision Plat Approval	X	
D Certificate of Preliminary Major Subdivision Plat Approval		X
E Certificate of Approval for Recording in Public Water Supply Watershed	X	X
F Certificate of Final Major Subdivision Plat Approval and Acceptance of Dedication		X
G Certificate of Approval of the Design and Installation of Streets, Utilities, and Other Required Improvements		X
H Certificate of Survey and Accuracy	X	X
I NCDOT Division of Highways District Engineer Certificate		X
J Private Streets Disclosure Statement		X
K Certification of the Applicable County Health Department	X	X
L Utilities Certificate	X	X
M Public Water Supply Watershed Protection Statement	X	X
N Certificate of Purpose of Plat	X	X
O Certificate of Exemption	--	--
P Certificate Regarding Erosion and Sedimentation Control Plan	X	X
Q Certificate of Warranty		X
R NCDOT Public Street Maintenance Disclosure Statement		X
S City of Mebane Certificate of Approval	X	X

B. Certificate of Ownership and Dedication (For Use with Major Subdivision Plats Only)

This certifies that the undersigned is (are) the owner(s) of the property shown on this map, having acquired title to it by deed(s) recorded in the Alamance/Orange County, North Carolina Register of Deeds otherwise as shown below and that by submission of this plat or map for approval, I/we do dedicate to the City of Mebane for public use all streets, easements, rights-of-way and parks shown thereon for all lawful purposes to which the city may devote or allow the same to be used and upon acceptance thereof and in accordance with all city policies, ordinances and regulations or conditions of the City of Mebane for the benefit of the public, this dedication shall be irrevocable. Also, all private streets shown on this map, if any, are to be available for public use.

Provided, however, the "Common Elements" shown hereon expressly are not dedicated hereby for use by the general public, but are to be conveyed by _____ to _____ Homeowners Association, Inc. for the use and enjoyment of the members thereof pursuant to the terms of that certain Declaration of Covenants, Conditions and Restrictions for _____ recorded in Book _____, Page _____, _____ County Registry, the terms and provisions of which are incorporated herein by this reference.

_____ by the recordation of this Plat, hereby gives, grants and conveys to a Utility and the City of Mebane, their respective successors and assigns, rights-of-way and easements to maintain and service their respective wires, lines, conduits, and pipes in their present locations within the "Common Elements" as shown hereon together with the right of ingress and egress over and upon said "Common Elements" for the purpose of maintaining and servicing wires, lines, conduits, and pipes.'

_____	_____
Owner	Date
_____	_____
Owner	Date
_____	_____
(Notarized)	Date

Book No. _____ Page No. _____
/s/ _____

Amended September 11, 2017

F. Certificate of Final Major Subdivision Plat Approval and Acceptance of Dedication

I _____ the City Clerk of Mebane, North Carolina, do certify that the City of Mebane approved this plat or map and accepted the dedication of the streets, easements, rights-of-way and public parks shown thereon, but assumes no responsibility to open or maintain the same, until in the opinion of the City Council of the City of Mebane it is in the public interest to do so.

Date

City Clerk

G. Certificate of Approval of the Design and Installation of Streets, Utilities, and Other Required Improvements

(1) To be used when all improvements have been installed prior to final plat approval

I hereby certify that I have inspected and find that all streets, utilities, and other required improvements as shown on the preliminary and final plats of the _____ Subdivision have been installed in an acceptable manner and according to the City of Mebane and state specification and standards.

Date

Licensed Professional

(Seal)

Registration Number

(2) To be used when some, but not all, improvements have been installed prior to final plat approval

I hereby certify that I have inspected and find that the following streets, utilities, and other required improvements as shown on the preliminary and final plats of the _____ Subdivision have been installed in an acceptable manner and according to the City of Mebane and state specification and standards.

(List all inspected and approved improvements)

Date

Licensed Professional

(Seal)

Registration Number

H. Certificate of Survey and Accuracy

I, _____, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book _____, page _____, etc.) (other); that the boundaries not surveyed are clearly indicated as drawn from information found in Book _____, page _____; that the ratio of precision or positional accuracy as calculated is 1:_____; that this plat was prepared in accordance with NCGS 47-30 as amended. Witness my original signature, registration number and seal this ____ day of _____, A.D., _____.

(Seal or Stamp of Surveyor)

Surveyor

Registration Number

Amended September 11, 2017

I. NCDOT Division of Highways District Engineer Certificate

I hereby certify that the streets as depicted hereon are/are not consistent with the requirements of the North Carolina Department of Transportation, Division of Highways.

District Engineer

Date

J. Private Streets Disclosure Statement

The following statement shall be placed on all subdivision plats which include private streets:

'The maintenance of streets designated on this plat as 'private' shall be the responsibility of property owners within this development having access to such streets. Private streets as shown hereon will not be included, for maintenance purposes, on the State of North Carolina highway system. Neither the City of Mebane nor the North Carolina Department of Transportation will maintain a private street.'

K. Certification of the Alamance/Orange County Health Department

I hereby certify that lots shown on this plat for _____ subdivision have been preliminarily determined as generally or provisionally suitable for septic tanks. Final approval of individual lots is subject to the lot size, a soils evaluation and proper drainage and filling requirements

County Health Director or
Authorized Representative

Date

L. Utilities Certificate

I hereby certify that the _____ improvements have been installed in an acceptable manner and in accordance with the requirements of the City of Mebane Unified Development Ordinance and all of the applicable policies of the City of Mebane Public Works and Utilities Department.

Signature of Authorized Agent

Date

M. Public Water Supply Watershed Protection Statement

The following statement shall be placed on all subdivision plats which include property located within a watershed protection overlay district:

'All or portions of the property contained in this subdivision are located within a Public Water Supply Watershed. Additional development restrictions regarding such matters as residential density, maximum impervious surface area, and stormwater control measures may apply to this property. Any engineered stormwater controls shown on this plat are to be operated and maintained by the property owners and/or a property owners' association pursuant to the Operation and Maintenance Agreement filed with the Alamance/Orange County Office of the Register of Deeds in Book _____ Page _____.'

N. Certificate of Purpose of Plat

The final plat shall contain one of the following statements, signed and sealed by the plat preparer:

- a. This survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land;
- b. This survey is located in a portion of a county or municipality that is unregulated as to an ordinance that regulates parcels of land;
- c. Any one of the following:
 - 1. This survey is of an existing parcel or parcels of land and does not create a new street or change an existing street;
 - 2. This survey is of an existing building or other structure, or natural feature, such as a water course;
 - 3. This survey is a control survey;
- d. This survey is of another category, such as the recombination of existing parcels, a court-ordered survey, or other exception to the definition of subdivision; or
- e. The information available to the surveyor is such that the surveyor is unable to make a determination to the best of the surveyor's professional ability as to provisions contained in (a) through (d) above.

Signed: _____ (Seal)
Surveyor

Date: _____

O. Certificate of Exemption

Plats deemed to be an exemption to the provisions of this Ordinance shall contain the following statement prior to the owner's recording of such plats:

I (We) hereby certify that I am (we are) the owner(s) of the property shown and described hereon, which was conveyed to me (us) by deed recorded in Book _____, Page _____, and that said property qualifies as an exemption to the definition of a subdivision in accordance with the provisions of NCGS 160D-802. I (We) do hereby dedicate to public use as easements forever, all areas, if any, shown or indicated on the face of this plat. Furthermore, I (We) understand that exemption from the plat preparation provisions of the City of Mebane Unified Development Ordinance does not exempt the use of the property or building development on the property from meeting all applicable requirements of the City of Mebane Unified Development Ordinance.

_____	_____
Owner	Date
_____	_____
Owner	Date
_____	_____
Zoning Administrator	Date

Amended September 11, 2017

P. Certificate Regarding Erosion and Sedimentation Control Plan

Where a subdivision of property does not require an Erosion and Sedimentation Control Plan as determined by licensed professional, the plat shall show the following certificate with signature:

I hereby certify that the subdivision of property shown and described hereon does not require an approved Erosion and Sedimentation Control Plan.

_____	_____
Date	Licensed Professional

APPENDIX C
LAND USES BY CLASS DESIGNATION

The following table delineates the land use class (right column) for various types of land uses (left column) for purposes of determining landscape buffer width and type as specified in Section 6-3, Landscaping, Buffering, and Screening.

LAND USES BY CLASS DESIGNATION	
Land Use	Land Use Class
Active outdoor public recreation	Class 4
Adult establishment	Class 6
Amphitheater, outdoor (government) seating more than 250 persons	Class 6
Amphitheater, outdoor (government) seating not more than 250 persons	Class 5
Amphitheaters, outdoor (commercial/private)	Class 7
Amusement establishments, indoor	Class 5
Amusement establishments, outdoor	Class 6
Animal hospitals/clinic with no outside kennels	Class 4
Assisted living facilities	Class 5
Automobile service stations	Class 6
Banks	Class 5
Bowling alleys	Class 5
Car washes	Class 6
Churches	Class 4
Clinics	Class 4
Clubs and lodges	Class 4
Colleges	Class 4
Convenience stores	Class 6
Day care centers	Class 4
Dog kennels	Class 7
Drive-through windows associated with banks and like uses	Class 5
Drive-through windows with uses otherwise permitted	Class 6
Duplex, attached or semi-detached dwellings	Class 4
Farm markets	Class 5
Golf course sales, service and maintenance areas	Class 4
Guest houses	Class 4
Hospitals	Class 5
Hotels and motels which are located adjacent to a residential district	Class 7
Hotels and motels which are not located adjacent to a residential district that have no more than 150 rooms	Class 5
Hotels and motels which are not located adjacent to a residential district that have more than 150 rooms	Class 6
Libraries	Class 4
Life Care Community	Class 5
Manufacturing, light	Class 7
Mini-storage	Class 6
Manufactured home parks	Class 4
Multi-family dwellings	Class 4
Museums	Class 4
Nursery, Landscape Supply Businesses	Class 5
Nursing homes	Class 4

O&I District containing retail stores and/or restaurants nightclubs and/or bars	Class 5
O&I District not containing retail stores and/or restaurants, nightclubs and/or bars; retail uses (may contain personal service)	Class 4
Offices and banks with a total gross floor area of 50,000 square feet or less	Class 4
Offices with a total gross floor area greater than 50,000 square feet	Class 5
Open space, permanent	Class 1
Outdoor storage	Class 7
Parking lots as a principal use less than 50 spaces	Class 4
Parking lots as principal use with more than 50 spaces	Class 5
Parks without active outdoor recreation	Class 1
Patio homes, attached	Class 4
Process and production plants, prototype	Class 7
Public safety stations	Class 4
Public utility facilities	Class 7
Railroad lines, stations and yards	Class 7
Recreation centers	Class 4
Recreation, outdoor (commercial)	Class 6
Recycling and salvage operations	Class 7
Research laboratories	Class 7
Resource conservation facilities	Class 1
Resource extraction	Class 7
Retail stores, shopping centers, or restaurants nightclubs and/or bars not included in the O&I District	Class 6
Schools	Class 4
Sexually-oriented business	Class 6
Single family detached dwellings on lots greater than 8,000 square feet	Class 2
Single family detached dwellings on lots less than 8,000 square feet	Class 3
Theaters	Class 5
Towers: water, radio, television or telecommunication up to 225 feet in height	Class 6
Towers: water, radio, television or telecommunication up to 75 feet	Class 4
Towers: radio, television or telecommunication above 225 feet in height	Class 7
Towers: water, radio, television or telecommunication up to 150 feet	Class 5
Townhouse	Class 4
Utility substations	Class 5
Vehicle raceway, motor	Class 7
Vehicle sales, service, and rental	Class 6
Walk-up teller machines and/or depositories	Class 4
Warehousing and distribution establishments	Class 6
Wholesale and jobbing establishments	Class 6

APPENDIX D
INFORMATION REQUIRED WITH STORMWATER MANAGEMENT PLANS

All residential development disturbing one acre or more and all nonresidential development disturbing one-half acre or more shall be required to control and treat the stormwater runoff generated by a 1-inch rain event.

Stormwater management plans shall be certified by a North Carolina registered stormwater professional to be in conformity with the North Carolina Stormwater Best Management Practices Manual.

A. Stormwater Management Plans shall include the following information:

1. Applicant information (Name, legal address, and telephone number).
2. Common address and legal description of the property.
3. Vicinity map.
4. Existing conditions and proposed site layout (recommended scale of 1"=50') including at a minimum the following:
 - (a) Existing topography (recommended minimum of 2-foot contours).
 - (b) Perennial and intermittent streams.
 - (c) Mapping of predominant soils from USDA soil surveys.
 - (d) Boundaries of existing predominant vegetation and proposed limits of clearing and grading.
 - (e) Location and boundaries of all resource protection areas (e.g. floodplains, riparian buffers, wetlands, water supply watersheds).
 - (f) Location of floodplain/floodway limits and relationship of site to upstream and downstream properties and drainages.
 - (g) Location of existing and proposed roads, buildings, parking lots, and other impervious surfaces.
 - (h) Location of existing and proposed utilities (e.g. water, wastewater, gas, electric) and easements.
 - (i) Location of existing and proposed stormwater conveyance systems such as grass channels, swales, and storm drains.
 - (j) Location of proposed channel modifications, such as bridge or culvert crossings.
 - (k) Sediment and erosion control features.

- (l) Location, size, maintenance access, and limits of disturbance of proposed stormwater management practices.
5. Signature and stamp of registered engineer, landscape architect, or other certified professional and designer/owner certification.
 6. Hydrologic and hydraulic analysis including:
 - (a) Hydrologic analysis for existing conditions including runoff rates, volumes, and velocities showing methodologies used and supporting calculations (the analysis must use accepted engineering coefficients representative of the soils and conditions on the proposed site).
 - (b) Hydrologic analysis for proposed (post-development) conditions including runoff rates, volumes and velocities showing the methodologies used and supporting calculations (the analysis must use accepted engineering coefficients representative of the soils and conditions on the proposed site).
 - (c) Hydrologic and hydraulic analysis of the stormwater management system for all applicable design storms.
 - (d) Final sizing calculations for structural stormwater controls including contributing drainage area, storage, and outlet configuration.
 - (e) Stage-discharge or outlet rating curves and inflow and outflow hydrographs for storage facilities.
 - (f) Final analysis of potential downstream impact and effects of project, where necessary.
 - (g) Dam safety and breach analysis, where necessary.
 7. Representative cross-section and profile drawings and details of structural stormwater controls and conveyances which include:
 - (a) Existing and proposed structural elevations (e.g., invert of pipes, manholes, etc.).
 - (b) Design water surface elevations.
 - (c) Structural details of structural control designs, outlet structures, embankments, spillways, grade control structures, conveyance channels, etc.
 8. Applicable construction specifications.
 9. Landscaping plans for structural stormwater controls and any site reforestation or revegetation.
 10. Evidence of acquisition of all applicable local and non-local permits.
 11. Evidence of acquisition of all necessary legal agreements (e.g., easements, covenants, land trusts, etc.).

B. Operation and Maintenance of Stormwater Control Structures. The Stormwater Operation and Maintenance Plan shall also include the following information:

1. Name, legal address and phone number of responsible parties for maintenance activities.
2. Description and schedule of maintenance tasks.
3. Description of applicable easements.
4. Description of funding source.
5. Review of access and safety issues.

APPENDIX E
CONSTRUCTION DOCUMENTS CHECKLIST FOR PLAN REVIEW

Section 1: General Plan Preparation Guidelines

- Sheets shall be no larger than 36" x 24" plan and profile paper.
- Minimum text size shall be 1/8"
- Scale on plan view shall be no smaller than 1" = 50'; scale on profile view shall be no smaller than 1" = 50' horizontally and 1" = 5' vertically using a grid showing 1' intervals.
- Cover sheet shall have a vicinity map at a scale no smaller than 1" = 2000'.
(Amended by Mebane City Council, 06/05/2017)
- Provide a legend indicating existing and proposed lines, features and symbols.
- Cover sheet shall include all general notes, owner's name, telephone number, and mailing address.

- All elevations shall be given in relation to mean sea level; elevations in profile view shall be labeled in 10' intervals on the heavy lines (Ex. 350, 360).
- Benchmark elevations and locations shall be shown on plan view.
- Plan views shall have a north arrow on each drawing.
- Each drawing shall have the following information in the title block: Street or project title, limits, horizontal and vertical scales, original date, revisions date, drawing number, checked by and drawn by. Recommended placement is lower right-hand corner.
- All drawings sealed, signed and dated by a NC Professional Engineer.
- Plan view shall show all actual street names. State road numbers shall be shown if applicable. Plan view should also indicate whether street is asphalt, concrete, gravel or dirt. Proposed street & Right-of-way widths will be dimensioned back-to-back and labeled in plan view.

- Plan view shall show proposed and existing curb and gutter, storm sewers, drainage structures, driveway pipes, water mains, sanitary sewer mains, etc. All available elevations shall be shown on the profile view. Direction of flow shall be shown on plan view for all sanitary sewers and storm drains.

- Existing utility lines shall be shown and labeled on plan view and indicated in the legend.
- Plans shall show final proposed locations and dimensions of all water, storm drain, and sanitary sewer lines, including services to each property line for water and sanitary sewer, devices to be installed on the system, catch basins, culverts, ditches, including grades, pipes sizes, elevations, assumptions, calculations, invert elevations for all inlets and manholes and profiles of sanitary sewer lines.

- Plan shall bear the note: "All construction to be in accordance with all City of Mebane, Specifications and Standard Details, latest edition."
- All existing and proposed water, storm drainage and sanitary sewer easements shall be shown on all applicable sheets.

Section 2: Water Distribution Design

Applicant Validation		COM Staff Check
N/A	Included	Check
_____	_____	_____
		<p>All water distribution system extensions shall be designed to provide fire flow plus peak daily water demand. The peak daily water demand is based on 2.5 times the average daily water demand for the type of user. The distribution system shall be designed to maintain a minimum of 20 PSI at all points in the distribution system under all conditions of usage, including fire flow using a C factor of not more than 130. Fire flow demand varies with the type and size of user; however, the following shall be used as the minimum fire flow demand to design the distribution system extensions:</p> <p>A. Residential Buildings</p> <ol style="list-style-type: none"> 1. One and two family dwellings if more than 11 ft. of separation between buildings-----1000 GPM 2. One and two family dwellings if less than 11 ft. of separation between buildings-----1500 GPM 3. Multifamily units-----1500 GPM minimum, but refer to Table B105.1 in the NC Fire Prevention Code if more applies. <p>B. Commercial/Business Users-----2000 GPM minimum, but refer to Table B105.1 in the NC Fire Prevention Code if more applies.</p> <p>C. Industrial Users-----2500 GPM minimum, but refer to Table B105.1 in the NC Fire Prevention Code if more applies.</p> <p>At the time of preliminary development plans, a preliminary design shall be submitted which indicates that the proposed distribution system extensions comply with the above requirements. Upon submittal of the construction plans, detailed modeling documentation shall be submitted showing compliance with the above requirements. Acceptable modeling programs include Watercad, Hydraulicad, WatSys by Civilsystems, and other modeling programs approved in advance.</p> <p>The minimum size water line extension shall be 8", except that in cul-de-sacs, 6" is allowed if less than 600 ft. in length and 4" is allowed if less than 250 ft. in length.</p>
_____	_____	_____
		In all residential districts, the maximum distance between fire hydrants, measured along public street centerlines and/or other private travel ways shall be 500 feet.
_____	_____	_____
		<p>Valves should be installed on all branches from feeder mains and between mains and hydrants according to the following schedule:</p> <ol style="list-style-type: none"> a. four (4) valves at X's (crosses), b. three (3) valves at T's (tees) and c. one (1) valve on single hydrant branch <p>All fittings, valves, hydrants, plugs, etc. shall be indicated in a fitting box with the number of items.</p>
_____	_____	_____
		Water mains 12" and larger in diameter which have a change in elevation of fifteen feet or greater shall have an air release at high points.
_____	_____	_____
		Show water service to each lot and show the water meter 1 foot on street side of the right-of-way line. The developer will be responsible for the cost of relocating services and meters that fall within driveways.
_____	_____	_____
		Multi-family, Commercial and Industrial Developments - Hydrants shall be located within 250 feet of most remote portion of building(s).

_____	_____	_____	Minimum Radius for ductile iron pipe without fittings: 4" - 125' 6" - 145' 8" - 195' 10" - 195' 12" - 195' 14" - 285' 16" - 285' 18" - 340' 20" - 340' 24" - 450'
_____	_____	_____	On all 12" and larger water main provide joint restraint calculations for all fittings, valves and dead ends.
_____	_____	_____	Main line valves on straight runs between street intersections shall be spaced no greater than the distances given below and shall be located within fifty (50) feet of the nearest hydrant to their location. Main Size Maximum Spacing 6" - 600' 8" - 900' 12" - 1000' 16" - 1000' 24" - 1500'
_____	_____	_____	When phasing a project, locate valves in order to not place any existing service out of water. When extending water line to a new phase add additional valves beyond above requirements if necessary.
_____	_____	_____	Indicate in profile vertical separation 12" water to storm drain 18" water to a sanitary sewer.
_____	_____	_____	Provide 3 foot of cover minimum over water main (8" or less), 4 foot of cover (10" or greater) and 5 foot of cover minimum at air release valve installation.
_____	_____	_____	If water main is outside of street right-of-way indicate 20 feet easement. Show all existing and proposed water line easements
_____	_____	_____	Indicate water main material Ductile Iron Pipe and class
_____	_____	_____	Indicate how new water will connect to existing water main.
_____	_____	_____	Indicate backflow prevention.
_____	_____	_____	Hydrant leads are off hydrant tees unless at the end of a water main.
_____	_____	_____	If road bore and jack is required show bore size (dia.), length, thickness of steel encasement and length of restrained pipe through encasement.

Section 3: Sanitary Sewer Collection Design

Applicant Validation		COM Staff	
N/A	Included	Check	
_____	_____	_____	All gravity sewer mains shall be designed and sized to serve the total natural drainage basin. The total off-site drainage area in acres must be shown on the plans and calculations should be submitted to the City upon request to justify pipe sizing. An 8-inch main shall be the minimum size permitted.
_____	_____	_____	When preparing the plans for sewer mains, deflection angles for all horizontal turns shall be shown on the drawings. All elevations shall be tied to mean sea datum and the benchmark shall be shown or described on the plans. Spot elevations on 100 foot stations, 75 feet from the centerline on both sides, shall be shown on the plan, or cross-sections supplied to ensure that the sewer can adequately serve the property. The plans shall show the manhole number (MH #1 etc.), top elevation, station, depth including invert elevations, length of sewer reach, and slope (in percent). Established creek centerlines and inverts will be platted on the sewer plan and profile sheets, adjacent to proposed sewer alignment, within 75 feet.
_____	_____	_____	Grades for sanitary sewers must be such that a minimum flow velocity of 2 feet per second is maintained. The minimum grade for an 8-inch sewer line is 0.50%. If necessary for slope to be less than 0.50%, provide reason.
_____	_____	_____	Minimum widths of permanent and construction sanitary sewer easements, for public sewer mains, are: Permanent / Construction 8" & 15" main - 30 feet wide / 20 feet wide 18" & 24" main - 40 feet wide / 20 feet wide Larger size easements may be required based upon the depth of installation or other consideration as determined by the Staff. Sewer mains shall be centered in the easement. Indicate all existing and proposed easements.
_____	_____	_____	If less than 3 feet of cover over proposed sanitary sewer, pipe shall be ductile iron.
_____	_____	_____	Show sewer service terminating at a cleanout one foot beyond right-of-way. Do not tie 4" lateral sanitary service directly into manhole, except at the end of a Cul-de-sac. Cleanouts shall not be placed in drives
_____	_____	_____	Indicate in profile vertical separation 12" sanitary sewer to storm drain and 18" sanitary sewer to water main.
_____	_____	_____	Sanitary sewer lines shall be located a minimum distance of 100 feet from the center of any well used as a community or private water supply. This buffer may be reduced to 50 feet provided that the sanitary sewer lines are constructed of materials and joints that are equivalent to water main standards.
_____	_____	_____	The maximum length of sewer line, which shall be constructed between manholes, shall be four hundred (420') feet.

Section 3: Sanitary Sewer Collection Design - cont

Applicant Validation		COM Staff Check																											
N/A	Included																												
_____	_____	_____	The elevation of all sewer lines at creek crossings shall be set such that the top of the pipe is at or below the elevation of the stream bed or for crossings above water level, the bottom of the pipe should be located above the 25-year flood elevation.																										
_____	_____	_____	Sewer manholes located within the 100-year flood plain shall be constructed for watertight manholes, or sewer manholes located within the 100-year flood plain shall have a minimum height of two (2') feet above the 100-year flood elevation.																										
_____	_____	_____	Drop in manhole greater than 6" but less than or equal to 30" indicate concrete slide. If drop is greater than 30" provide an outside drop manhole.																										
_____	_____	_____	Public sanitary sewer pipe material shall be indicated in profile.																										
_____	_____	_____	Where it is not possible to provide gravity sanitary sewer service, indicate which lots will have a private pump system.																										
_____	_____	_____	Minimum Slope requirements: <table border="1"> <thead> <tr> <th>Dia of Pipe (inches)</th> <th>Minimum Slope (Feet per 100 feet)</th> </tr> </thead> <tbody> <tr><td>8</td><td>0.50</td></tr> <tr><td>10</td><td>0.28</td></tr> <tr><td>12</td><td>0.22</td></tr> <tr><td>14</td><td>0.17</td></tr> <tr><td>15</td><td>0.15</td></tr> <tr><td>16</td><td>0.14</td></tr> <tr><td>18</td><td>0.12</td></tr> <tr><td>21</td><td>0.10</td></tr> <tr><td>24</td><td>0.08</td></tr> <tr><td>27</td><td>0.07</td></tr> <tr><td>30</td><td>0.06</td></tr> <tr><td>36</td><td>0.05</td></tr> </tbody> </table>	Dia of Pipe (inches)	Minimum Slope (Feet per 100 feet)	8	0.50	10	0.28	12	0.22	14	0.17	15	0.15	16	0.14	18	0.12	21	0.10	24	0.08	27	0.07	30	0.06	36	0.05
Dia of Pipe (inches)	Minimum Slope (Feet per 100 feet)																												
8	0.50																												
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30	0.06																												
36	0.05																												
_____	_____	_____	If road bore and jack is required show bore size (dia.), length, thickness of steel encasement and length of restrained pipe through encasement.																										

Section 4: Roadway and Street Design

Applicant Validation		COM Staff Check	
N/A	Included		
_____	_____	_____	Street typical sections shall be on the cover sheet or the first sheet of plan and profiles and will include street and right-of-way width, sidewalk location, cross-slopes, and pavement design. Do not place aggregate under curb for City streets.
_____	_____	_____	Pavement Cross Section meets or exceeds City Standards – 8" ABC, 1 1/4" of H (Binder) and 1" I-2 Bit. Pavement. No ABC under curb and gutter.
_____	_____	_____	Plan view shall show all property lines and lot frontages. Existing property irons shall be labeled "E.I.P." Right-of-way lines shall be dimensioned and labeled "R/W."
_____	_____	_____	Complete street curve data shall be shown on plans. This information shall include, but is not limited to: intersection radii, length of all arcs, internal angles, sight triangles, intersection centerlines, superelevation rates, if any along with the top of curb or edge of pavement profiles, vertical curve length, rate of vertical curvature (K), PVI, PVC, and PVT station and elevation, horizontal curve length, tangent, centerline radius, and delta.

OTHER:

1. Comply with the Mebane Storm Sewer Design Manual and the Mebane Flood Damage Prevention Ordinance.
2. Water Supply Watershed requirements may apply.
3. State Stormwater rules may apply.
4. The Department of Transportation may have additional requirements.
5. This document shall be submitted with all plan submittals, including after any plan revisions. All resubmittals of plans shall include a certification from the engineer that all revisions have been made per review comments (unless otherwise noted) and that any other revisions not required per the review comments have been noted on the plans and in the certification.

**APPENDIX F
SUBDIVISION RECORD**

Preliminary Plat _____ Date Submitted _____

Name of Subdivision _____

Location _____

Owner _____ Address _____ Tel. _____

Designer _____ Address _____ Tel. _____

Check List:

- _____ Key map embracing subdivision and surrounding areas.
- _____ Four copies of preliminary plat.
- _____ Scale: 1" = 100' or larger.
- _____ Name of subdivision and owner.
- _____ North point, graphic scale, date.
- _____ Boundaries of tract with bearings and distances.
- _____ Name of adjoining property owners.
- _____ Location of existing sanitary and storm sewers, water, gas mains, electric lines and other utilities.
- _____ Names, locations and approximate dimensions of proposed streets, easements, parks, and reservations, lot lines, etc.
- _____ Contour maps if required.
- _____ Proposed lot lines, building lines and approximate dimensions.
- _____ Lot and block numbers.
- _____ Zoning classification {if any on land to be subdivided and on adjoining land.}
- _____ Conforms to general requirements and minimum design standards.
- _____ Conforms to watershed requirements if in water supply watershed.

Approved to proceed to final plat. _____ (Date)

Subject to the following modifications: _____

Disapproved: _____ (Date)

For the following reasons: _____

Mebane UDO, Appendix G

*Mebane UDO, Appendix
G*

February 4, 2008

APPENDIX G
LIST OF RECOMMENDED PLANT MATERIALS

(Primary Sources: *Landscape Plants of the Southeast* by R. Gordon Halfacre and Anne R. Shawcroft, 1979 and *Manual of Woody Landscape Plants* by Michael A. Dirr)

Commented [CS208]: All proposed changes are to encourage the planting of desired vegetation and disallow the planting of invasive species.

Evergreen Canopy Trees		At Maturity (in feet)		Growth Conditions	Remarks
Botanical Name	Common Name	Height	Spread		
<i>Cedrus deodara</i>	Deodar Cedar	40-50	30-40	Sun/Pt Shade	Let lower limbs touch ground. Large scale screen or specimen tree.
<i>Cryptomeria japonica</i>	Japanese Cryptomeria	40-50	20-30	Sun/Pt Shade	Tall, lofty, pyramidal or conical evergreen. Beautiful specimen or screen.
<i>Juniperus virginiana</i>	Eastern Red Cedar	40-50	8-20	Sun	Tough, densely columnar. Great for naturalizing for use as a screen or in groupings.
<i>Magnolia grandiflora</i>	Southern Magnolia	40-60	25-30	Sun/Pt Shade	Let lower limbs touch ground. Large scale screen or specimen tree. White flowers in late spring.
<i>Pinus palustris</i>	Longleaf Pine	80-100	30-40	Sun/Pt Shade	Mass planting/screen. Loses lower limbs with age.
<i>Pinus sylvestris</i>	Scotch Pine	40-70	15-30	Sun	Ornamental specimen or mass planting. Loses lower limbs with age.
<i>Pinus taeda</i>	Loblolly Pine	70-90	30-40	Sun/Pt Shade	Mass plantings. Provides light shade for understory planting. Loses lower limbs with age.
<i>Pinus thunbergii</i>	Japanese Black Pine	50-70	20-25	Sun	Mass plantings. Space close together to form screen.
<i>Quercus laurefolia</i>	Laurel Oak	30-50	30-40	Sun/Pt Shade	Good street tree. Not as long-lived as Live Oak.
<i>Quercus virginiana</i>	Live Oak	40-80	60-100	Sun/Pt Shade	Long-lived. Can reach magnificent proportions with age.
<i>Thuja plicata</i>	Western or Giant Arborvitae	50-75	15-25	Sun	Masses, groupings or for textural evergreen interest.
<i>Thuja 'Green Giant'</i>	Arborvitae	30-60	10-20	Sun	Good upright form for the landscape. Mass, screen, groupings.

Deciduous Canopy Trees		At Maturity (in feet)		Growth Conditions	Remarks
Botanical Name	Common Name	Height	Spread		
<i>Acer rubrum</i>	Red Maple	40-50	25-35	Sun/Shade	Beautiful fall colors. Use in mass plantings. Long-Long-lived. Native.
<i>Acer Saccharum</i>	Sugar Maple	50-75	30-50	Sun	Spectacular in flower. Excellent accent in large open areas.
<i>Aesculus x carnea</i>	Red Horse Chestnut	30-50	30-40	Sun/Pt Shade	Spectacular in flower. Excellent accent in large open areas.
<i>Fragus grandifolia</i>	Beech	60-80	40-60	Sun	Cast dense shade, long-lived.
<i>Ginkgo biloba</i>	Ginkgo	40-70	20-40	Sun	Street tree, light shade – susceptible to air pollution. Male only.
<i>Liquidambar styraciflua</i>	Sweet Gum	60-100	50-75	Sun/Pt Shade	Attractive all year. Allow space to develop symmetrically. Useful for shade.
<i>Liriodendron tulipifera</i>	Tulip Poplar	60-150	30-40	Sun	Useful as specimen or mass plantings in large areas. Good fall color.
<i>Metasequoia glyptostroboides</i>	Dawn Redwood	70-100	20-30	Sun	Imposing as single specimen or planted in groves. Two to three feet of growth per year.
<i>Nyssa sylvatica</i>	Black Gum	40-60	20-30	Sun/Shade	Gorgeous fall color and distinctive winter habit. Useful in mass; good specimen while young.
<i>Platanus acerifolia</i>	London Plane	70-100	50-70	Sun/Pt Shade	Long-lived, withstands worst city conditions.
<i>Platanus occidentalis</i>	Sycamore	70-100	60-80	Sun/Pt Shade	Mass planting, needs ample space to develop. Withstands severe conditions.
<i>Prunus sargentii</i>	Sargent Cherry	40-60	30-40	Sun	Casts dense shade
<i>Quercus acutissima</i>	Sawtooth Oak	25-30	25-30	Sun/Pt Shade	One of smaller oaks.
<i>Quercus alba</i>	White Oak	60-100	50-90	Sun/Pt Shade	Majestic specimen. Slow growing, very long-lived. Avoid planting near driveway or patio.
<i>Quercus coccinea</i>	Scarlet Oak	60-80	40-50	Sun	Excellent foliage, rapid growth; excellent shade & street planting.
<i>Quercus nigra</i>	Water Oak	50-75	30-40	Sun/Pt Shade	Use as specimen, canopy & background. Drooping branches limits use as shade tree.
<i>Quercus palustris</i>	Pin Oak	60-80	40-50	Sun/Pt Shade	Excellent lawn tree for large areas. Not recommended for street, lower branches block visibility.
<i>Quercus phellos</i>	Willow Oak	60-80	30-40	Sun	Excellent shade or street tree. Useful as specimen, framing, background and canopy.

Deciduous Canopy Trees		At Maturity (in feet)		Growth Conditions	Remarks
Botanical Name	Common Name	Height	Spread		
<i>Quercus rubra</i>	Red Oak	50-70	40-60	Sun/Pt Shade	Rapid growth, handsome shade tree for street, lawns & mass planting.
<i>Quercus shumardii</i>	Shumard Oak	60-30	40-50	Sun	Rapid grower, excellent foliage.
<i>Salix babylonica</i>	Weeping Willow	30-50	20-40	Sun/Pt Shade	Somewhat untidy & aggressive. Attractive large screen for areas used in spring & summer. Should not be planted near underground pipes.
<i>Taxodium distichum</i>	Bald Cypress	50-100	20-30	Sun/Pt Shade	Use in poorly drained sites. Exotic in appearance.
<i>Tilia cordata</i>	Littleleaf Linden	30-70	25-40	Sun/Pt Shade	Useful as street tree & areas requiring dense shade.
<i>Ulmus parvifolia</i>	Lace Bark Elm	80-90	70-90	Sun/Pt Shade	Tough, durable, excellent for any situation. Handsome exfoliating bark.
<i>Zelkova serrata</i>	Japanese Zelkova	50-60	40-50	Sun/Pt Shade	Excellent shade tree. Substitute for Elm. Trunk subject to sun scald.

Evergreen Ornamental and Understory Trees		At Maturity (in feet)		Growth Conditions	Remarks
Botanical Name	Common Name	Height	Spread		
<i>Callitropsis glabra</i>	Arizona Cypress	25-30	15-20	Sun/Pt Shade	Blue/Green foliage. Pyramidal habit
<i>Chamaecyparis obtuse</i>	False Cypress	25-30	15-20	Sun	Specimen or screen plant. Pyramidal conifer prefers hot, dry conditions
<i>Ilex x attenuate</i> (Foster's)	Hybrid Hollies	20-30	10-20	Sun/Pt Shade	Good screen plant. Useful in narrow planting areas.
<i>Ilex x 'Emily Bruner'</i>	Emily Bruner Holly	15-20	12-15	Sun/Pt Shade	Broad, dense, pyramidal. Screen, border or accent.
<i>Ilex x 'Nellie R. Stevens'</i>	Nellie Stevens Holly	15-25	10-20	Sun/Pt Shade	Upright, conical. Excellent for screen or accent. Good holly for southern states.
<i>Ilex opaca</i>	American Holly	15-30	10-20	Sun/Pt Shade	Best used as specimen plant or in clumps as screen & border. Allow lower limbs to branch to ground. Slow growing.
<i>Magnolia grandiflora</i>	Southern Magnolia	20-30	10-30	Sun/Pt Shade	Dark green glossy smaller foliage than species with brown back. White blooms in June
<i>Prunus caroliniana</i>	Carolina Cherry Laurel	20-30	15-20	Sun/Pt Shade	Excellent in natural form. Excellent foliage. Use as specimen, screen or border.
<i>Quercus myrsinifolia</i>	Chinese Evergreen Oak	20-40	8-16	Sun	Specimen or screening material with heavy low branching and elegant foliage.

Deciduous Ornamental and Understory Trees		At Maturity (in feet)		Growth Conditions	Remarks
Botanical Name	Common Name	Height	Spread		
<i>Acer palmatum</i> (varieties)	Japanese Maple	15-20	10-15	Pt Shade	Beautiful tree for small gardens & terraces. Refined in character.
<i>Amelanchier canadensis</i> <i>Amelanchier arborea</i>	Serviceberry	10-20	8-15	Sun/Pt Shade	Blooms just before dogwood. Attractive with background of loblolly pines or planted along edge of wild areas.
<i>Asimina triloba</i>	Paw Paw	15-20	15-20	Sun/Shade	Beautiful native tree often found along streams. Good fall color. Interesting foliage effect.
<i>Betula nigra</i>	River Birch	20-40	16-20	Pt Shade	Graceful branching habit, attractive bark.
<i>Carpinus betulus</i> 'Fastigiata'	Upright Hornbeam	20-40	15-20	Sun	Good street tree for narrow spaces.
<i>Carpinus caroliniana</i>	American Hornbeam	20-30	15-20	Sun/Shade	Good small street or shade tree with refined character.
<i>Cercis canadensis</i>	Eastern Redbud	20-30	12-25	Sun/Pt Shade	Good foliage & beautiful in blossom; interesting specimen or filler. Drought resistant.
<i>Chionanthus virginicus</i>	Fringe Tree	10-12	8-10	Sun	Used as specimen; good in cities.
<i>Cornus florida</i>	Flowering Dogwood	15-30	15-20	Pt Shade	Interesting horizontal branch structure. Use in group planting or as accent in borders & margins of woods. Develops thinner & more graceful habit in part shade rather than full sun.
<i>Cornus Kousa</i>	Kousa Dogwood	20-30	15-20	Sun/Pt Shade	Flowers later than Cornus Florida and resistant to Dogwood anthracnose. Choice specimen plant.
<i>Cornus Mas</i>	Cornelian Cherry Dogwood	20-30	15-20	Sun/Pt Shade	Yellow flowers on bare branches in late February/early March. Durable and long-lived.
<i>Cotinus coggyria</i>	Smoketree	10-15	8-14	Sun	Maintain high moisture until well established. Interesting specimen or border plant for cooler areas.
<i>Crataegus viridis</i>	Hawthorne 'Winter King'	20-25	20-30	Sun	Excellent small ornamental for use against evergreen background. White flowers, exfoliating bark, persistent red fruit.
<i>Franklinia alatamaha</i>	Franklinia	20-30	15-18	Sun	Showy, fragrant late summer flowers & colorful autumn foliage. Use as accent, specimen or filler.
<i>Halesia carolina</i>	Carolina Silverbell	20-40	18-20	Pt Shade/Shade	Useful in borders and along paths or streets. Excellent as naturalizing material.
<i>Koelreuteria paniculata</i>	Golden Raintree	20-30	15-20	Sun/Pt Shade	Valuable for flower & showy seed pods. Best used in groups. Short-lived

Deciduous Ornamental and Understory Trees		At Maturity (in feet)		Growth Conditions	Remarks
Botanical Name	Common Name	Height	Spread		
<i>Lagerstroemia indica</i>	Crape Myrtle	15-25	5-15	Sun	Decorative & effective throughout year as specimen or multi-trunked small tree. Flowers late summer.
<i>Magnolia soulangiana</i>	Saucer Magnolia	15-25	15-25	Sun/Pt Shade	Best suited to city garden; espaliers well in limited areas, flowers in spring.
<i>Magnolia stellata</i>	Star Magnolia	10-12	8-10	Sun	Very handsome specimen shrub for lawns & gardens, best with darker background. Flowers in spring.
<i>Malus hybrida</i>	Flowering Crab Apple	15-25	10-20	Sun	More susceptible to fire blight when forced by too much fertilizer or heavy pruning.
<i>Ostrya virginiana</i>	American Hophornbeam	25-40	20-40	Sun/Pt Shade	Tough, durable, handsome native small tree.
<i>Oxydendrum arboreum</i>	Sourwood	20-30	10-15	Sun/Shade	Slender & handsome; valued for summer flowering & for brilliant fall coloring. Useful in borders and as undercover in woodland areas.
<i>Pistacia chinensis</i>	Chinese Pistachio	20-40	10-20	Sun/Pt Shade	Once established is a fairly low maintenance tree good for urban conditions. Good street tree.
<i>Prunus Hybrids</i>	Japanese Cherry	15-40	15-40	Sun/Pt Shade	Provides great beauty in early Spring. Handsome specimen trees. Some are more heat/cold tolerant, longer-lived than others.
<i>Prunus serrulata</i>	Japanese Cherry	15-25	15-20	Sun/Pt Shade	Outstanding for quick effect. Life span is 15-20 years.
<i>Sassafras albidum</i>	Sassafras	25-40	20-25	Sun/Pt Shade	Useful for thickets, borders of woodland parks & mass plantings.
<i>Stewartia koreana</i>	Korean Stewartia	20-30	10-15	Sun/Pt Shade	Exfoliating bark, good fall color. Flowers in July. Choice ornamental for accent of focal point.
<i>Styrax japonicas</i>	Japanese Snowbell	20-30	15-20	Sun/Pt Shade	Delicate beauty. Best planted on hillside or where it can be viewed from below.
<i>Vitex agnus-castus</i>	Chaste Tree	15-20	8-10	Sun/Pt Shade	Handsome mass, particularly attractive in bloom. Difficult to blend with other shrubs.

Large Evergreen Shrubs (over 6' height)		At Maturity (in feet)		Growth Conditions	Remarks
Botanical Name	Common Name	Height	Spread		
<i>Aucuba japonica</i>	Aucuba	5-10	4-7	Pt Shade/Shade	Variegated foliage. Specimen or Dense Screening
<i>Azalea indica</i>	Indian Azalea	6-12	6-8	Sun/Shade	Best in Coastal Plain. Requires mulch.
<i>Berberis julianae</i>	Wintergreen Barberry	6-10	6-10	Sun	Leathery spine-toothed dark green leaves. Good barrier plant.
<i>Callistemon lanceolatus</i>	Bottlebrush	6-12	8	Sun	Grown primarily for floral display. In very warm areas may be trained as specimen tree. Good screening material for protected beach properties.
<i>Camellia japonica</i>	Japanese Camellia	7-12	5-7	Pt Shade	Easily grown but very formal in character. Requires protection from winter wind.
<i>Camellia sasanqua</i>	Sasanqua Camellia	7-12	5-7	Sun/Pt Shade	Excellent for informal borders, specimen, accent and sheared or natural hedges. If not planted in shade, should be planted where morning sun does not strike foliage.
<i>Cephalotaxus harringtonia</i>	Plum Yew	5-10	5-15	Pt Shade/Shade	Columnar or spreading varieties. Dark green needles.
<i>Chamaecyparis pisifera</i> <i>cultivars</i>	Japanese Falsecypress	6-20	5-10	Sun/Pt Shade	Good accent or specimen plants with foliage ranging from yellow, deep green, gray or blue-green.
<i>Cleyera japonica</i>	Cleyera	8-10	5-6	Pt Shade	Highly shade tolerant; withstands city conditions. Excellent along coast but must be protected from salt spray.
<i>Cryptomeria japonica</i> <i>cultivars</i>	Japanese Cedar	6-10	4-6	Sun	Upright conical to flat spreading.
<i>Ilex cornuta</i>	Chinese Holly	8-10	5-7	Sun/Pt Shade	Useful as hedge or massive foundation plant. Ragged appearance when sheared.
<i>Ilex crenata</i>	Japanese Holly	10-12	3-5	Sun/Pt Shade	Suitable for screening or hedging. Useful as background material.
<i>Ilex glabra</i>	Inkberry Holly	6-9	4-7	Sun/Shade	Select male plants for best winter color. Most useful as background plant. Excellent for naturalizing.
<i>Ilex latifolia</i>	Lusterleaf Holly	8-12	7-11	Pt Shade	Use in large scale shrub borders; excellent for industrial or park sites or as specimen or screening plant for large areas.
<i>Ilex pernyi</i>	Perny Holly	9-12	4-6	Sun/Pt Shade	Taller growing than many shrub hollies. Showy red fruit.

Large Evergreen Shrubs (over 6' height)		At Maturity (in feet)		Growth Conditions	Remarks
Botanical Name	Common Name	Height	Spread		
<i>Ilex vomitoria</i>	Yaupon Holly	5-15	6-12	Sun/Shade	Useful as border, screen, specimen, or barrier for large properties. Susceptible to salt burn.
<i>Illicium anisatum</i>	Anise Tree	8-12	8-10	Sun/Pt Shade	Excellent as enclosure and foundation plant for large buildings or as large specimen. Attractive form and foliage; rarely produces flowers.
<i>Juniperus chinensis cultivars</i>	Juniper	4-20	4-10	Sun	Many varieties from narrow columnar to vase-shaped and spreading. Good accents.
<i>Juniperus virginiana</i>	'Skyrocket'	15-20	3-5	Sun	Good upright accent.
<i>Ligustrum japonicum</i>	Japanese Privet	6-10	5-6	Sun/Shade	Formal or informal hedge or shrub border. Adapted to adverse conditions of drought, heat, cold, and salt spray. Use in foundation plantings only for large structures and sites. Excellent background material.
<i>Loropetalum chinense</i>	Loropetalum	6-10	8-9	Sun/Pt Shade	Useful as screen, border, or foundation shrub. Excellent espaliered.
<i>Michelia figo</i>	Banana Shrub	6-8	6-8	Sun/Lt Shade	Handsome foliage and pleasant banana fragrance from flowers in evening. Foliage may freeze in severe winters.
<i>Myrica cerifera</i>	Wax Myrtle	10-12	4-6	Sun/Pt Shade	Will thrive in practically any situation. Good background material; combines well with junipers. Useful on coast but will not tolerate direct exposure to salt spray.
<i>Mahonia bealei</i>	Leatherleaf Mahonia	5-10	4-8	Pt Sun/Shade	Holly-like foliage. Yellow flowers. Blue fruit.
<i>Osmanthus fortunei</i>	Fortune Tea Olive	9-12	5-7	Sun	Excellent in large borders and screens or as clipped hedge. May be used as formal specimen.
<i>Pieris japonica</i>	Japanese Pieris	8-12	6-8	Pt Shade	Excellent evergreen for shade. Attractive new growth ranging from apple green to rich red. Borders, groupings or accent.
<i>Photinia fraseri</i>	Fraser Photinia	7-12	5-8	Sun	Resistant to mildew which disfigures <i>P. serrulata</i> . Best used for hedge in full sun or where color harmonizes.
<i>Photinia glabra</i>	Red Photinia	6-10	4-5	Sun	Best used for hedges in full sun or where color harmonizes.

Large Evergreen Shrubs (over 6' height)		At Maturity (in feet)		Growth Conditions	Remarks
Botanical Name	Common Name	Height	Spread		
<i>Viburnum awabuki</i>	'Chindo' Viburnum	6-10	5-6	Sun/Pt Shade	Large thick glossy leaves. Fragrant blooms and red fruit. Good screen plant.
<i>Prunus laurocerasus</i>	English Laurel	10-12	8-11	Sun/Shade	Sometimes has scorched foliage appearance, especially in winter. May be used for tall hedges, windbreaks, or foundation planting for large buildings.
<i>Viburnum rhytidophyllum</i>	Leathleaf Viburnum	6-10	5-7	Shade/Pt Shade	Dignified shrub of architectural character; excellent foliage and fruit. Used as specimen and foundation plant especially for narrow wall spots.
<i>Viburnum tinus</i>	Laurestinus Viburnum	10-12	10-12	Sun/Pt Shade	Valuable evergreen for barrier, specimen, clipped or unclipped hedge. Avoid watering in fall or planting on very fertile soils. Good background material.

Large Deciduous Shrubs (over 6' in height)		At Maturity (in feet)		Growth Conditions	Remarks
Botanical Name	Common Name	Height	Spread		
<i>Azalea calendulacea</i>	Flame Azalea	8-12	5-8	Sun/Pt Shade	Handsome and showy native azalea. Best in woodland plantings. Good fall color.
<i>Azalea hybrida</i> 'Exbury'	Exbury Hybrid Azalea	6-8	5-7	Pt Shade	Excellent for naturalizing or in mass for color accent in spring. Effective in combination with evergreen azaleas and camellias.
<i>Buddleia davidii</i>	Butterfly Bush	5-8	3-6	Sun	Summer flowering and usually treated as perennial. Useful scattered through large shrub borders or as accent for flower beds.
<i>Callicarpa americana</i>	Beautyberry	5-8	5-8	Sun	Graceful arching with purple berries in fall. Native.
<i>Calycanthus floridus</i>	Sweetshrub	6-9	5-8	Sun/Shade	Valued for fragrance of flowers and fruit; useful in unclipped borders and moist areas
<i>Clethra alnifolia</i>	Summersweet	6-8	4-6	Sun/Shade	Upright suckering shrub for border. Moist conditions. Flowers attract butterflies.
<i>Corylopsis glabrescens</i>	Winterhazel	5-7	8-15	Sun/Pt Shade	Rounded, wide spreading. Yellow flowers in drooping clusters. Good accent plant.
<i>Cornus alba</i> 'Sibirica'	Red/Yellow Stem Dogwood	6-10	6-12	Sun	Grown for brightly colored stems in winter. Shrub borders or masses on large scale.
<i>Cytisus scoparius</i>	Scotch Broom	5-7	3-5	Sun/Pt Shade	Form derived from vertical twig growth rather than foliage effect; somewhat unpredictable in survival. Numerous seedlings replace old plants. Will grow on clay banks.
<i>Deutzia scabra</i>	Pride of Rochester Deutzia	6-10	4-8	Sun/Pt Shade	Handsome mass useful in shrub borders or as specimen. Showy flowers. Useful as background or accent for flowers beds.
<i>Distylium hybrids</i>	Distylium	3-10	3-8	Sun/Pt Shade	Dense, compact. Foundation, screen or accent plant. Good plant for slopes.
<i>Euonymus alatus</i>	Winged Euonymus	5-8	3-5	Sun/Pt Shade	Excellent for parks or industrial sites. Flamboyant coloring and rank growth limit use to large-scale properties.
<i>Exochorda racemosa</i>	Pearl Bush	10-12	8-10	Sun/Pt Shade	Delicate appearance in bloom; attractive foliage. Grows leggy with age, requiring facer shrubs. Valuable as light mass or specimen for large areas.

Large Deciduous Shrubs (over 6' in height)		At Maturity (in feet)		Growth Conditions	Remarks
Botanical Name	Common Name	Height	Spread		
<i>Forsythia intermedia</i>	Forsythia	8-10	7-10	Sun	Good foliage mass but most beautiful in flower; useful as large accent, dense mass or screen, and in border with spring bulbs. Withstands city conditions.
<i>Hamamelis virginiana</i>	Witch Hazel	8-15	7-14	Sun/Pt Shade	Excellent for naturalizing in shady areas. Blooms after leaves have fallen. Useful for large estates and parks.
<i>Heptacodium miconioides</i>	Seven-son Flower	10-12	6-8	Sun/Pt Shade	Upright multi-stemmed provides year-round interest. Borders. Hide legginess with shorter shrubs.
<i>Hydrangea paniculata</i>	Hydrangea	8-20	6-8	Pt Shade	Grows well in seaside gardens; tolerant of city conditions. May be trimmed to form small tree.
<i>Ilex verticillata</i>	Winterberry	8-12	8-12	Sun/Pt Shade	Red berries persist through winter. Needs male pollinator. Effective in masses or borders and in wet areas.
<i>Philadelphus x virginalis</i>	Mock Orange	6-10	6-10	Sun/Pt Shade	Fragrant flowers. Single season shrub.
<i>Spiraea prunifolia plena</i>	Bridalwreath Spirea	5-7	3-5	Sun/Shade	Valuable shrub for flowers, foliage and fall color; useful for all informal planting; combines well with perennials and roses.
<i>Spiraea vanhouttei</i>	Vanhoutte Spirea	5-7	4-6	Sun/Shade	Dependable plant. Useful as specimen or mass, as natural hedge, or in shrub borders.
<i>Syringa persica</i>	Lilac	6-8	7-9	Sun/Pt Shade	Good foliage and twig growth for screening and background. Long lasting plant of high quality with minimum problems.
<i>Viburnum burkwoodii</i>	Burkwood Viburnum	6-8	5-7	Sun/Pt Shade	Flowering shrub borders, background, and naturalizing in woodlands. May be espaliered on fence or wall.
<i>Viburnum dilatatum</i>	Linden Viburnum	6-9	6-8	Sun/P. Shade	Best flowering and fruiting in open situations and planted in groups. For borders, screens or specimen use. Unpleasant smelling flowers.
<i>Viburnum macrocephalum</i>	Chinese Snowball	6-10	6-10	Sun/Pt Shade	Dense rounded shrub with large white rounded flower clusters.
<i>Viburnum plicatum tomentosum</i>	Doublefile Viburnum	8-10	8-10	Sun/Pt Shade	Handsome specimen or accent plant; useful in shrub borders. Beautiful horizontal branching habit

Large Deciduous Shrubs (over 6' in height)		At Maturity (in feet)		Growth Conditions	Remarks
Botanical Name	Common Name	Height	Spread		
					displaying flowers and fruit well. Will not tolerate drought.
<i>Weigela florida</i>	Weigela	6-8	8-10	Sun	Valued for handsome flowers; at other seasons rather coarse. Plant in groupings or borders where it is hidden when not blooming. Prune after flowering.

Medium Evergreen Shrubs (4' – 6' height)		At Maturity (in feet)		Growth Conditions	Remarks
Botanical Name	Common Name	Height	Spread		
<i>Abelia grandiflora</i>	Glossy Abelia	4-6	3-5	Sun/Shade	Medium height informal hedges or for background. Iron chlorosis common; not well adapted to deep sandy soils. Leaf drop from low temperatures, lack of pruning and starvation.
<i>Aucuba japonica</i>	Japanese Aucuba	4-5	3-4	Shade	Excellent for dark corners or shady locations. May be grown in planter boxes.
<i>Azalea hybrida</i>	Hybrid Azaleas	4-6	3-4	Pt Shade	Brilliant floral display with different varieties covering entire azalea blooming season. Somewhat more cold hardy than Kurume azalea.
<i>Buxus microphylla japonica</i>	Japanese Boxwood	4-5	3-4	Sun/Shade	Larger leaves than species. Excellent sheared or natural hedge. Good low specimen plant.
<i>Chamaecyparis obtusa</i>	Hinoki Cypress 'Nana Gracilia'	5-6	3-4	Sun	Dark green foliage in artistic clusters.
<i>Chamaecyparis pisifera 'filifera aurea'</i>	False Cypress	4-6	4-6	Sun	Drooping threadlike branchlets in yellow. Good accent.
<i>Crytomeria globosa</i>	Japanese Cedar	4-6	4-6	Sun	Beautiful, compact, dark green needles. Dwarf growing habit.
<i>Euonymus kiautschovicus</i>	Spreading Euonymous	4-6	4-6	Sun/Shade	May be trained as vine on walls or fences; climbs by aerial roots. Lower branches sometimes prostrate and root. Useful as hedge, screen, border or foundation planting.
<i>Gardenia augusta</i>	Gardenia	2-6	3-6	Sun/Pt Shade	Glossy foliage with super fragrant blooms.
<i>Ilex crenata</i>	Japanese Hollies	4-6	3-5	Sun/Shade	Fine as foundation plant or in masses. Good substitute for boxwoods and may be developed into formal or informal hedge.
<i>Jasminum floridum</i>	Flowering Jasmine	4-6	5-7	Sun/Pt Shade	May be trained as vine. Acts as large scale ground cover when used in mass plantings. Excellent on banks or over wall where graceful form shows to advantage. Useful for unclipped hedges or borders requiring little care once established.
<i>Juniperus chinensis</i>	Chinese Juniper 'Sea Green'	4-6	4-6	Sun	Vase-shaped with dense foliage. Excellent screen plant.

Medium Evergreen Shrubs (4' – 6' height)		At Maturity (in feet)		Growth Conditions	Remarks
Botanical Name	Common Name	Height	Spread		
<i>Juniperus chinensis pfitzeriana</i>	Pfitzer Juniper	4-6	6-9	Sun	Best used in broad masses in large-scale areas. Exotic in appearance, does not mix well with other plants. Susceptible to salt burn.
<i>Loropetalum chinese</i>	Loropetalum	3-6	3-6	Sun/Pt Shade	Irregular mounding habit with foliage ranging from green to ruby-red to purple. Fragrant bright pink flowers intermittently throughout the year.
<i>Mahonia bealei</i>	Leatherleaf Mahonia	5-6	3-4	Pt Shade/Shade	Very dependable for use in shrub borders or as specimen. Winter-burn if grown in sun. Interesting and exotic effect.
<i>Mahonia pinnata</i>	Cluster Mahonia	4-6	2-3	Sun/Pt Shade	Useful for border or specimen; not as limited in use as coarser textured species. Excellent vertical accent. Grows well in sun.
<i>Nandina domestica</i>	Nandina	4-6	2-3	Sun/Pt Shade	Interesting used as facer shrub or planted in groups. Avoid placing near red brick buildings. Excellent vertical accent. Good for year-round interest.
<i>Prunus laurocerasus augustifolia</i>	Narrow Leaf English Laurel	4-6	5-6	Sun/Shade	Excellent for contemporary design. Good low growing foundation plant. Adapts well to city conditions.
<i>Pyracantha coccinea</i>	Scarlet Firethorn	5-10	6-8	Sun	Needs 3 to 4 applications general purpose spray annually starting late March or early April. Use as wall shrub or specimen.

Medium Deciduous Shrubs (4' – 6' height)		At Maturity (in feet)		Growth Conditions	Remarks
Botanical Name	Common Name	Height	Spread		
<i>Azalea hybrida</i>	Hybrid Azaleas	3-5	3-5	Shade/Pt Shade	Excellent habit and good foliage; useful in groups and mass. Not for Coastal Plain.
<i>Berberis thunbergii</i>	Japanese Barberry	3-5	3-5	Sun/Pt Shade	Grows in any situation, particularly good for poor soil, shade, and exposed places. Good for use as impenetrable hedge (thorns). Tolerates exposure.
<i>Chaenomeles speciosa</i>	Flowering Quince	5-6	5-6	Sun/Pt Shade	Splendid mass with fine foliage, showy flowers, and interesting winter color; excellent for borders, specimen, or hedges.
<i>Distylium hybrids</i>	Distylium	3-10	3-8	Sun/Pt Shade	Dense, compact. Foundation, screen or accent plant. Good plant for slopes.
<i>Hamamelis vernalis</i>	Vernal Witch Hazel	4-6	2-3	Sun/Pt Shade	Useful for borders, low screens, and for naturalizing.
<i>Hydrangea quercifolia</i>	Oakleaf Hydrangea	4-6	3-5	Pt Shade	Strong-textured accent or specimen for large scale gardens and parks. Excellent flowers and fall foliage color.
<i>Hydrangea macrophylla</i>	Big Leaf Hydrangea	4-5	4-5	Pt Shade	Loads of large rounded flowers in June and July. Flower color determined by soil type.
<i>Kerria japonica</i>	Kerria	4-6	3-5	Sun/Pt Shade	Useful in small groups in foreground of shrub border. Attractive against walls and fences that contrast in color and texture. Can be trained as vine and used in natural areas. Little care required.
<i>Rosa 'Knockout'</i>	Knockout Rose	4-5	3-5	Sun	Compact rounded shrub. Blooms late spring through frost. Disease resistant.
<i>Rosa multiflora</i>	Japanese Rose	4-6	10-15	Sun	May be used over fences and walls and on trellises but requires much space. Forms impenetrable wide hedge (thorns).
<i>Spiraea cantoniensis</i>	Reeves Spirea	4-6	3-5	Sun/Pt Shade	Excellent landscape plant. Use as specimen or accent plant or in shrub borders. Almost evergreen in warmer areas.
<i>Spiraea thunbergii</i>	Thunberg Spirea	3-5	3-4	Sun/Pt Shade	Earliest blooming of spireas. Graceful and delicate in appearance. Foliage retained until late November.
<i>Syringa patula 'Miss Kim';</i>	Lilac	4-6	4-5	Sun	Handsome and useful in shrub borders or as accent.

Small Evergreen Shrubs (1' – 4' height)		At Maturity (in feet)		Growth Conditions	Remarks
Botanical Name	Common Name	Height	Spread		
<i>Abelia</i>	Variegated Abelia	3-4	3-4	Sun/Pt Sun	Compact, spreading rounded shrub. Variegated leaves and fall flowers.
<i>Aucuba japonica</i> 'Nana'	Dwarf Aucuba	4-5	3-4	Shade	Excellent for dark corners or shady locations.
<i>Azalea hybrida</i>	Satsuki Hybrid Azaleas	2-4	2-4	Pt Shade	Large, showy flowers late in season. Most useful for small-scale areas.
<i>Azalea obtusum</i>	Kurume Azaleas	2-4	2-5	Pt Shade	Brilliant floral display with best color in light shade. Excellent for small gardens.
<i>Buxus harlandii</i>	Harland Boxwood	2-4	2-3	Sun/Pt Shade	Not good as specimen but excellent in low hedges or as edging plant. Grows well in Coastal Plains.
<i>Chamaecyparis obtusa</i> 'Nana Gracilis'	Dwarf Hinoki Cypress	2-4	2-3	Sun/Pt Shade	Excellent as accent or specimen. Not for mass plantings.
<i>Cotoneaster horizontalis</i>	Rockspray Cotoneaster	2-3	5-8	Sun	Charming plant with long season of handsome foliage and fruits; useful for rock gardens or as ground cover, or draping over low walls. Combines well with stone or wood.
<i>Danae racemosa</i>	Alexandrian Laurel	3	2-3	Shade	May be cut for winter displays. Excellent selection for darker corners of patios and fenced gardens as filler or accent. Unique foliage and fruit.
<i>Daphne odora</i>	Winter Daphne	3-4	3	Pt Shade/Shade	Rather expensive and temperamental but beautiful foliage plant. Does not respond to fertilization or pruning and is difficult to establish. Interesting in foreground of mixed shrub plantings, in rock gardens, or as an edging material. Very fragrant blooms in late February/early March.
<i>Euonymus japonicus</i> 'Microphyllus'	Dwarf Japanese Euonymus	2-3	18-24	Sun/Shade	Used for edging, lawn border, or line definition; twigs break easily. Plant destroyed by Euonymus scale unless regularly sprayed.
<i>Hypericum patulum</i>	St. John's Wort	3	3	Sun	More vigorous than species with handsome flower production. Excellent in foreground grouping or in shrub borders and foundation plantings.

Small Evergreen Shrubs (1' – 4' height)		At Maturity (in feet)		Growth Conditions	Remarks
Botanical Name	Common Name	Height	Spread		
<i>Ilex cornuta</i> 'Rotunda'	Dwarf Horned Holly	2-3	3-4	Sun/Pt Shade	Requires no care when established. May be used as accent or foundation plant, unclipped hedge or container plant.
<i>Ilex crenata</i> (varieties)	Japanese Holly	2-3	3-5	Sun/Shade	Excellent substitute for Dwarf Boxwood. May be used as edging or accent plant.
<i>Ilex vomitoria</i> 'Nana'	Dwarf Yaupon Holly	2-4	3-5	Sun/Shade	Excellent as low edging, specimen, or accent plant. Rather formal in character. Withstands drought when well-established. Useful as low growing foundation plant.
<i>Juniperus chinensis</i>	San Jose Juniper	2-3	3-4	Sun/Pt Shade	Prostrate form. Compact sage green foliage. Good filler for large area.
<i>Juniperus squamata</i>	Parsons Juniper	2-3	3-4	Sun/Pt Shade	Dense medium green foliage. Prostrate form. Mass plantings.
<i>Leucothoe axillaris</i>	Coastal Leucothoe	3-4	4	Pt Shade/ Shade	Excellent in masses. Good selection for enclosed city gardens or naturalized along stream banks and woodland trails.
<i>Leucothoe fontanesiana</i>	Drooping Leucothoe	3-4	4-6	Pt Shade/ Shade	Good color and habit; useful for massing and as undergrowth for naturalizing in woods. Good filler between other shrubs.
<i>Ligustrum japonicum</i> 'Rotundifolium'	Curlyleaf Ligustrum	4	3	Sun/Pt Shade	Useful as container specimen. Interesting twisted habit of leaf growth. Withstands adverse city conditions and drought fairly well.
<i>Nandina domestica</i> cultivars	Dwarf Nandina	2-3	2-4	Sun	Compact oval shape with brilliant color in winter.
<i>Pinus mugo</i> 'Compacta'	Mugo Pine	3-4	2-4	Sun	Varies greatly from seed, some plants reaching a height of 8'. Excellent planted in informal masses exposed to full sun and wind. Useful as specimen.
<i>Raphiolepis indica</i>	India Hawthorne	3-4	4-5	Sun/Shade	Strong in character with dramatic appearance. Good informal hedge with excellent foliage and flower color combination. Tolerates wind and salt spray.

Small Evergreen Shrubs (1' – 4' height)		At Maturity (in feet)		Growth Conditions	Remarks
Botanical Name	Common Name	Height	Spread		
<i>Rosmarinus officinalis</i>	Rosemary	2-4	2	Sun	For herb gardens and as accent or background for flowers. May be used as low hedge in warm areas with careful pruning.
<i>Skimmia japonica</i>	Japanese Skimmia	4	3	Pt Shade/ Shade	Grown for excellent foliage, flowers, and fruit. Useful in foundation plantings and foreground of mixed shrub plantings or in planter boxes.
<i>Skimmia reevesiana</i>	Reeves Skimmia	1-2	2-3	Pt Shade	Grown for foliage, flowers, and fruits. Excellent for small gardens.
<i>Virburnum davidii</i>	David Virburnum	3	3-5	Sun/Pt Shade	Excellent low-growing foundation plant. Of dignified and rather formal character.
<i>Yucca filamentosa</i>	Adam's Needle Yucca	1-4	2-4	Sun/Pt Shade	Very resistant to drought and adverse growing conditions. Hazardous near play areas because of sharp, pointed leaf blades.

Small Deciduous Shrubs (1' – 4' height)		At Maturity (in feet)		Growth Conditions	Remarks
Botanical Name	Common Name	Height	Spread		
<i>Callicarpa dichotoma</i>	Beautyberry	3-4	5-6	Sun	Best in large masses or groups. Graceful arching with purple berries in fall.
<i>Chaenomeles japonica</i>	Japanese Flowering Quince	2-3	2-3	Sun/Pt Shade	Withstands city conditions very well. Showy flowers. Needs leafy background.
<i>Deutzia gracilis</i>	Slender Deutzia	3-4	4	Sun/Pt Shade	Excellent as filler in mixed shrub borders and flower gardens, or as low hedge around entrance, patio or walk. Useful for gardens or foundation plantings
<i>Hypericum kalmianum</i>	Kalm St John's Wort	3	3	Sun	May be used to form low hedge along walks, drives, walls or fences. Often evergreen in warmer areas.
<i>Itea virginica</i>	Sweetspire	3-4	3-4	Sun	Upright arching with fragrant flowers and excellent fall color.
<i>Jasminum nudiflorum</i>	Winter Jasmine	2-4	3-5	Sun/Shade	Suitable for covering banks. Will survive in poor soil. Good for irregular loose hedges. Attractive winter bloom. Little care required.
<i>Potentilla fruticosa</i>	Bush Cinquefoil	2-4	3-5	Sun/Pt Shade	Valued for long flowering season. Excellent in rock gardens, over stone walls, or ground cover. Informal hedge or edging material.
<i>Spiraea x bumalda</i>	Spiraea	2-3	3-5	Sun	Good low massing or filler plant. White to pink flowers June into August. Foliage green to yellow.

Evergreen Vines		At Maturity (in feet)		Growth Conditions	Remarks
Botanical Name	Common Name	Height	Spread		
<i>Akibia quinata</i>	Fiveleaf Akebia	30-40	Indeter- minate	Sun/Lt Shade	Excellent foliage for fences or trellis if carefully controlled. Spreads by long underground runners.
<i>Bignonia capreolatus</i>	Cross Vine	30-50	Indeter- minate	Sun	Fast-growing screen for wire fences or trained on masonry walls. Handsome foliage and flower.
<i>Clematis armandii</i>	Armand Clematis	15-20	Indeter- minate	Sun	Prefers cool areas. Fast-growing with beautiful flowers; use as accent to cover pergolas and trellises.
<i>Euonymus fortunei</i>	Winter Creeper	3-6	2-4	Sun/Shade	Desirable as low screen against masonry or tree trunks, and may be used as low ground cover for difficult situations in shade or with poor drainage. Tolerates salt spray.
<i>Fatsyhedera lizei</i>	Bush Ivy	8-9	Indeter- minate	Shade/Pt Shade	Excellent espalier plant. Good filler in narrow strips between walk and wall. Tolerates beach conditions if protected from strong winds.
<i>Gelsemium sempervirens & rankenii</i>	Carolina Jessamine	20	Indeter- minate	Sun/Shade	Good screening material. Grows well on fences and trellises; train first growth horizontally to cover wire. Will climb on small trees and down spouts.
<i>Hedera colchica</i>	Colchis Ivy	30	Indeter- minate	Shade	Useful on fences or as accent. May be sheared to form topiary object. Can be used as ground cover.
<i>Hedera helix</i>	English Ivy	50	Indeter- minate	Pt Shade/ Shade	May be used as ground cover. Aggressive in adapted conditions.
<i>Lonicera sempervirens</i>	Trumpet Honeysuckle	50	Indeter- minate	Sun/Pt Shade	Excellent for naturalizing. Begins bloom early spring and continues throughout summer if grown in sun.
<i>Rosa banksiae</i>	Banks Rose	10-20	Indeter- minate	Sun/Pt Shade	Forms good screen; has numerous flowers. Needs space for massive growth and must be trained to support. Requires little maintenance; tolerates salt spray.
<i>Smilax lanceolata</i>	Smilax	20-30	Indeter- minate	Sun/Shade	Handsome foliage. Forms dense screen on trellises and fences. Spreads by underground shoots. Thorny.
<i>Smilax smallii</i>	Jackson vine	10	Indeter- minate	Sun/Shade	Thorns only on base of stems. Good trellis or arbor.
<i>Trachelospermum asisticum</i>	Yellow Star Jasmine	12	15	Pt Shade	Somewhat more cold hardy than T jasminoides. For spot interest on fences and walls where fragrance may be appreciated. Elegant and interesting foliage.

Deciduous Vines		At Maturity (in feet)		Growth Conditions	Remarks
Botanical Name	Common Name	Height	Spread		
<i>Actinidia arguta</i>	Kiwi Vine (Hardy)	25	30	Sun/Pt Shade	Grown mainly for luxuriant effect of foliage but also bears delicious fruit. Use as texture contrast in large scale areas or as accent plant for pergolas and trellises.
<i>Clematis hybrida</i>	Large Flowered Clematis	5-30	Indeterminate	Sun	Easily trained to wall or form. Requires care throughout year. Restrained and delicate growth habit. Weak climber.
<i>Clematis paniculata</i>	Japanese Clematis	30	Indeterminate	Sun	Vigorous and easy to grow. Late blooming for decorative screen. Moderately resistant to salt spray.
<i>Clematis virginiana</i>	Virgin's Bower	12-15	Indeterminate	Sun/Shade	Commonly seen along creek banks and streams. Good for naturalizing. Good foliage effect.
<i>Hydrangea anomala petiolaris</i>	Climbing Hydrangea	50	Indeterminate	Pt Shade	Clings to masonry and trees without support. Most suitable in rustic environments. Interesting effect on stone. Does not bloom well in dense shade.
<i>Parthenocissus quinquefolia</i>	Virginia Creeper	10-20	Indeterminate	Sun/Pt Shade	Most useful for large-scale work. Produces quick screen. Resistant to salt spray.
<i>Parthenocissus tricuspidata</i>	Boston Ivy	30	Indeterminate	Sun/Pt Shade	Clings well on masonry work, small leaf varieties less vigorous. Withstands city conditions well. Cold hardy.
<i>Polygonum aubertii</i>	Fleece Vine	10-20	Indeterminate	Sun	Fast growing with a profusion of large white clusters Spring to frost.
<i>Rosa hybrida</i>	Climbing Rose	6-40	Indeterminate	Sun/Pt Shade	Excellent as cover for chain-link fence. Will bloom better if trained in horizontal plain. Grown for flower effect.
<i>Vitis rotundifolia</i>	Muscadine Grape	50	Indeterminate	Sun	Ideal summer screen. Grown for fruit, screening, and as ornament. Mildly tolerant to salt spray and sandy soil.
<i>Wisteria sinensis</i>	Chinese Wisteria	30+	Indeterminate	Sun	Aggressive vine valued for flowers and foliage; useful on pergolas and trellises. Difficult to transplant. Interesting trunk and stems with age. Rampant growth can girdle trees.

Evergreen Ground Covers		At Maturity (in feet)		Growth Conditions	Remarks
Botanical Name	Common Name	Height	Spread		
<i>Ajuga reptans</i>	Bugle Flower	3"-5"	Indeterminate	Pt Shade	Excellent ground cover.
<i>Aspidistra elatior</i>	Cast Iron Plant	1-2	2-3	Shade	Not strictly ground cover but used in densely shaded spots for massing or accenting.
<i>Carex</i>	Sedge	6" -3'	1-2	Pt Shade/Shade	Grasslike clumping plants useful as edging or single clumps as accent.
<i>Cotoneaster dammeri</i>	Bearberry Cotoneaster	6"-12"	3	Sun/Pt Shade	Effective in rock gardens or on low banks.
<i>Festuca ovina glauca</i>	Blue Fescue	8"-12"	8"-12"	Sun/Pt Shade	Excellent edging or border material but does not form solid carpet.
<i>Helleborum orientalis</i>	Lenten Rose	12"-18"	12"	Shade	Excellent cover for shaded areas; strong texture and attractive winter flowers.
<i>Hypericum calycinum</i>	Aaronsbeard	8"-12"	Indeterminate	Sun/Pt Shade	Flowering mass completely covers ground. Useful as undershrub in woods. Shade limits flower production. Tough, dense, competes with tree roots. Fast growing. Effective for erosion control.
<i>Iberis sempervirens</i>	Evergreen Candytuft	6"-10"	1-2	Sun	Excellent ground cover for edging. Effective in rockeries.
<i>Juniperus chinesisnsis sargentii</i>	Sargent Juniper	1-2	6-8	Sun	Best variety for adverse conditions. Withstands heat and salt spray.
<i>Juniperus conferta</i>	Shore Juniper	12"-18"	3-5	Sun	Will grow on beach dunes or in clay. Effective in masses. Withstands severe exposure.
<i>Juniperus horizontalis</i>	Creeping Juniper	12"-18"	3-5	Sun	Serviceable for difficult locations. Withstands city conditions.
<i>Liriope muscarii</i>	Liriope	6"-12"	12"-18"	Shade	Thrives in practically any situation and is used to border walks & trees. Withstands salt spray.
<i>Liriope spicata</i>	Creeping Liriope	6"-10"	Indeterminate	Shade	Excellent for preventing soil erosion. Withstands neglect when established.
<i>Ophiopogon japonicus</i>	Mondo Grass	6"-10"	Indeterminate	Sun/Shade	Resistant to drought and cold. Excellent cover for large or small areas. Especially useful under trees.
<i>Pachysandra terminalis</i>	Japanese Spurge	5"-12"	Indeterminate	Shade	Excellent ground cover for shade. Good texture accent on level ground.

Evergreen Ground Covers		At Maturity (in feet)		Growth Conditions	Remarks
Botanical Name	Common Name	Height	Spread		
<i>Phlox subulata</i>	Thrift	2"-4"	Indeterminate	Sun	Valued for ability to survive in adverse conditions. Useful in mass for ground cover.
<i>Rosa wichuraiana</i>	Memorial Rose	1-2		Sun/Pt Shade	Good barrier planting; may be trained on fence for screen.
<i>Santolina chamaecyparissus</i>	Lavender Cotton	1-2	3-4	Sun	Useful on poor, sandy, or gravelly soils. Stems root where they touch ground. Somewhat salt tolerant.
<i>Santolina virens</i>	Green Santolina	12"-18"	2-3	Sun	Excellent for mass or border plantings. Useful in poor, sandy or gravelly soils.
<i>Sarcococca hookeriana humilis</i>	Small Himalayan Sarcococca	1-2	1-2	Pt Shade	Useful in groups as filler and background, as informal border, or ground cover.
<i>Teucrium chamaedrys</i>	Germander	10"-12"	8"-10"	Sun	Useful for summer bloom in front of evergreens
<i>Vinca minor</i>	Periwinkle	5"-8"	3-4	Pt Shade/Shade	Excellent ground cover under trees and for covering shady banks.

Deciduous Ground Covers		At Maturity (in feet)		Growth Conditions	Remarks
Botanical Name	Common Name	Height	Spread		
<i>Hemerocallis hybrida</i>	Daylily Hybrids	1-2	3-4	Sun/Shade	Useful in masses for large scale or roadside plantings and to control erosion on banks.
<i>Hosta lancifolia</i>	Narrow Leaved Hosta	1-2	4	Shade/Pt Shade	Beautiful in foliage and flower as specimen or border plant. Useful massed or planter boxes.
<i>Hosta plantaginea</i>	Fragrant Hosta	1-2	4	Pt Shade	Excellent for bordering walks and drives in shaded areas or as specimen.