



Council Meeting Agenda
June 6, 2022
6:00PM

1. Call to Order..... Mayor Ed Hooks
2. Invocation Bishop Aaron Powers, Breakthrough Community Church
3. Public Comments Mayor
4. Consent Agenda..... Mayor
 - a. Approval of Minutes- May 2, 2022- Regular Meeting
 - b. Final Dedication Plat- Cameron Lane, Mebane Towne Center
 - c. Final Plat Reapproval- Bowman Village N2
 - d. Final Plat Reapproval- Townes at Oakwood Square, Ph. 2
 - e. Library Committee Reappointment Recommendation
 - f. New Records Retention Schedules
 - g. Revised Purchasing Policy
 - h. Audit Contract FY21-22
5. Public Hearings-
 - a. Economic Incentive Grant- Project Morris III..... Chris Rollins, City Manager
Reagan Gural, Alamance Chamber President
 - b. State of NC Building Reuse Program Local
Government Resolution Project Morris III
(This item is not a Public Hearing) Preston Mitchell, Assistant City Manager
 - c. Ordinance to Extend the Corporate Limits-
Leoterra Mebane, LLC- Hawfields Landing
(Continued from the May 2, 2022 meeting)..... Lawson Brown, City Attorney
 - d. Rezoning- R-12(CD) zoning for a Planned Unit Development
“Hawfields Landing” by rezoning +/-148.98 acres on parts or all of three
properties at 2570 S NC 119, 2502 S NC 119, and an adjacent unaddressed
property from R-20, B-2, and an unzoned area currently outside
the Mebane ETJ - Leoterra Development, Inc. Cy Stober, Development Director
 - e. *Quasi-Judicial* Special Use Permit for a Special Purpose Lot
to allow for a public sewer pump station-
Leoterra Development, Inc.- Hawfields Landing..... Mr. Stober
 - f. Comprehensive Unified Development Ordinance Text Amendments-
Articles 2-7, 10, 12, Appendix A, Appendix G, and the Zoning Map Mr. Stober
 - g. 2022-2023 Budget Ordinance and
2023-2027 Capital Improvement Plan (CIP) Mr. Rollins
Daphna Schwartz, Finance Director
6. Mebane Main Street Program Board of Directors
Ex officio Appointments..... Preston Mitchell, Assistant City Manager
7. FY 22-23 Downtown Exterior Improvement Grant
Application Update Mr. Stober
8. Planning Board Appointments Mr. Stober
9. Voluntary Annexation Policy Mr. Brown
Mr. Mitchell
10. Code of Ordinance Amendment- Backyard Hens Mr. Brown
11. Adjournment..... Mayor



The Mebane City Council met for its regular monthly meeting at 5:59 p.m., Monday, May 2, 2022 in the Council Chambers of the Glendel Stephenson Municipal Building located at 106 East Washington Street.

Councilmembers Present:

Mayor Ed Hooks
Mayor Pro-Tem Tim Bradley
Councilmember Katie Burkholder
Councilmember Sean Ewing
Councilmember Montrena Hadley
Councilmember Jonathan White

Also Present:

Chris Rollins, City Manager
Preston Mitchell, Assistant City Manager
Lawson Brown, City Attorney
Stephanie Shaw, City Clerk
Cy Stober, Development Director
Beatrice Hunter, HR Director
Daphna Schwartz, Finance Director

Mayor Hooks called the meeting to order. Pastor Lee Davis of Mebane Bible Church gave the invocation. No one spoke during the Public Comment Period.

Mayor Hooks gave an overview of the Consent Agenda:

- a. Approval of Minutes-
 - i. March 23, 2022 Budget Work Session
 - ii. March 30, 2022 Budget Work Session
 - iii. April 4, 2022 Regular Meeting
 - iv. April 13, 2022 Budget Work Session
- b. Final Plat- Bowman Place, Ph. S-2
- c. Final Plat- Tupelo Junction, Ph. 1
- d. New Street Naming and Signage- NC Hwy 119 Relocation and Corregidor Drive Connector Projects
- e. American Rescue Plan –
 - i. Resolution Authorizing Increase in Micro-Purchase Threshold
 - ii. Records Retention Policy for American Rescue Plan documents
 - iii. Non-discrimination Policy per Federal Statues
 - iv. Allowable Costs and Cost Principles Policy
 - v. Eligible Use Policy

Item ei.

**RESOLUTION OF CITY COUNCIL OF CITY OF MEBANE
AUTHORIZING INCREASE IN MICRO-PURCHASE THRESHOLD**

WHEREAS, from time to time, the City of Mebane purchases goods and services using federal funding subject to the procurement standards in 2 C.F.R. Part 200, Subpart D; and

WHEREAS, the City's procurement of such goods and services is subject to The City of Mebane Purchasing & Requisitions Policy, and the Uniform Guidance Purchasing Policy as most recently amended in December 2013 and October 4, 2021 respectively; and

WHEREAS, the City is a non-Federal entity under the definition set forth in 2 C.F.R. § 200.1; and

WHEREAS, pursuant to 2 C.F.R. 200.320(a)(1)(ii), a non-Federal entity may award micro-purchases without soliciting competitive price or rate quotations if the non-Federal entity considers the price to be reasonable based on research, experience, purchase history or other information and documents that the non-Federal entity files accordingly; and

WHEREAS, pursuant to 2 C.F.R. 200.320(a)(1)(iii), a non-Federal entity is responsible for determining and documenting an appropriate micro-purchase threshold based on internal controls, an evaluation of risk, and its documented procurement procedures; and

WHEREAS, pursuant to 2 C.F.R. § 200.320(a)(1)(iv), a non-Federal entity may self-certify on an annual basis a micro-purchase threshold not to exceed \$50,000 and maintain documentation to be made available to a Federal awarding agency and auditors in accordance with 2 C.F.R. § 200.334; and

WHEREAS, pursuant to 2 C.F.R. § 200.320(a)(1)(iv), such self-certification must include (1) a justification for the threshold, (2) a clear identification of the threshold, and (3) supporting documentation, which, for public institutions, may be a “higher threshold consistent with State law”; and

WHEREAS, G.S. 143-129(a) and G.S. 143-131(a) require the [Unit] to conduct a competitive bidding process for the purchase of (1) “apparatus, supplies, materials, or equipment” where the cost of such purchase is equal to or greater than \$30,000, and (2) “construction or repair work” where the cost of such purchase is greater than or equal to \$30,000; and

WHEREAS, North Carolina law does not require a unit of local government to competitively bid for purchase of services other than services subject to the qualifications-based selection process set forth in Article 3D of Chapter 143 of the North Carolina General Statutes (the “Mini-Brooks Act”); and

WHEREAS, G.S. 143-64.32 permits units of local government to exercise, in writing, an exemption to the qualifications-based selection process for services subject to the Mini-Brooks Act for particular projects where the aggregate cost of such services do not exceed \$50,000; and

WHEREAS, pursuant to 2 C.F.R. 200.320(a)(1)(iv), the City Council of the City of Mebane now desires to adopt higher micro-purchase thresholds than those identified in 48 C.F.R. § 2.101.

NOW THEREFORE, BE IT RESOLVED BY CITY COUNCIL OF THE CITY OF MEBANE:

1. In accordance with 2 C.F.R. § 200.320(a)(1)(iv) and the applicable provisions of North Carolina law, the City of Mebane hereby self-certifies the following micro-purchase thresholds, each of which is a “higher threshold consistent with State law” under 2 C.F.R. § 200.320(a)(1)(iv)(C) for the reasons set forth in the recitals to this resolution:

- A. \$30,000, for the purchase of “apparatus, supplies, materials, or equipment”; and
- B. \$30,000, for the purchase of “construction or repair work”; and
- C. \$50,000, for the purchase of services not subject to competitive bidding under North Carolina law; and
- D. \$50,000, for the purchase of services subject to the qualifications-based selection process in the Mini-Brooks Act; provided that such threshold shall apply to a contract only if the Unit has exercised an exemption to the Mini-Brooks Act, in writing, for a particular project pursuant to G.S. 143-64.32. If the exemption is not authorized, the micro-purchase threshold shall be \$0.]

2. The self-certification made herein shall be effective as of the date hereof and shall be applicable until June 30, 2022, the end of the fiscal year of the City, but shall not be applicable to Federal financial assistance awards issued prior to November 12, 2020, including financial assistance awards issued prior to that date under the Coronavirus Aid, Relief, and Economic Support (CARES) Act of 2020 (Pub. L. 116-136).

3. In the event that the City of Mebane receives funding from a federal grantor agency that adopts a threshold more restrictive than those contained herein, the Unit shall comply with the more restrictive threshold when expending such funds.

The Unit shall maintain documentation to be made available to a Federal awarding agency, any pass-through entity, and auditors in accordance with 2 C.F.R. § 200.334.

5. The Finance Director of the City of Mebane is hereby authorized, individually and collectively, to revise the purchasing policies of the City to reflect the increased micro-purchase thresholds specified herein, and to take all such actions, individually and collectively, to carry into effect the purpose and intent of the foregoing resolution.

Adopted this the 2nd day of May 2022

Mr. Ewing made a motion, seconded by Mr. White, to approve the Consent Agenda items as presented. The motion carried unanimously.

Mayor Hooks said that he had recent conversation with NCDOT and he was told that the opening of the NC 119 Bypass would be the end of May or sooner. Secondly, Mill Creek directional signs have been installed and lastly, they are making an attempt to get the right-of-way areas mowed and cleaned up.

Mr. Bradley thanked Mayor Hooks for his efforts in working with NCDOT to get the Mill Creek signs installed and the right-of-way areas cleaned up.

Mr. Rollins added that NCDOT does have funds available to add in landscaping after the completion of the project.

A Public Hearing was held on request for consideration of establishing Juneteenth as a paid city employee holiday. Ms. Hunter gave an overview of the request. She explained at the March 2022 Council meeting, Council requested that staff explore Juneteenth as a Mebane employee paid holiday. Staff provided information to consider at the April 2022 Council meeting. At that meeting, a motion carried for staff to draft a resolution establishing Juneteenth as a Mebane paid holiday, the scheduling of a public hearing for discussion and input, and for a presentation of a brief historical perspective on Juneteenth at tonight's meeting. Ms. Hunter shared the City's current employee holiday schedule, along with a comparison to the federal and state holiday schedules. Additionally, she shared a list of other NC local governments that observe Juneteenth as a celebratory holiday as well as a paid employee holiday.

Ms. Hunter introduced Dr. Iris Chapman. She shared that Dr. Chapman retired as Professor Emeritus from Elon University, having been the first African-American PhD on faculty. A few relevant highlights from her career include taking college students to Ghana, West Africa, as a coordinator of one of Elon University's Study Abroad Programs and coordinated First Year Writing. She produced the award-winning film, *The Life and Times of the Fiddler Joe Thompson*. Also, she has created and presented a highly regarded workshop on the development of the Black Church and has edited a deceased friend's memoir, *Outliving Your Disease*. Dr. Chapman is still active in the Mebane community. She serves on the Mebane Museum Board of Directors and is now the president of Alamance-Burlington Schools Closing the Achievement Gap board.

Dr. Chapman began her presentation with a citing of an excerpt from the Emancipation Proclamation written by President Lincoln in 1862 which became law in 1863. She said that the Emancipation Proclamation was perhaps one of the most important documents leading the way to Juneteenth. She further explained that the Civil War ended in the summer of 1865. Union General Gordon Granger, headquartered in Galveston, Texas, prepared a General Order No. 3 on June 19, 1865 declaring that the slaves were free by order of President Lincoln. She said that the special event in Texas which occurred on June 19, 1865 marks the date that the last slaves in the United States were free and that day would go on to be known and celebrated as Juneteenth. She said last year President Biden signed a bill establishing Juneteenth as a Federal holiday commemorating the end of slavery in the United States. She shared some examples of various festivities and activities that are often held during Juneteenth celebrations.

Mr. Ewing asked Ms. Hunter, during her research, did she find that other local governments that observe Juneteenth as a paid holiday, added it or swapped it out for another holiday. Ms. Hunter said she found that most added it.

Wilma Crisp, 110 Foust Road, Mebane, expressed her strong desire to see the Council honor, educate and celebrate the important federal Juneteenth holiday.

Stuart Smith, resident of 811 S. Third Street, Mebane and REAC member, spoke in support of the Juneteenth holiday being a paid city employee holiday. Also, he encouraged everyone to research and learn about the federal holiday.

Erica Bluford, resident of 1565 Grace Landing Drive, Mebane, and REAC member, shared comments regarding the importance of the Juneteenth holiday. She stated recognizing Juneteenth as a paid holiday for the City of Mebane is one step to acknowledge that the abolition of slavery is indeed significant to the heritage of our City as written by Mayor Hooks in last year's Juneteenth Proclamation. She added, that recognizing Juneteenth as a paid holiday will show that the City of Mebane cares about the freedom of all Americans, those who experienced freedom on July 4th and those that had to wait until June 19th to experience their freedom.

Iza Reyes, 304 Strafford Drive, Mebane, spoke in support of the Juneteenth holiday being a paid city employee holiday in addition to the paid holidays already observed by the City of Mebane. She cited various reasons for her support.

Kiesha Bluford, resident of 1565 Grace Landing Drive, Mebane and REAC member, thanked Council for the opportunity of giving the public a chance to comment on this matter. She spoke in support of the Juneteenth holiday being a paid city employee holiday. She stated, should Council decide to make Juneteenth a paid city employee holiday, it would make a huge statement to the citizens of the community that freedom and justice for all is important to Mebane and that Mebane would be setting the right example for other municipalities to follow.

Travis Albritton, resident of 1203 Birkdale Circle, Mebane and REAC Co-Chair, stated that he is encouraged that tonight's conversation is taking place, however, even if the Council votes in favor of making Juneteenth a paid city employee holiday, that is only a small part of the foundation of needs to be done to set forth an agenda that will achieve racial justice, not just for this town but also for this country. He feels that Mebane can be an example of what it is that government can do right.

Tom Boney, Owner/Editor of Alamance News, questioned the difference in the financial impact of approving Juneteenth as a paid city employee holiday as listed last month on the agenda item summary sheet in the amount of \$48,145.00 vs. this month's listed financial impact as none. Mr. Rollins replied that it was his decision to change the financial impact. He explained that before last month's meeting, it was questioned what the cost is of a day's pay for all city employees; which in the City is just under \$50,000.00. He said obviously the City budgeted to pay everyone on that day and as staff was rethinking this matter for this month, he told Ms. Hunter that he did not anticipate paying any overtime for a new holiday should the Council decide to give a new holiday. So, after further reflection, although there is an impact on services when there is a holiday, there is no way to put a cost number to that, but it is the same as any other holiday. Mr. Boney cited his concerns with the transparency of the financial impact and the cost to the taxpayers of Mebane.

Mayor Hooks shared that Council received six (6) additional comments related to the matter via email, all of which were in support of Council approving Juneteenth as a paid city employee holiday.

Mr. Bradley made a motion, seconded by Mr. White, to close the public hearing. The motion carried unanimously.

Mr. Ewing spoke of the significance of the Juneteenth holiday and expressed his gladness that there was so much support for this matter. He then made a motion to adopt the resolution making Juneteenth as an additional Mebane city employee paid holiday. Ms. Hadley seconded his motion. The motion carried unanimously.

Mr. Bradley stated last month when he asked for a public hearing, he felt it important to receive public input because the only input had come from a councilmember and it would also be a good opportunity to educate the community and Council on what the holiday means.

Ms. Burkholder, Mr. White and Ms. Hadley thanked those that gave comments and provided input.

RESOLUTION TO ADOPT JUNETEENTH AS A PAID CITY HOLIDAY

WHEREAS, the Mebane City Council maintains the right to modify its personnel policy to affect a more desirable result for eligible employees; and

WHEREAS, President Abraham Lincoln signed the Emancipation Proclamation on January 1, 1863, formally abolishing slavery in the United States of America; and

WHEREAS, in addition to freeing enslaved people held in Confederate states, the Emancipation Proclamation allowed the participation of Black soldiers in the war and declared that the government of the United States will “recognize and maintain the freedom of such persons, and will do no act or acts to repress such persons, or any of them, in any efforts they make for their actual freedom”; and

WHEREAS, the Thirteenth Amendment to the United States Constitution was nationally ratified, ending the sanctioned institution of slavery; and

WHEREAS, word about the signing of the Emancipation Proclamation was delayed some two- and one-half years, to June 19, 1865, when Union Major General Gordon Granger and his troops arrived in Galveston, Texas and issued General Order No. 3 announcing freedom to some of the last enslaved people in America; and

WHEREAS, Emancipation Day observations are held on different days in different states in the South and Southwest, and in other parts of the nation; and

WHEREAS, June 19th, also known as Juneteenth National Independence Day, Jubilee Day, Emancipation Day, Freedom Day and Black Independence Day, has a special meaning to African Americans, and is called "JUNETEENTH" combining the words June and Nineteenth, and has been celebrated by the African American community for over 150 years; and

WHEREAS, the City of Mebane values diversity and is united in our opposition to racism and hate; and

Now, therefore be it resolved by the City Council of the City of Mebane, North Carolina, does hereby recognize June 19th as Juneteenth, which shall be a paid holiday for the City of Mebane employees, observed on June 19th, or the Friday or Monday closest to the holiday if it falls on a weekend day.

In witness whereof, I, Ed Hooks, Mayor of the City of Mebane, have hereunto set my hand and caused to be affixed the official seal of the City of Mebane, this the 2nd day of May, 2022.

Ed Hooks, Mayor

ATEST:

Stephanie W. Shaw, City Clerk

Mayor Hooks announced the that the scheduled public hearing on a request to adopt an ordinance to extend the corporate limits from Leoterra Mebane was requested to be continued until the June 6, 2022 meeting per the applicant. Mr. Bradley made a motion, seconded by Ms. Hadley to continue the public hearing until June 6, 2022. The motion carried unanimously.

A Quasi-judicial Board of Adjustment (BOA) public hearing was held on a request from Cathy Saliga is for a variance to allow for a swimming pool in the side yard on her property at 1206 Castle Pines Drive.

The following were sworn/affirmed:

Cy Stober, Mebane Development Director

Cathy Saliga, Applicant and Resident of 1206 Castle Pines Drive
Marlo Countiss, Local Real Estate Agent and Mebane resident

Mayor Hooks and each Council member entered a statement into record acknowledging that none of them have discussed the matter with the applicant, nor formed an opinion.

Mr. Stober gave an overview of the request. He explained that variance requests are at the discretion of the BOA, as they represent a request for relief from the Mebane UDO due to a hardship "peculiar to the property". The undue burden placed by the hardship is the responsibility of the applicant to prove and the BOA to judge. Per NCGS 160D-705, the determination of the BOA shall be "...consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured and substantial justice is achieved." Per Article 4, Section 2.B.1(b) of the Mebane Unified Development Ordinance ("Accessory Uses, Building and Structures", "Setback and Location Requirements"), "...permanent swimming pools must comply with the principal building rear and side yard setbacks. As established in Table 4-2-1 of the Mebane UDO, the applicable rear setback is 30' and the side setback is 10'. A 15' public drainage easement in the back yard in combination with the 30' rear yard setback do not practically allow for the installation of a swimming pool in the rear yard. The applicant is proposing to place a permanent swimming pool in the side yard that will comply with all setbacks and other relevant standards.

Ms. Saliga spoke on behalf of her request. She shared slides depicting the design of the pool and where the pool would be installed in her side yard. She stated due to the drainage easement she cannot place the pool in her rear yard.

Ms. Countiss stated that installing a pool would not harm the property value of the home or adjoining homes. She provided positive comments about Ms. Saliga and her property.

Mr. Ewing made a motion, seconded by Ms. Burkholder, to close the public hearing. The motion carried unanimously. Ms. Burkholder made a motion, seconded by Mr. White, to approve the variance request as presented due to the hardships present on this property. The motion carried unanimously.

Mr. Stober presented a request from Keystone at Mebane Oaks, LLC, for approval of the Final Plat for the right of way dedication for "Mebane Townes, Phases T-2, T-3, and T-4" (approved by the Mebane City Council as "Mebane Towne Center" for rezoning to R-6 and a special use as a Planned Unit Development 06/04/2018). Mr. Stober explained that this plat was approved by the Mebane City Council at their November 1, 2022, meeting but was not recorded. After 90 days the Council approval of a major subdivision or right of way dedication plat expires and must be approved anew prior to staff signature and recordation at the Register of Deeds. This Final Plat will dedicate +/-2.44 ac of public right of way to realize the remainder of Bonanza Lane and Beechcraft Drive. All of Cameron Lane to Mebane Airport Road is anticipated to be brought to the City Council for consideration as a dedication plat at the June 6, 2022 meeting. Approving these plats dedicating the area would allow for the platting of the remaining 133 townhomes. Mr. Stober spoke of the phasing plan. Consideration of this plat is accompanied by the need to revisit the development schedule established for Mebane Towne Center. The rezoning and special use approvals for Mebane Towne Center established that the traffic signal at Mebane Airport Road/London Lane and NC 119/South Fifth Street be installed following Phase T1. This installation has been delayed due to 1) the improvement of NC 119/South Fifth Street and NCDOT concerns that having two improvements project occurring simultaneously would present a traffic congestion and safety concern; and 2) limited availability of supplies. Furthermore, the developer Keystone Homes has constructed the entire internal road network – including the entirety of Cameron Lane – within the townhome area of the project and ahead of schedule, allowing for resident access to Mebane Oaks Road once the roads are formally opened through dedication by the City Council and recordation by the applicant.

Mr. Stober said staff is proposing, as next steps, that no apartments are to be permitted until the \$600,000 bond is posted with NCDOT for the traffic signal and road widening and that townhome

construction may continue due to the provision of the internal road network once those plats are dedicated and any relevant bonds such as the topcoat of paving are posted with the City.

Mr. Bradley said when Council approved this development, they were pretty specific about the phasing and the traffic signal. He asked when are the lanes and traffic signal being installed. Mr. Stober said the right-of-way has been staked, NCDOT has approved the signal and all the engineering for the widening. He said based on discussions with the developer, Scott Wallace, their anticipation is to begin the work this coming year. The easements have been staked but not obtained at this time. Mr. Wallace said it is his understanding that the traffic signal could be installed without obtaining the easements.

After Council shared its concerns and after considerable discussion among Council, staff and Mr. Wallace, Mr. Bradley made a motion, seconded by Mr. White, to approve the final plat as presented. The motion carried unanimously.

Mayor Hooks called for a break at 7:29 p.m. Mayor Hooks called the meeting back to order at 7:36 p.m.

Ms. Schwartz presented the City Manager's recommended budget for FY 2022-23 via the attached PowerPoint.

At the conclusion of the budget presentation, Mr. Bradley asked if employee merit raises were included with the mentioned 3% COLA. Ms. Schwartz replied, yes.

Mr. Boney asked if the 3% COLA was in addition to the 3% COLA giving earlier this year due to inflation. Ms. Schwartz replied, yes.

Mr. White spoke regarding the Main Street Program and the proposed hiring of a Main Street Coordinator. He commended Diane Young for the excellent work she has done so far in working with the Downtown Merchants. Mr. White said because of the importance of the hiring this position, he recommended defining the position as a two-year promised funding so that the success of that hire can be evaluated sooner than the previously discussed three-to-five-year funding promise.

Council thanked the staff for their work on the budget.

Mr. Bradley made a motion, seconded by Mr. White to set a date of public hearing for June 6, 2022 at 6:00 p.m. The motion carried unanimously.

Mr. Stober presented a request to award \$20,285.25 in Downtown Exterior Improvement Grants (DEIG) to four (4) applicants. Mr. Stober gave an overview of the DEIG program. The approved budget allocated \$50,000 for Downtown Improvements as a matching funds grant program that will reimburse an individual up to 50% of qualifying expenses for exterior improvements.

The City received four (4) new complete applications for consideration as follows:

- 111 N. Third Street: \$8,216.50 to repaint the building exterior
- 200 N. Third Street: \$2,399.00 to paint a mural on the side of the building and place two picnic benches on the property;
- 118 West Clay Street: \$3,750.00 to repoint brick on rear and alley sides, as well as part of the facade;
- 123 East Center Street \$4,380.25 to replace one sign and bring it into conformity, as well as repainting the building exterior; and
- 108 & 110 West Clay Street: Amended request for an additional \$1,539.00 (originally \$6,201.50; new total \$7,740.50) to reflect a more accurate scope of work for painting metal features on building's rear

Mr. White asked Mr. Stober to speak to the City's mural policy as he is not familiar with what requirements are in place. Mr. Stober replied, that currently the City does not have a mural/artwork policy in place, unless it falls into two broad categories 1) if it is a sign, or 2) if it is obscene. Staff will review the mural design to make sure it meets the requirements of the DEIG program.

Mr. Bradley made a motion, seconded by Mr. Ewing, to award the \$20,285.25 in Downtown Exterior Improvement Grants to the applicants for the project described in the qualifying applications. The motion carried unanimously.

There being no further business, the meeting adjourned at 8:15pm.

Ed Hooks, Mayor

ATTEST:

Stephanie W. Shaw, City Clerk

DRAFT



Manager's Recommended Budget

FISCAL YEAR 2022-2023

MAY 2, 2022



FY22-23 Budget Highlights

Expenditures

General Fund Expenditures	\$28,285,589
Utility Fund Expenditures	<u>\$ 9,920,803</u>
Total Expenditures	\$38,206,392
Utility Capital Fund Reserve	\$1,601,000
Cost of living increase	3%
Health Insurance increase	20.32%
Retirement Rate increase	
General	.75%
Law Enforcement	1.06%

Revenues

Property Tax Rate -	unchanged at \$0.47 cents per \$100 valuation
Garbage/Recycling -	unchanged at \$8.00 per month per address
Water Rates per 1,000 gallons -	6% increase
	Inside City \$7.13
	Outside City \$14.26
Sewer Rates per 1,000 gallons –	6% increase
	Inside City \$7.66
	Outside City \$15.30



General Fund Recommended Budget

FY22-23



General Fund Function Per Dollar

General Government

\$0.13

Public Safety

\$0.36

Public Works

\$0.24



Recreation and Parks

\$0.08

Economic and Physical Development

\$0.12

Debt Service

\$0.07



GENERAL FUND EXPENDITURES

BY TYPE

General Fund Expenditures by Type			
Type	FY 2021-2022 Current Budget	FY 2022-2023 Manager's Recommended	Percent Change
Personnel	\$11,923,290	\$13,693,241	14.8%
Operating	\$9,193,085	\$8,880,607	(3.4%)
Capital	\$4,170,678	\$3,787,383	(9.2%)
Debt Service	\$2,528,242	\$1,924,358	(23.9%)
Total	\$27,815,295	\$28,285,589	1.69%

BY DEPARTMENT

General Fund Department Budgets				
Department	FY 2021-2022 Current Budget	FY 2022-2023 Manager's Recommended	Percent Change	FY21-22 Variance
Council	\$88,127	\$88,237	0.1%	\$110
Administration	\$1,133,164	\$1,238,586	9.3%	\$105,422
Finance	\$715,712	\$724,309	1.2%	\$8,597
IT	\$788,926	\$813,978	3.2%	\$25,052
Economic Developmen	\$1,745,800	\$909,569	(47.9%)	(\$836,231)
Police	\$5,257,947	\$5,590,831	6.3%	\$332,884
Fire	\$3,776,790	\$4,727,345	25.2%	\$950,555
Planning	\$585,843	\$638,865	9.1%	\$53,022
Main Street Program	\$151,810	\$150,000	(1.2%)	(\$1,810)
Inspections	\$890,475	\$878,968	(1.3%)	(\$11,507)
Engineering	\$445,500	\$445,500	0.0%	\$0
Public Works	\$3,454,990	\$2,982,441	(13.7%)	(\$472,549)
Public Facilities	\$915,596	\$833,838	(8.9%)	(\$81,758)
Recreation and Parks	\$2,640,348	\$2,396,621	(9.2%)	(\$243,727)
Non-Departmental	\$3,456,135	\$3,712,113	7.4%	\$255,978
Total	\$26,047,163	\$26,131,201	0.3%	\$84,038



GENERAL FUND PERSONNEL HIGHLIGHTS

NEW POSITIONS

• Six Firefighters (starting 1/1/23)	\$252,360
• Parks Superintendent	\$135,850
• Plan Reviewer	<u>\$113,144</u>
Total	\$501,354

RECLASSIFICATIONS

• Recreation Superintendent	\$5,819
• Supervisor of Athletics	\$3,648
• Parks Operations & Maintenance Supervisor	\$4,426
• Automotive Mechanic	<u>\$30,688</u>
Total	\$44,581



GENERAL FUND CAPITAL HIGHLIGHTS

Capital Items Over \$100,000:

Holt Street Greenway	\$900,000
Fire Engine	\$650,000
Leaf Truck	\$320,000
Garbage Truck	\$210,000
Police Vehicle Replacements (four)	\$260,006
Lake Michael Lebanon Rd. Connector	\$121,000
Pick-up Trucks (three)	\$120,000
Fire Station 4 preliminary engineering design	\$110,000
Sidewalk Projects	
S. Third St. Extension from Corporate Park Drive to Augusta Drive engineering design	\$55,000
W. Carr St./Yoder Elementary School – final design and construction	<u>\$54,000</u>
Total	\$2,800,006



MEBANE MAIN STREET PROGRAM

- Transitional Year
- \$100,000 budget
- 501c(3)
- Provisional Board of Directors
- FY 23-24 – full designation

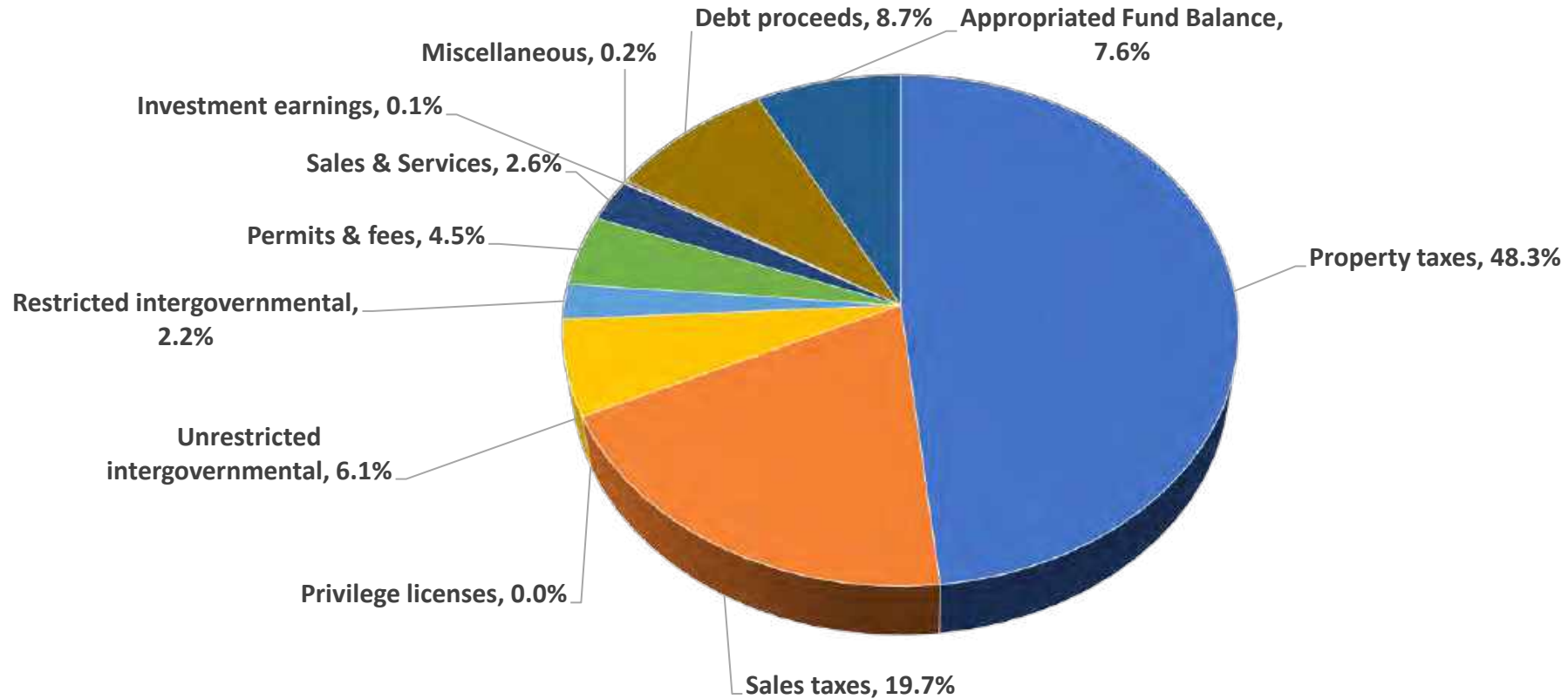


OUTSIDE AGENCIES

Outside Agencies			
Agency	FY 2021-2022 Current Budget	FY 2022-2023 Manager's Recommended	Percent Change
Mebane Historical Museum Subsidy	\$39,700	\$39,700	0%
Tommy Long Train Display	\$10,000	\$10,000	0%
Alamance County Arts Council	\$10,000	\$10,000	0%
ACTA Subsidy	\$6,500	\$6,500	0%
United Way 211	\$5,000	\$5,000	0%
Total	\$71,200	\$71,200	0%



GENERAL FUND REVENUES BY SOURCE





GENERAL FUND REVENUES AND OTHER FINANCING SOURCES

General Fund Revenues and Other Funding Sources					
	FY 2020- 2021 Actual	FY 2021- 2022 Current Budget	FY 2022-2023 Manager's Recommended	Percent Change	FY21-22 Variance
Revenues					
Property taxes	\$11,833,671	\$13,092,594	\$13,663,270	4.4%	570,676
Sales taxes	\$4,261,900	\$4,302,700	\$5,585,356	29.8%	1,282,656
Privilege licenses	\$955	\$1,000	\$1,000	(0.0%)	(0)
Unrestricted intergovernmental	\$1,804,490	\$1,635,100	\$1,720,100	5.2%	85,000
Restricted intergovernmental	\$587,428	\$946,550	\$625,355	(33.9%)	(321,195)
Permits & fees	\$1,338,035	\$1,335,652	\$1,259,760	(5.7%)	(75,892)
Sales & Services	\$676,086	\$750,100	\$739,664	(1.4%)	(10,436)
Investment earnings	\$52,436	\$20,000	\$20,000	0.0%	0
Miscellaneous	\$112,307	\$47,600	\$48,000	0.8%	400
Total revenues	\$20,667,308	\$22,131,296	\$23,662,505	6.9%	1,531,209
Other financing sources					
Transfers in	\$0	\$0	\$0	N/A	0
Debt proceeds	\$430,500	\$1,364,044	\$2,466,006	80.8%	1,101,962
Appropriated Fund Balance	\$0	\$4,319,955	\$2,157,078	(50.1%)	(2,162,877)
Total other financing sources	\$430,500	\$5,683,999	\$4,623,084	(18.7%)	(1,060,915)
Total revenues & other financing sources	\$21,097,808	\$27,815,295	\$28,285,589	1.7%	470,294



GENERAL FUND DEBT

DEBT PROCEEDS

One Fire Engine (PEMC only funds 80% of the cost)		\$520,000
• Rolling Stock		\$1,046,006
• Police Vehicles (4)	\$260,006	
• Fire Prevention Vehicle	\$45,000	
• Life Safety Education Vehicle	\$35,000	
• Leaf Truck	\$320,000	
• Garbage Truck	\$210,000	
• Pick-up Trucks (3)	\$120,000	
• SUV (2)	\$56,000	
• Holt Street Greenway		<u>\$900,000</u>
Total		\$2,466,006

PROPOSED DEBT PAYMENTS

- PEMC debt payments will not start until the fire engine is delivered in approximately two years.
- Rolling stock (2%, 5 years)
 - FY22-23 payment \$221,919
 - Yearly payments \$221,919
- Holt Street Greenway (2%, 10 years)
 - FY22-23 payment \$50,097
 - Yearly payments \$100,194
- No debt is ending in FY21-22, so total yearly debt payments are increasing \$272,016.
- Debt schedules are on page 47 of the Budget Summary section.



Utility Fund Recommended Budget

FY22-23



UTILITY FUND EXPENDITURES

BY TYPE

Utility Fund Expenditures by Type			
Type	FY 2021-2022 Current Budget	FY 2022-2023 Manager's Recommended	Percent Change
Personnel	\$3,046,042	\$3,110,812	2.1%
Operating	\$4,883,132	\$4,322,272	(11.5%)
Capital	\$3,354,011	\$984,898	(70.6%)
Debt Service	\$7,882,164	\$1,502,821	(80.9%)
Total	\$19,165,349	\$9,920,803	(48.2%)

BY DEPARTMENT

Utility Fund Department Budgets				
Department	FY 2021- 2022 Current Budget	FY 2022-2023 Manager's Recommended	Percent Change	FY21-22 Variance
Admin, Billing & Meters	\$1,868,739	\$1,415,954	(24.2%)	(\$452,785)
Operations & Maintenance	\$6,627,418	\$4,428,145	(33.2%)	(\$2,199,273)
Engineering	\$325,000	\$285,000	(12.3%)	(\$40,000)
Water Resource Recovery	\$2,225,098	\$2,276,483	2.3%	\$51,385
Non-Departmental	\$8,119,094	\$1,515,221	(81.3%)	(\$6,603,873)
Total	\$19,165,349	\$9,920,803	(48.2%)	(\$9,244,546)



UTILITY FUND PERSONNEL & CAPITAL HIGHLIGHTS

PERSONNEL

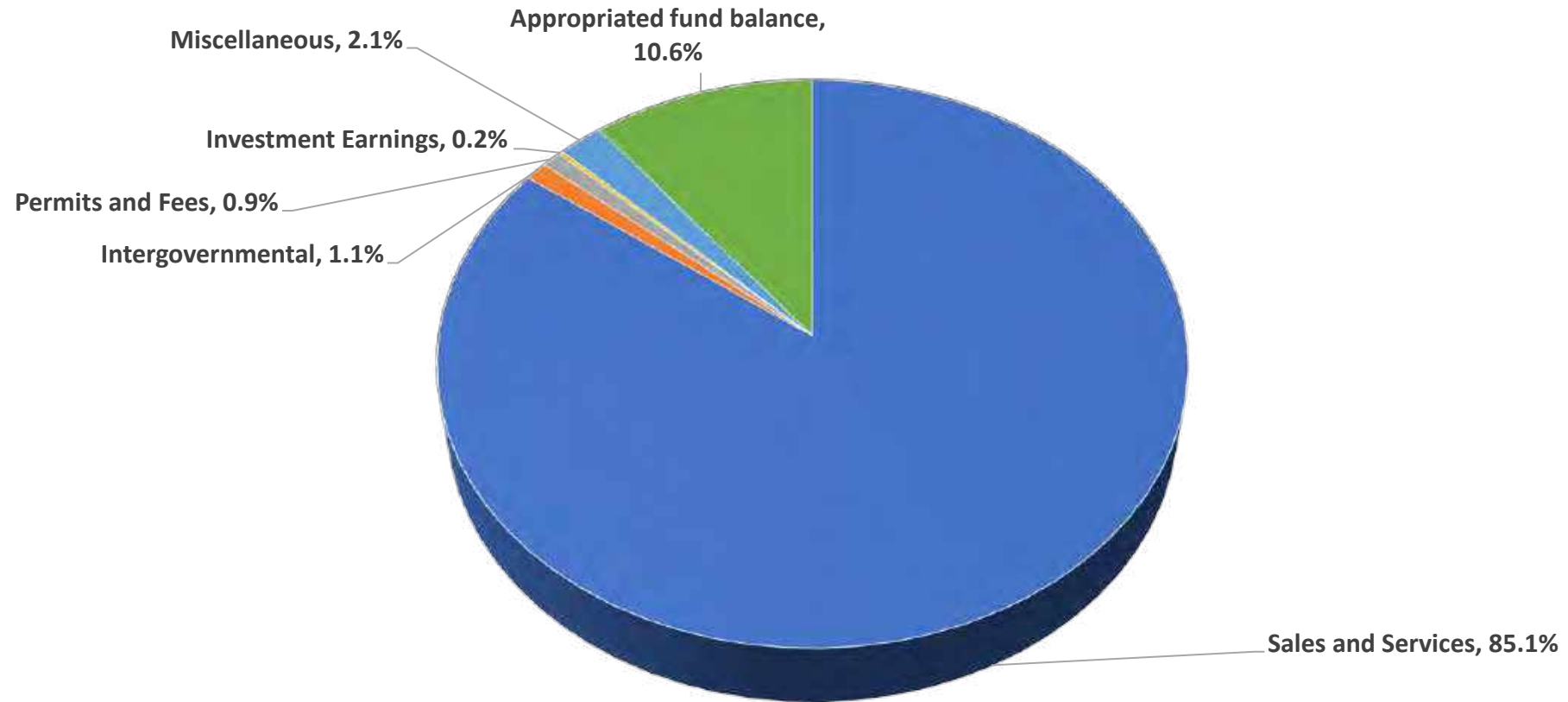
- Two new full-time Maintenance Technician positions – \$107,960

CAPITAL ITEMS OVER \$100,000

- Oversize reimbursement- \$200,000
- City of Graham Water Treatment Plant Improvements - \$200,000
- Elevated Storage Tank engineering design - \$185,000



UTILITY FUND REVENUES BY SOURCE





WATER AND SEWER RATES

Fiscal Year	Inside Water	Outside Water	Inside Sewer	Outside Sewer	Increase
FY21-22	\$6.72	\$13.44	\$7.22	\$14.43	10%
FY22-23	\$7.13	\$14.26	\$7.66	\$15.30	6%



UTILITY FUND REVENUES AND OTHER FUNDING SOURCES

Utility Fund Revenues and Other Funding Sources					
	FY 2020-2021 Actual	FY 2021-2022 Current Budget	FY 2022-2023 Manager's Recommended	Percent Change	FY21-22 Variance
Revenues					
Sales and Services	\$7,015,358	\$7,585,200	\$8,444,216	11.3%	\$859,016
Intergovernmental	\$174,980	\$250,545	\$106,300	(57.6%)	(\$144,245)
Permits and Fees	\$73,267	\$78,500	\$92,575	17.9%	\$14,075
Investment Earnings	\$23,478	\$20,000	\$20,000	0.0%	\$0
Miscellaneous	\$248,250	\$187,500	\$210,500	12.3%	\$23,000
Total revenues	\$7,535,333	\$8,121,745	\$8,873,591	9.3%	\$751,846
Other financing sources					\$0
Transfers in	\$0	\$699,177	\$0	(100.0%)	(\$699,177)
Debt proceeds	\$0	\$4,794,058	\$0	(100.0%)	(\$4,794,058)
Appropriated fund balance	\$0	\$5,550,368	\$1,047,212	(81.1%)	(\$4,503,156)
Total revenues & other financing sources	\$7,535,333	\$19,165,348	\$9,920,803	(48.2%)	(\$9,244,545)



Capital Reserve
Fund
Recommended
Budget

FY22-23



CAPITAL RESERVE FUND REVENUES AND OTHER FUNDING SOURCES

Capital Reserve Fund Revenues and Other Financing Sources					
	FY 2020- 2021 Actual	FY 2021- 2022 Current Budget	FY 2022-2023 Manager's Recommended	Percent Change	FY21-22 Variance
System Development Fees	\$902,521	\$1,107,000	\$1,598,000	44.4%	\$491,000
Interest Earnings	\$9,701	\$2,500	\$3,000	20%	\$500
Total revenues	\$912,222	\$1,109,500	\$1,601,000	44.3%	\$491,500
Other financing sources					
Appropriated fund balance	\$0	\$199,177	\$0	(100.0%)	\$0
Total revenues & other financing sources	\$912,222	\$1,308,677	\$1,601,000	22.3%	\$292,323



Questions?



AGENDA ITEM #4B

SUB 22-06

Final Plat for the Cameron Lane
Right of Way Dedication

Presenter

Cy Stober, Development Director

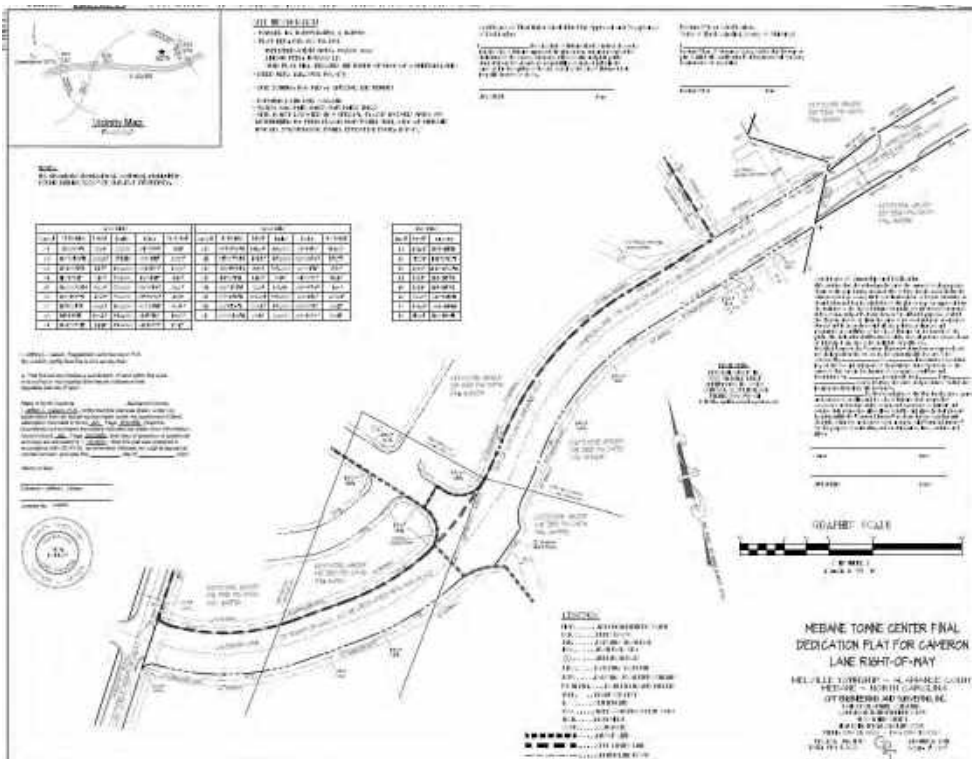
Applicant

Keystone at Mebane Oaks, LLC
3708 Alliance Drive
Greensboro, NC 27407

Public Hearing

Yes No

Final Plat



Property

S. Fifth St. &
Mebane Airport Rd.,
Mebane Towne
Center, Alamance
County

GPINs 9814742384
9814648568
9814752261

Proposed Zoning

N/A

Current Zoning

R-6 (SUP for PUD)

Size

+/-2.82 ac

Surrounding Zoning

R-6 & R-6(CD)

Surrounding Land

Uses

Multifamily & Single-
Family Residential;
Retail Business

Utilities

Provided by
Developer

Floodplain

No

Watershed

No

City Limits

Yes

Summary

Keystone at Mebane Oaks, LLC, is requesting approval of the Final Plat for the right of way dedication for Cameron Lane (approved by the Mebane City Council as “Mebane Towne Center” for rezoning to R-6 and a special use as a Planned Unit Development 06/04/2018). This Final Plat will dedicate +/-2.828 acres and +/-1,543.8 linear feet of public right of way to full connect Cameron Lane between the already-open Cameron Lane at Keystone Apartments and Mebane Airport Road. This road dedication and conformance with City standards is necessary for allowing traffic distribution to both Mebane Airport Road and Mebane Oaks Road.

The Technical Review Committee (TRC) has reviewed the Final Plat and the applicant has revised the plan to reflect its comments. All infrastructure must be completed and approved to meet the City of Mebane Specifications. All infrastructure not completed shall be bonded or a letter of credit provided prior to recordation.

Financial Impact

The developer has extended utilities at his own expense.

Recommendation

Staff recommends approval of the Final Plat.

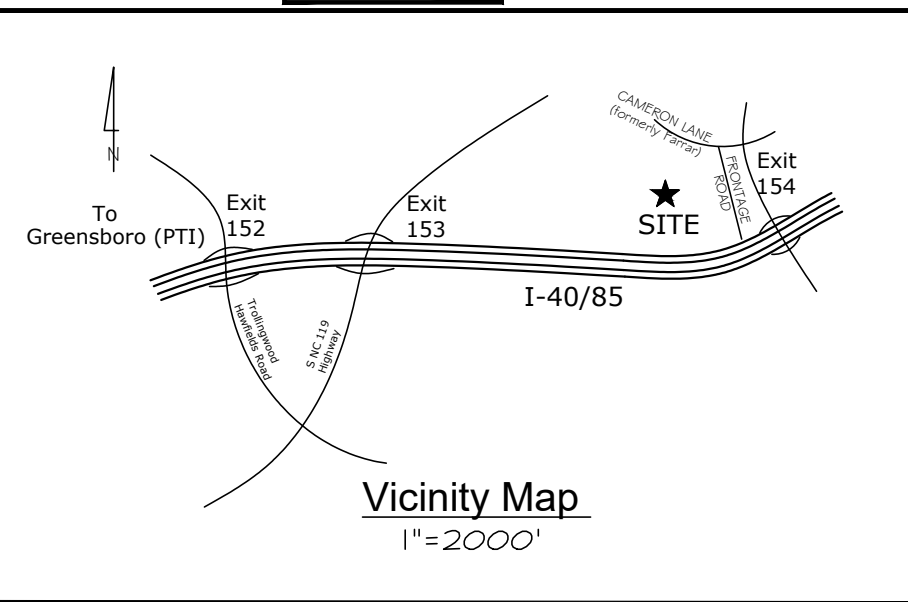
Suggested Motion

Motion to approve the final plat as presented.

Attachments

1. Final Plat

FC-DTM-5-4-22



SITE INFORMATION

- PARCEL ID: 164335/164152, # 164338
- PLAT REF.: P.B. 80, PG. 184
- R/W DEDICATION AREA: ±2,828 ACs.
- LINEAR FEET: 1543.80 L.F.
- (THIS PLAT WILL RECORD THE RIGHT OF WAY OF CAMERON LANE)
- DEED REF.: D.B. 3831, PG. 476
- SITE ZONING: R-6 PUD w/ SPECIAL USE PERMIT
- EXISTING LAND USE: VACANT
- SOILS: G0C, HdB, G0B2, G0B, HdB2, HdC2
- SITE IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY FEMA FLOOD MAP PANEL 1814, CITY OF MEBANE, MAP NO. 3710981400K, PANEL EFFECTIVE DATE: 11-17-17.

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.

CITY CLERK _____ Date _____

Review Officer Certification.
State of North Carolina, County of Alamance

I, _____ Review Officer of Alamance County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Review Officer _____ Date _____

NOTE:
NO GEODETIC HORIZONTAL CONTROL MONUMENT FOUND WITHIN 2000' OF SUBJECT PROPERTY.

Curve #	Ch Bearing	Length	Radius	Delta	Arc Length
C1	S13°08'04"E	28.64'	20.000	041°38'55"	31.99'
C2	NTT°04'06"W	223.80'	354.998	036°13'11"	221.57'
C3	N14°03'45"E	171.75'	460.000	021°31'07"	172.76'
C4	N10°17'34"E	79.87'	50.000	106°01'14"	92.52'
C5	N62°00'24"W	33.03'	50.000	038°34'42"	33.67'
C6	N10°45'57"E	46.85'	50.000	055°52'36"	48.76'
C7	N84°02'17"E	60.80'	460.000	007°34'44"	60.85'
C8	N45°14'31"E	187.42'	540.000	019°59'12"	188.37'
C9	N64°22'09"E	171.44'	540.000	018°16'03"	172.17'

Curve #	Ch Bearing	Length	Radius	Delta	Arc Length
C10	S64°35'36"W	144.04'	465.000	017°49'10"	144.62'
C11	S45°21'58"W	164.97'	465.000	020°26'06"	165.85'
C12	S38°45'35"W	65.53'	535.000	007°01'14"	65.57'
C13	S19°32'31"W	54.52'	70.557	045°21'27"	55.98'
C14	S82°01'01"W	70.29'	105.816	038°41'58"	71.66'
C15	S73°43'10"W	206.04'	535.000	022°12'16"	207.34'
C16	S76°51'36"E	273.43'	435.000	036°38'10"	278.15'
C17	S71°04'26"W	27.98'	20.000	088°46'06"	30.99'

Line #	Length	Direction
L1	104.01'	N84°49'19"E
L2	45.04'	N44°56'40"E
L3	16.52'	N42°43'02"W
L4	10.59'	N85°14'55"E
L5	10.59'	N85°14'55"E
L6	82.23'	S48°54'18"W
L7	104.01'	S84°49'19"W
L8	115.04'	N32°41'24"E

I, Jeffery L. Caison, Registered Land Surveyor PLS No L-4403, certify that this is of a survey that:

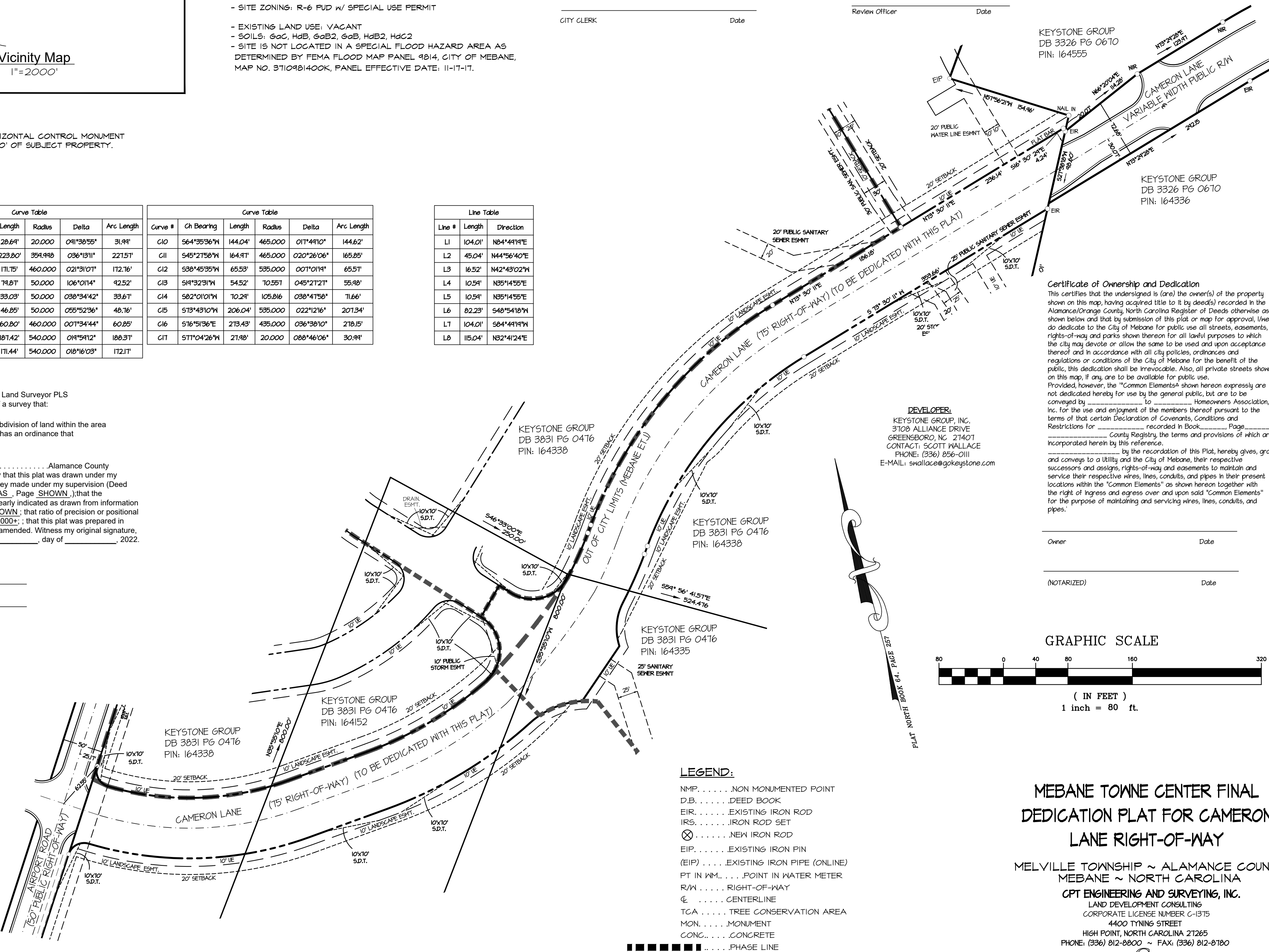
a. That the survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land.

State of North Carolina, Alamance County I, Jeffery L. Caison, PLS, certify that this plat was drawn under my supervision from an actual survey made under my supervision (Deed description recorded in Book AS, Page SHOWN); that the boundaries not surveyed are clearly indicated as drawn from information found in Book AS, Page SHOWN; that ratio of precision or positional accuracy as calculated is 1:10,000±; that this plat was prepared in accordance with GS 47-30 as amended. Witness my original signature, license number, and seal this _____ day of _____, 2022.

Stamp or Seal

Surveyor - Jeffery L. Caison

License No.: L-4403



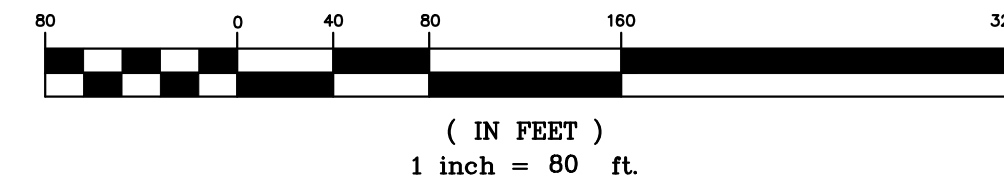
Certificate of Ownership and Dedication

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 _____

(NOTARIZED) _____ Date _____

GRAPHIC SCALE



LEGEND:

- NMPNON MONUMENTED POINT
- D.B.DEED BOOK
- EIREXISTING IRON ROD
- IRSIRON ROD SET
- ⊗NEW IRON ROD
- EIPEXISTING IRON PIN
- (EIP)EXISTING IRON PIPE (ONLINE)
- PT IN WM.POINT IN WATER METER
- R/WRIGHT-OF-WAY
- CLCENTERLINE
- TCATREE CONSERVATION AREA
- MON.MONUMENT
- CONC.CONCRETE
-PHASE LINE
-CITY LIMITS LINE
- — — — —CENTERLINE ROAD

MEBANE TOWNE CENTER FINAL DEDICATION PLAT FOR CAMERON LANE RIGHT-OF-WAY

MELVILLE TOWNSHIP ~ ALAMANCE COUNTY
MEBANE ~ NORTH CAROLINA
CPT ENGINEERING AND SURVEYING, INC.
LAND DEVELOPMENT CONSULTING
CORPORATE LICENSE NUMBER C-1315
4400 TYNING STREET
HIGH POINT, NORTH CAROLINA 27265
PHONE: (336) 812-8800 ~ FAX: (336) 812-8780
PROJECT: 1316-14AP DATE: MAY 9, 2022
DRAWN BY: DTM SCALE: 1" = 80'





AGENDA ITEM #4C

SUB 22-03

Final Subdivision Plat

Bowman Village, Phase N2

REAPPROVAL

Presenter Cy Stober, Development Director

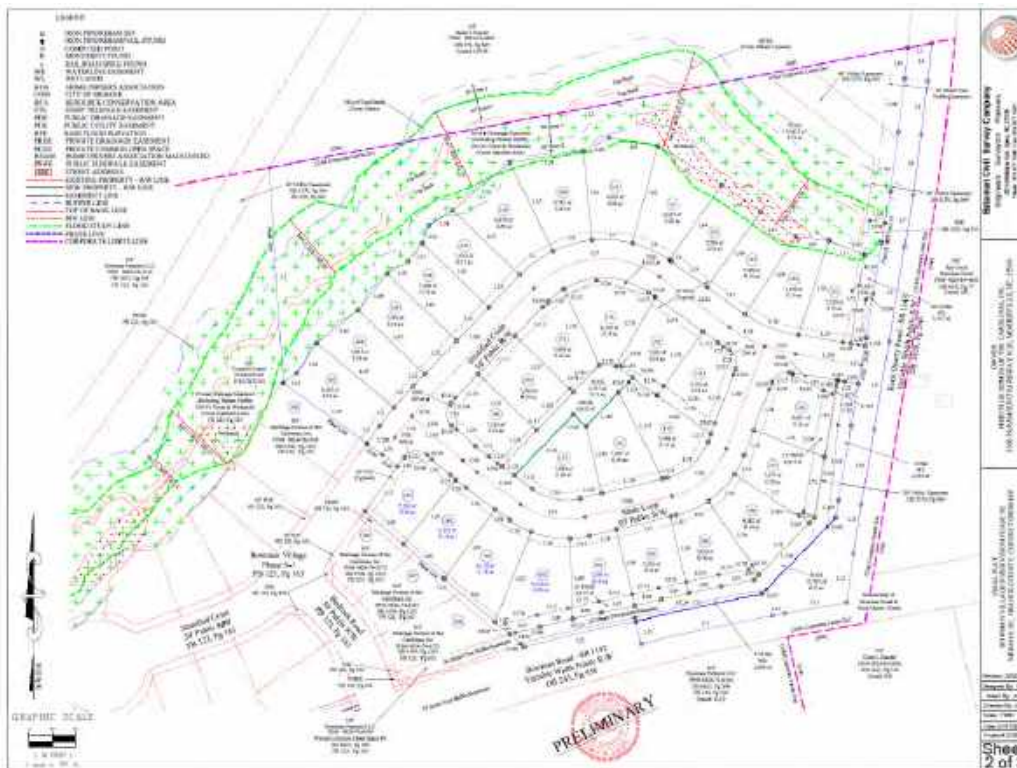
Applicant

Meritage Homes of the Carolinas, Inc.
3300 Paramount Parkway
Suite #120
Morrisville, NC 27560

Public Hearing

Yes No

Final Plat



Property

Bowman Village,
Orange County

GPINs
9824748580

Proposed
Zoning
N/A

Current Zoning
R-12 (CD)

Size
+/-11.152 ac

Surrounding
Zoning
R-12(CD) and
O/RM & AR
(Orange County)

Surrounding
Land Uses
Single-Family
Residential,
Vacant

Utilities
Extended at
developer's
expense.

Floodplain
Yes

Watershed
No

City Limits
Yes

Summary

Meritage Homes of the Carolinas, Inc., is requesting approval of the Final Plat for Phase N2 of the Bowman Village Subdivision (approved for conditional rezoning as a cluster subdivision by City Council 06/03/19). The Final Plat will include a total area of +/-11.152 acres featuring 32 single-family lots of +/- 5.683 acres, +/-3.1755 acres of open space (inc. FEMA floodplain), and +/-2.293 acres and +/-1,386 linear feet of dedicated right of way.

The Technical Review Committee (TRC) has reviewed the Final Plat and the applicant has revised the plan to reflect comments. All infrastructure must be completed and approved to meet the City of Mebane specifications. All infrastructure not completed shall be bonded or a letter of credit provided prior to recordation.

This major subdivision plat was originally approved by the City Council at its March 7, 2022, meeting.

Financial Impact

The developer has extended utilities at his own expense.

Recommendation

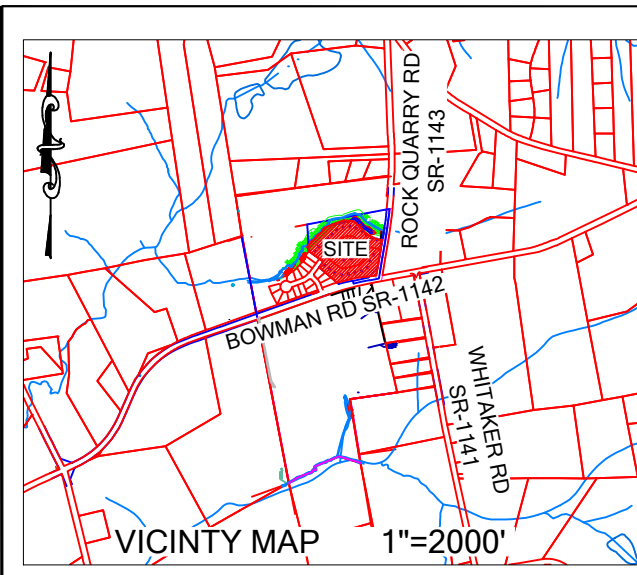
Staff recommends approval of the Final Plat.

Suggested Motion

Motion to approve the final plat as presented.

Attachments

1. Final Plat



Owner Information:
 Meritage Homes of the Carolinas, Inc
 919-926-2600
 8800 E Raintree #300
 Scottsdale, AZ, 85260
 DB 6750, Pg 2074

REFERENCES
 -DEED BOOK 6750, PAGE 2074
 -PLAT BOOK 123, PAGE 163

NOTES:

- This survey was prepared by Bateman Civil Survey Co., under the supervision of Jeffrey W. Baker, PLS.
- Property lines shown were taken from existing field evidence, existing deeds and/or plats of public record, and information supplied to the surveyor by the client
- All distances are horizontal ground distances and all bearings are based from NAD 83' unless otherwise shown.
- Areas by coordinate method.
- Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence or any other facts that an accurate and current title search may disclose.
- No evidence of cemeteries were observed at the time of survey.
- No Grid Monuments found within 2000'.
- FEMA Designated Floodplain: 'X' (Map 3710982400L, Date 11/17/2017)
- Flood Study provided to Bateman Civil Survey Company from Meritage Homes of the Carolinas, Inc.
- Date of survey: December 2021

PARCEL DATA:
 PIN# 9824-74-8580
 Deed Book 6750, Page 2074
 Plat Book 123, Page 163
 Zoned: R-12 (Conditional)
 River Basin: Cape Fear

Certificate of Ownership and Dedication.
 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 Meritage Homes of the Carolinas, Inc to Bowman Village 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. _____

Site Data:
 Zoning: R-12 (Conditional) (Cluster Subdivision)
 Approved 06/03/2019 by Mebane City Council

Setbacks:
 Front: 20 Feet
 Side: 5 Feet
 Side (Corner): 10 Feet
 Rear: 20 Feet

Phase N2 Area: 485,787 sf / 11.1521 ac
 New Road Centerline Phase N2: 1,386 Linear Feet

Phase N2 Number of Lots: 32
 Phase N2 Lot Area: 246,930 sf / 5.6687 ac
 Phase N2 R/W Dedication: 99,897 sf / 2.2933 ac
 Phase N2 Open Space: 138,960 sf / 3.1901 ac

"I, Jeffrey W. Baker, certify that this plat was drawn under my supervision from an actual survey made under my supervision (Book 6750, Page 2074); that the boundaries not surveyed are clearly indicated as drawn from information found in Book 123, Page 163; that the ratio of precision or positional accuracy as calculated is 1:10000+; that this plat was prepared in accordance with G.S. 47-30 as amended. witness my original signature, license number and seal this 1st day of September, A.D. 2021."

PRELIMINARY

 Professional Land Surveyor
 License Number-4412

I, Jeffrey W. Baker, Professional Land Surveyor No. L-4412 certify that this survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land.

Jeffrey W. Baker, PLS L-4412 _____
 date



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

State of North Carolina
 County of Orange

I, _____, Review Officer of Orange County, certify that this map or plat to which this certification is affixed meets all statutory requirements for recording for which the Review Officer has responsibility as provided by law.

Review Officer
 Orange County Land Records / GIS

Date of Certification _____



Bateman Civil Survey Company
 Engineers Surveyors Planners
 2524 Reliance Ave., Apex, NC 27539
 Phone: 919.577.1080 Fax: 919.577.1081
 NCBELS FIRM No. C-2378

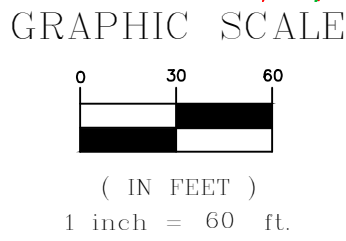
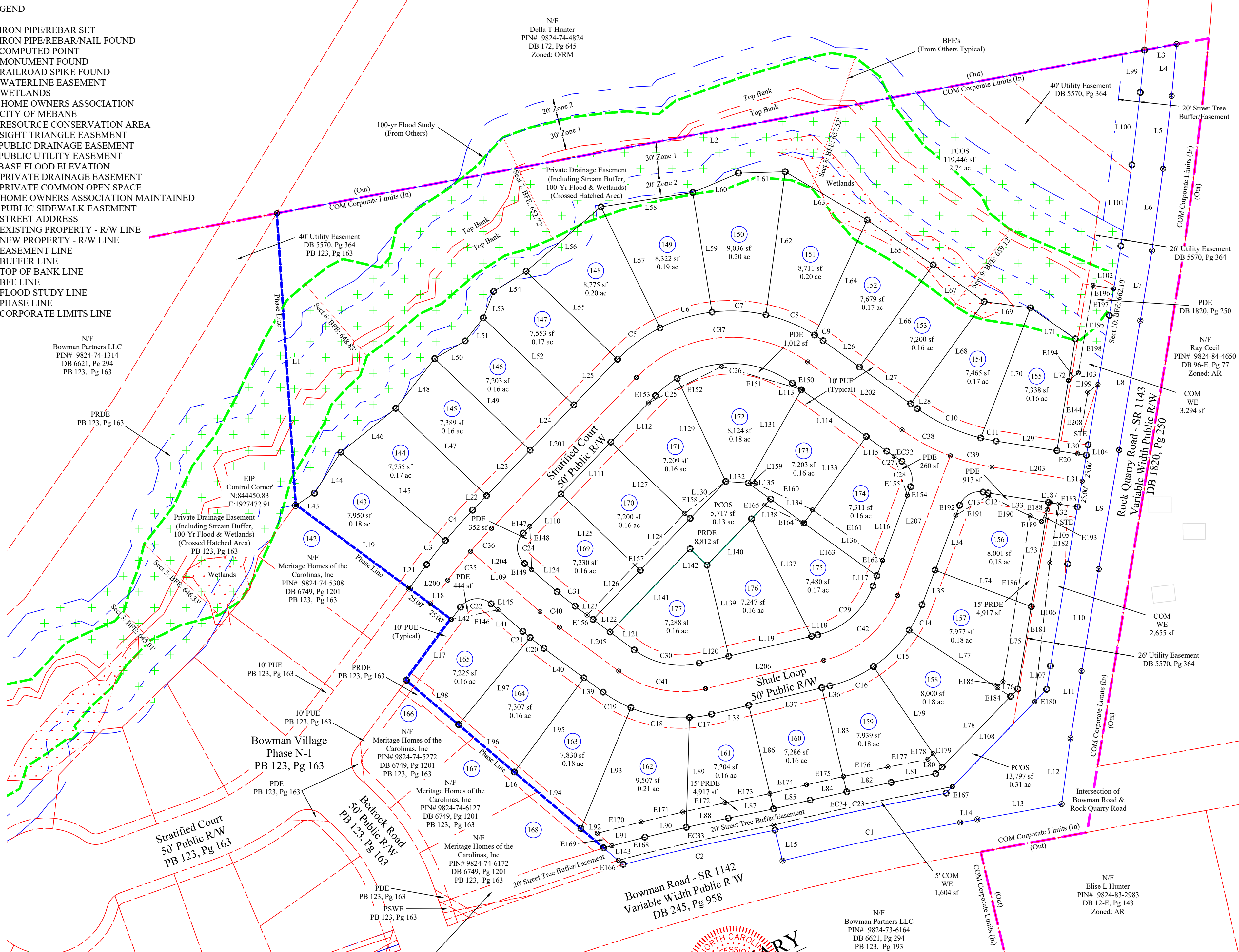
OWNER
 MERITAGE HOMES OF THE CAROLINAS, INC.
 3300 PARAMOUNT PARKWAY #120, MORRISVILLE, NC, 27560


FINAL PLAT
 BOWMAN VILLAGE SUBDIVISION PHASE N2
 MEBANE, NC, ORANGE COUNTY, CHEEKS TOWNSHIP

REV: 03/02/22
 Designed By: N/A
 Drawn By: JCH
 Checked By: JWB
 Scale: n/a
 Date: 01/17/2022
 Project #: 210632

LEGEND

- IRON PIPE/REBAR SET
- ⊙ IRON PIPE/REBAR/NAIL FOUND
- ⊕ COMPUTED POINT
- ⊗ MONUMENT FOUND
- x RAILROAD SPIKE FOUND
- WE WATERLINE EASEMENT
- WL WETLANDS
- HOA HOME OWNERS ASSOCIATION
- COM CITY OF MEBANE
- RCA RESOURCE CONSERVATION AREA
- STE SIGHT TRIANGLE EASEMENT
- PDE PUBLIC DRAINAGE EASEMENT
- PUE PUBLIC UTILITY EASEMENT
- BFE BASE FLOOD ELEVATION
- PRDE PRIVATE DRAINAGE EASEMENT
- PCOS PRIVATE COMMON OPEN SPACE
- HOAM HOME OWNERS ASSOCIATION MAINTAINED
- PSWE PUBLIC SIDEWALK EASEMENT
- ### STREET ADDRESS
- - - EXISTING PROPERTY - R/W LINE
- NEW PROPERTY - R/W LINE
- - - EASEMENT LINE
- - - BUFFER LINE
- - - TOP OF BANK LINE
- - - BFE LINE
- - - FLOOD STUDY LINE
- - - PHASE LINE
- - - CORPORATE LIMITS LINE





Bateman Civil Survey Company
Engineers Surveyors Planners
2524 Reliance Ave., Apex, NC 27539
Phone: 919.577.1080 Fax: 919.577.1081
NCBELS FIRM No. C-2378

OWNER
MERITAGE HOMES OF THE CAROLINAS, INC.
3300 PARAMOUNT PARKWAY #120, MORRISVILLE, NC, 27560

FINAL PLAT
BOWMAN VILLAGE SUBDIVISION PHASE N2
MEBANE, NC, ORANGE COUNTY, CHEEKS TOWNSHIP

Designed By: N/A
Drawn By: JCH
Checked By: JWB
Scale: 1"=60'
Date: 01/17/2022
Project #: 210632

Sheet
2 of 3

Line Table		
Line #	Direction	Length
L1	N03°39'31"W	279.12
L2	N79°20'43"E	841.68
L3	N79°20'37"E	31.26
L4	S05°38'23"W	49.67
L5	S06°37'45"W	69.97
L6	S07°45'15"W	78.72
L7	S09°26'11"W	68.65
L8	S09°16'20"W	124.04
L9	S09°46'02"W	115.32
L10	S09°33'18"W	98.53
L11	S09°20'02"W	64.99
L12	S07°39'54"W	63.30
L13	S79°45'46"W	81.55
L14	S79°44'13"W	16.60
L15	N13°57'58"W	30.00
L16	N49°39'40"W	271.14
L17	N36°27'18"E	72.16
L18	N53°27'36"W	50.00
L19	N53°57'23"W	134.02
L21	N36°27'17"E	27.98
L22	N43°51'50"E	19.25
L23	N43°51'50"E	60.00
L24	N43°51'50"E	60.00
L25	N43°51'50"E	60.32
L26	S54°13'04"E	42.94
L27	S54°13'04"E	60.00
L28	S54°13'04"E	7.93
L29	S81°02'55"E	58.63
L30	S81°02'55"E	28.47
L31	S09°45'53"W	50.01
L32	N81°02'55"W	28.08
L33	N81°02'55"W	58.30
L34	S20°45'10"W	66.15
L35	S20°45'10"W	35.31
L36	S76°32'36"W	7.89
L37	S76°32'36"W	71.68
L38	S76°32'36"W	36.46
L39	N53°32'42"W	22.82
L40	N53°32'42"W	47.38
L41	N48°59'07"W	40.05
L42	S36°27'18"W	14.52
L43	N56°59'27"E	21.43
L44	N32°43'54"E	46.45
L45	S49°51'39"E	130.59
L46	N51°23'00"E	67.07
L47	S46°08'10"E	120.11
L48	N38°03'58"E	60.31
L49	S46°08'10"E	126.20
L50	N59°53'40"E	33.58
L51	N38°14'05"E	27.86

Line Table		
Line #	Direction	Length
L52	S46°08'10"E	119.66
L53	N21°18'20"E	27.05
L54	N58°19'15"E	36.49
L55	S46°08'10"E	120.93
L56	N49°13'18"E	94.23
L57	S25°58'29"E	128.42
L58	N81°09'37"E	88.56
L59	S09°08'42"E	115.46
L60	N66°55'41"E	47.26
L61	N88°13'48"E	44.62
L62	S07°41'06"W	137.75
L63	S59°30'16"E	90.62
L64	S24°30'54"W	120.58
L65	S55°45'42"E	76.21
L66	S35°46'56"W	120.00
L67	S54°13'04"E	60.00
L68	S35°46'56"W	120.00
L69	S82°22'07"E	44.58
L70	S20°59'12"W	132.80
L71	S55°15'45"E	51.81
L72	S09°19'22"W	107.99
L73	S09°19'22"W	100.66
L74	N69°14'50"W	98.03
L75	S09°19'22"W	79.72
L76	S44°06'38"W	9.79
L77	N56°48'33"W	115.60
L78	S44°06'38"W	93.60
L79	N34°23'59"W	116.07
L80	S44°06'38"W	8.97
L81	S78°58'23"W	43.27
L82	S78°03'57"W	43.27
L83	N13°27'24"W	101.97
L84	S77°14'11"W	35.84
L85	S76°29'05"W	35.84
L86	N13°27'24"W	101.57
L87	S78°28'45"W	44.02
L88	S77°36'32"W	41.00
L89	N01°39'07"E	104.76
L90	S76°34'01"W	40.58
L91	S75°31'49"W	40.58
L92	N49°39'40"W	28.48
L93	N22°29'20"E	124.57
L94	N49°39'40"W	83.25
L95	N36°27'18"E	111.55
L96	N49°39'40"W	69.83
L97	N39°28'34"E	107.40
L98	N49°39'40"W	65.22
L99	S05°38'38"W	40.64
L100	S06°37'45"W	69.42
L101	S07°45'15"W	77.99

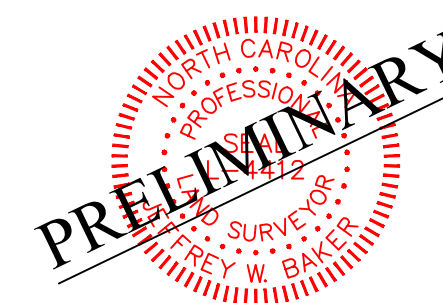
Line Table		
Line #	Direction	Length
L102	S09°26'01"W	67.24
L103	S09°16'30"W	124.96
L104	S09°46'02"W	10.13
L105	S09°46'10"W	55.11
L106	S09°33'18"W	98.64
L107	S09°20'02"W	22.64
L108	S44°06'38"W	137.70
L109	N39°47'12"E	50.01
L110	N43°51'50"E	51.77
L111	N43°51'50"E	68.57
L112	N43°51'50"E	61.48
L113	S54°13'04"E	10.71
L114	S54°13'04"E	76.21
L115	S54°13'04"E	23.95
L116	S20°45'10"W	90.79
L117	S20°45'10"W	10.67
L118	S76°32'36"W	6.10
L119	S76°32'36"W	81.06
L120	S76°32'36"W	28.87
L121	N53°32'42"W	28.71
L122	N53°32'42"W	20.17
L123	N53°32'42"W	21.32
L124	N48°59'07"W	41.13
L125	S46°08'10"E	105.00
L126	S43°51'50"W	65.00
L127	S46°08'10"E	105.00
L128	S43°51'50"W	68.57
L129	S25°12'53"E	108.67
L130	S43°51'50"W	48.90
L131	S29°42'18"W	102.34
L132	N86°03'20"W	21.61
L133	S35°46'56"W	101.76
L134	N54°13'04"W	39.19
L135	N54°13'04"W	26.19
L136	N54°13'04"W	85.80
L137	N27°03'18"W	125.69
L138	N43°51'50"E	26.22
L139	N13°27'24"W	89.12
L140	N43°51'50"E	61.20
L141	N43°51'50"E	110.00
L142	S46°08'10"E	22.50
L143	N49°39'40"W	24.37
L200	N36°27'17"E	27.98
L201	N43°51'50"E	199.57
L202	S54°13'04"E	110.86
L203	S81°02'55"E	87.09
L204	S48°59'07"E	87.55
L205	S53°32'42"E	70.20
L206	N76°32'36"E	116.03
L207	N20°45'10"E	142.29

Curve Table						
Curve #	Length	Radius	Delta	Direction	Chord	Tangent
C1	173.37	2682.43	003°42'11"	S77°53'08"W	173.34	86.71
C2	148.39	2222.97	003°49'29"	S77°16'54"W	148.36	74.22
C3	29.10	525.00	003°10'32"	N38°02'33"E	29.09	14.55
C4	38.79	525.00	004°14'01"	N41°44'50"E	38.78	19.41
C5	50.51	150.00	019°17'34"	N53°30'38"E	50.27	25.50
C6	52.11	150.00	019°54'19"	N73°06'34"E	51.85	26.32
C7	51.63	150.00	019°43'19"	S87°04'37"E	51.38	26.07
C8	50.51	150.00	019°17'41"	S67°34'07"E	50.28	25.50
C9	9.70	150.00	003°42'13"	S56°04'10"E	9.69	4.85
C10	66.91	175.00	021°54'30"	S65°10'19"E	66.51	33.87
C11	15.04	175.00	004°55'22"	S78°35'14"E	15.03	7.52
C12	4.78	225.00	001°13'03"	N80°26'23"W	4.78	2.39
C13	27.72	20.00	079°24'58"	S60°27'39"W	25.56	16.61
C14	27.14	125.00	012°26'17"	S26°58'19"W	27.08	13.62
C15	48.89	125.00	022°24'34"	S44°23'44"W	48.58	24.76
C16	45.69	125.00	020°56'34"	S66°04'18"W	45.44	23.10
C17	21.33	125.00	009°46'30"	S81°25'51"W	21.30	10.69
C18	57.10	125.00	026°10'14"	N80°35'47"W	56.60	29.05
C19	30.47	125.00	013°57'58"	N60°31'41"W	30.39	15.31
C20	16.64	325.00	002°55'58"	N52°04'43"W	16.63	8.32
C21	9.23	325.00	001°37'37"	N49°47'55"W	9.23	4.61
C22	33.01	20.00	094°33'35"	S83°44'06"W	29.39	21.66
C23	166.97	2712.43	003°31'37"	S77°47'51"W	166.95	83.51
C24	32.41	20.00	092°50'57"	N02°33'38"W	28.98	21.02
C25	26.53	100.00	015°12'03"	N51°27'52"E	26.45	13.34
C26	116.44	100.00	066°43'02"	S87°34'35"E	109.98	65.83
C27	17.46	225.00	004°26'45"	S56°26'26"E	17.45	8.73
C28	27.72	20.00	079°24'58"	S18°57'19"E	25.56	16.61
C29	73.03	75.00	055°47'26"	S48°38'53"W	70.18	39.70
C30	65.33	75.00	049°54'43"	N78°30'03"W	63.29	34.90
C31	21.89	275.00	004°33'35"	N51°15'54"W	21.88	10.95
C35	35.13	500.00	004°01'31"	N38°28'03"E	35.12	17.57
C36	29.53	500.00	003°23'02"	N42°10'20"E	29.53	14.77
C37	178.72	125.00	081°55'06"	N84°49'23"E	163.88	108.50
C38	52.46	200.00	015°01'46"	S61°43'57"E	52.31	26.38
C39	41.19	200.00	011°48'05"	S75°08'52"E	41.12	20.67
C40	23.87	300.00	004°33'35"	S51°15'54"E	23.87	11.94
C41	87.11	100.00	049°54'43"	S78°30'03"E	84.38	46.54
C42	97.37	100.00	055°47'26"	N48°38'53"E	93.57	52.94

Easement Line Table		
Line #	Direction	Length
E20	N81°02'55"W	20.00
E144	N09°19'22"E	67.84
E145	S48°59'07"E	8.71
E146	S78°19'46"W	45.35
E147	N43°51'50"E	8.95
E148	S02°33'38"E	41.32
E149	N48°59'07"W	8.95
E150	S54°13'04"E	9.62
E151	N73°57'39"W	78.11
E152	S63°36'25"W	78.11
E153	N43°51'50"E	9.62
E154	S20°45'10"W	8.72
E155	N18°55'53"W	39.22
E156	N53°32'42"W	7.06
E157	N43°51'50"E	134.48
E158	N52°00'38"E	49.40
E159	S86°03'20"E	7.19
E160	S65°03'07"E	59.62
E161	S54°13'04"E	82.48
E162	S20°45'10"W	15.53
E163	N54°13'04"W	85.09
E164	N65°03'07"W	41.76
E165	S43°51'50"W	18.29
E166	N49°39'40"W	6.10
E167	S44°06'38"W	8.61
E168	S75°31'49"W	32.46
E169	N49°40'33"W	18.36
E170	N75°31'49"E	43.17
E171	N76°34'01"E	40.85

Easement Line Table		
Line #	Direction	Length
E172	N77°36'32"E	41.25
E173	N78°28'45"E	44.14
E174	N76°28'12"E	35.42
E175	N77°14'11"E	36.05
E176	N78°03'57"E	43.50
E177	N78°58'23"E	38.68
E178	N44°06'38"E	7.31
E179	S34°23'59"E	15.31
E180	S44°06'38"W	16.28
E181	N06°12'39"E	133.24
E182	N08°57'05"E	56.61
E183	S81°02'55"E	17.72
E184	N56°48'33"W	15.28
E185	N44°06'38"E	7.99
E186	N09°19'22"E	160.13
E187	S81°02'55"E	2.08
E188	S25°19'17"W	19.69
E189	N64°34'09"W	12.13
E190	N64°34'09"W	44.43
E191	S59°10'13"W	35.71
E192	N20°45'10"E	10.05
E193	N25°19'17"E	12.16
E194	N53°13'57"E	12.00
E195	N09°26'01"E	84.63
E196	S80°33'59"E	20.00
E197	S09°25'34"W	25.80
E198	S09°16'39"W	66.68
E199	S53°13'57"W	12.24
E208	S09°19'22"W	59.65

Easement Curve Table						
Curve #	Radius	Length	Delta	Direction	Chord	Tangent
EC32	225.00	8.91	002°16'05"	S57°31'46"E	8.91	4.45
EC33	2227.97	152.09	003°54'40"	N77°14'05"E	152.06	76.07
EC34	2717.43	174.15	003°40'19"	N77°52'22"E	174.12	87.11



Bateman Civil Survey Company
 Engineers Surveyors Planners
 2524 Reliance Ave., Apex, NC 27539
 Phone: 919.577.1080 Fax: 919.577.1081
 NCBELS FIRM No. C-2378

OWNER
 MERITAGE HOMES OF THE CAROLINAS, INC.
 3300 PARAMOUNT PARKWAY #120, MORRISVILLE, NC, 27560

FINAL PLAT
 BOWMAN VILLAGE SUBDIVISION PHASE N2
 MEBANE, NC, ORANGE COUNTY, CHEEKS TOWNSHIP

Designed By: N/A
 Drawn By: JCH
 Checked By: JWB
 Scale:
 Date: 01/17/2022
 Project #: 210632

Sheet
 3 of 3



AGENDA ITEM #4D

Major Subdivision Final Plat for
The Townes at Oakwood Square,
Phase 2
SUB 22-02

REAPPROVAL

Presenter

Cy Stober, Development Director

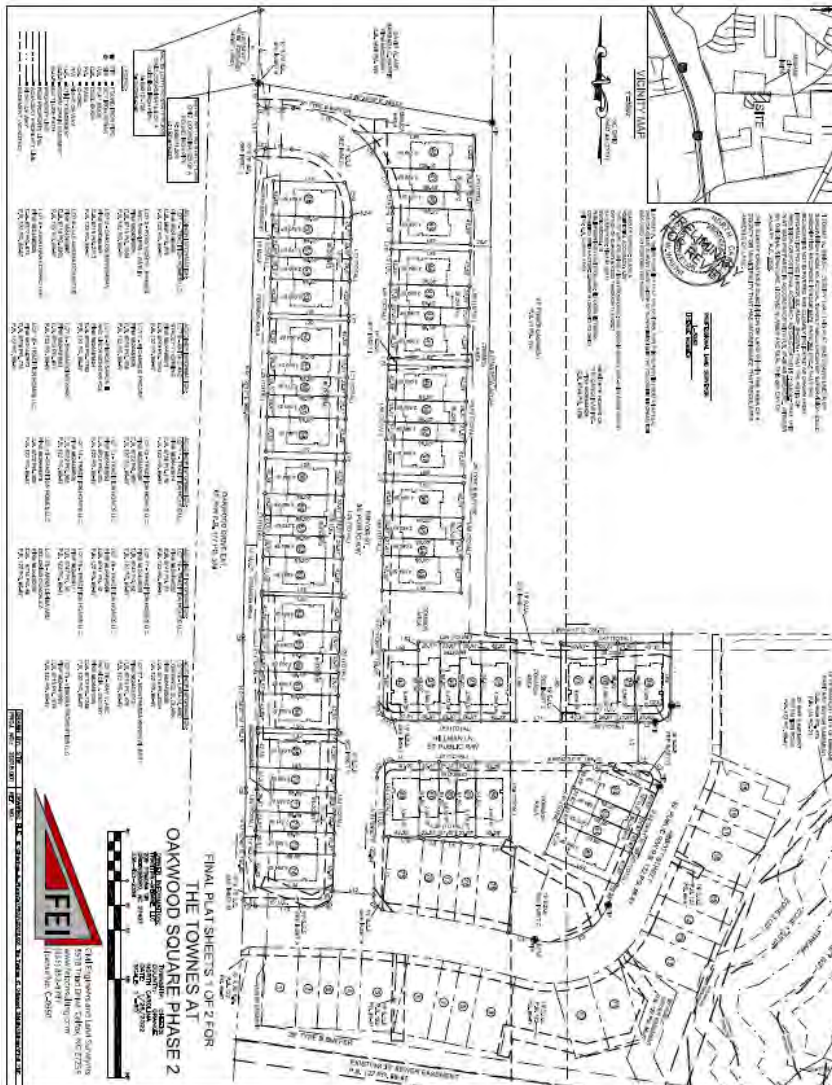
Applicant

Tradition-Mebane, LLC
209 Pomona Drive
Greensboro, NC 27407

Public Hearing

Yes No

Final Plat



Property

Hillman Lane;
Pryor Street,
Mebane, Orange
County

GPIN 9824399496

Proposed Zoning

N/A

Current Zoning

R-6 – with a SUP

Size

+/- 7.82 acres

Surrounding

Zoning

R-20, R-8(CD), &
R-6, M-1

Surrounding

Land Uses

Residential,
Vacant

Utilities

Extended at
developer's
expense.

Floodplain

No

Watershed

No

City Limits

Yes

Summary

Tradition-Mebane, LLC, is requesting approval of the Final Plat for Subdivision and Right of Way and easement dedication at The Townes at Oakwood Square townhomes (*approved with a special use permit by City Council 05/07/18*). This Final Plat will include +/-4.24 acres for 60 townhome lots in 31 buildings; +/- 1.55 acres of dedicated City right of way; and +/-2.03 ac in dedicated recreation and common area, including a 14' public access easement for the 10' multiuse path along Oakwood Street and the private pool and clubhouse.

The Technical Review Committee (TRC) has reviewed the Final Plat and the applicant has revised the plan to reflect comments. All infrastructure has been completed to the City of Mebane specifications. All infrastructure not completed shall be bonded or a letter of credit provided prior to recordation.

This plat was originally approved by the Mebane City Council at its February 7, 2022, meeting.

Financial Impact

The developer has extended utilities at his own expense.

Recommendation

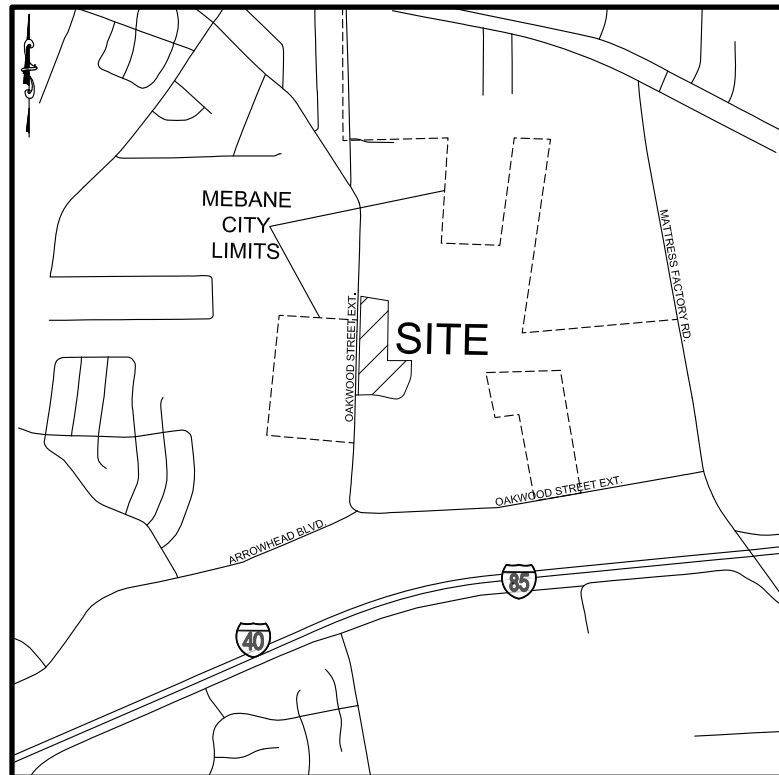
Staff recommends approval of the Final Plat.

Suggested Motion

Motion to approve the final plat as presented.

Attachments

1. Final Plat



VICINITY MAP

1"=2000'

NC GRID
NAD 83 (2011)

SURVEYOR'S CERTIFICATION:
"I TOMMY W. WRIGHT, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK 6573, PAGE 264 ETC.); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK AS PAGE SHOWN; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY AS CALCULATED IS 1:10,000±; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED, WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 26th DAY OF JANUARY, A.D., 2022.

THIS SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.

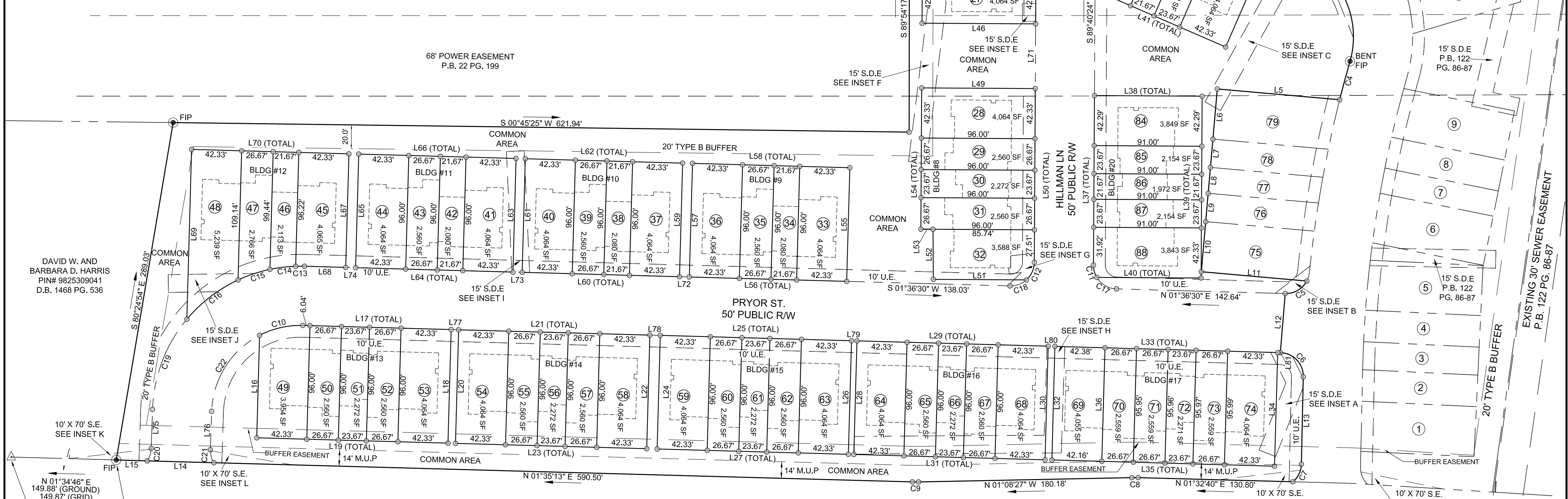


PROFESSIONAL LAND SURVEYOR
L-5262
LICENSE NUMBER

I, TOMMY W. WRIGHT CERTIFY THAT THE CONTROL FOR THIS SURVEY IS FROM AN ACTUAL GPS (OR GNSS) SURVEY MADE UNDER MY SUPERVISION AND THE FOLLOWING INFORMATION WAS USED TO PERFORM THE SURVEY

CLASS OF SURVEY: CLASS A
POSITIONAL ACCURACY: 0.05'
TYPE OF GPS (OR GNSS) FIELD PROCEDURE: VRS (SOKKIA MODEL GCX-3 NETWORK ROVER)
DATE(S) OF SURVEY: 8/3/2021 THROUGH 11/10/2021
DATUM/EPOCH: NAD 83 (2011)
GEOID MODEL: 18
PUBLISHED/FIXED CONTROL USE: NC CORS NETWORK
COMBINED GRID FACTOR: 0.99995218 (GROUND TO GRID)
UNITS: U.S. SURVEY FOOT

MERITAGE HOMES OF
THE CAROLINAS INC.
PIN# 9825404628
D.B. 6744 PG. 1296



DAVID W. AND
BARBARA D. HARRIS
PIN# 9825309041
D.B. 1468 PG. 536

NAD 83 (2011) NC STATE PLANE
GRID COORDINATES OF A
FOUND IRON PIPE
N: 849971.909
E: 1923879.225

NAD 83 (2011) NC STATE PLANE
GRID COORDINATES OF A
EXISTING IRON PIPE
N: 850121.728
E: 1923883.356

LEGEND:

- FIP = FOUND IRON PIPE
- SIR = SET IRON REBAR
- P.B. = PLAT BOOK
- D.B. = DEED BOOK
- PG. = PAGE
- CH. = CHORD
- R/W = RIGHT OF WAY
- U.E. = UTILITY EASEMENT
- S.D.E. = STORM DRAIN EASEMENT
- M.U.P. = MULTI USE PATH
- = PROPERTY LINE
- = NEW PROPERTY LINE
- = ADJACENT PROPERTY LINE
- = RIGHT OF WAY
- = EASEMENT (AS NOTED)

ADJOINER INFORMATION:
LOT 1 - TRADITION HOMES LLC
PIN# 9824389806
D.B. 6687 PG. 209
P.B. 122 PG. 86-87

LOT 2 - RYAN MONTEL BARNES
AND SHAKIERA L GATLIN
PIN# 9824389836
D.B. 6719 PG. 1954
P.B. 122 PG. 86-87

LOT 3 - CARLOS BENNERMAN
PIN# 9824389886
D.B. 6719 PG. 2213
P.B. 122 PG. 86-87

LOT 4 - ALEJANDRA DORANTES
PIN# 9824389886
D.B. 6719 PG. 2365
P.B. 122 PG. 86-87

LOT 5 - JONATHAN EDWARD LEE
PIN# 9824480826
D.B. 6722 PG. 874
P.B. 122 PG. 86-87

ADJOINER INFORMATION:
LOT 6 - ANITA C AND
STACEY T HERRING
PIN# 9824480875
D.B. 6749 PG. 1943
P.B. 122 PG. 86-87

LOT 7 - RICHARD D ERDOSY
PIN# 9824481805
D.B. 6750 PG. 408
P.B. 122 PG. 86-87

LOT 8 - PIERCE SHAUN III
AND LINDA MORGAN POE
PIN# 9824481824
D.B. 6750 PG. 1780
P.B. 122 PG. 86-87

LOT 9 - SHUANGQING ZHAN
PIN# 9824481863
D.B. 6753 PG. 827
P.B. 122 PG. 86-87

LOT 10 - TRADITION HOMES LLC
PIN# 9824482873
D.B. 6738 PG. 776
P.B. 122 PG. 86-87

ADJOINER INFORMATION:
LOT 11 - TRADITION HOMES LLC
PIN# 9824483814
D.B. 6722 PG. 303
P.B. 122 PG. 86-87

LOT 12 - TRADITION HOMES LLC
PIN# 9824483980
D.B. 6722 PG. 303
P.B. 122 PG. 86-87

LOT 13 - TRADITION HOMES LLC
PIN# 9824483993
D.B. 6722 PG. 303
P.B. 122 PG. 86-87

LOT 14 - TRADITION HOMES LLC
PIN# 9824484905
D.B. 6722 PG. 303
P.B. 122 PG. 86-87

LOT 15 - TRADITION HOMES LLC
PIN# 9824484918
D.B. 6722 PG. 303
P.B. 122 PG. 86-87

ADJOINER INFORMATION:
LOT 16 - TRADITION HOMES LLC
PIN# 9824494032
D.B. 6747 PG. 32
P.B. 122 PG. 86-87

LOT 17 - TRADITION HOMES LLC
PIN# 9824494055
D.B. 6747 PG. 32
P.B. 122 PG. 86-87

LOT 18 - TRADITION HOMES LLC
PIN# 9824494068
D.B. 6747 PG. 32
P.B. 122 PG. 86-87

LOT 19 - TRADITION HOMES LLC
PIN# 9824494171
D.B. 6747 PG. 32
P.B. 122 PG. 86-87

LOT 75 - ANNA DIPISA AND
DOLORIES GONZALEZ
PIN# 9824490050
D.B. 6714 PG. 66
P.B. 122 PG. 86-87

ADJOINER INFORMATION:
LOT 20 - TRADITION HOMES LLC
PIN# 9824490080
D.B. 6718 PG. 2054
P.B. 122 PG. 86-87

LOT 76 - LARA M. AND
DORRANCE D. CLARK
PIN# 9824490080
D.B. 6718 PG. 2054
P.B. 122 PG. 86-87

LOT 77 - MONTRESSA RENEE GILBERT
PIN# 9824491010
D.B. 6714 PG. 476
P.B. 122 PG. 86-87

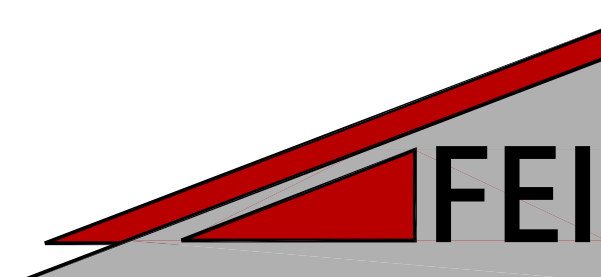
LOT 78 - RAY V. AND
PATRICIA J. GENTRY
PIN# 9824481939
D.B. 6713 PG. 1346
P.B. 122 PG. 86-87

LOT 79 - VISKARA PROPERTIES LLC
PIN# 9824481969
D.B. 6715 PG. 1074
P.B. 122 PG. 86-87

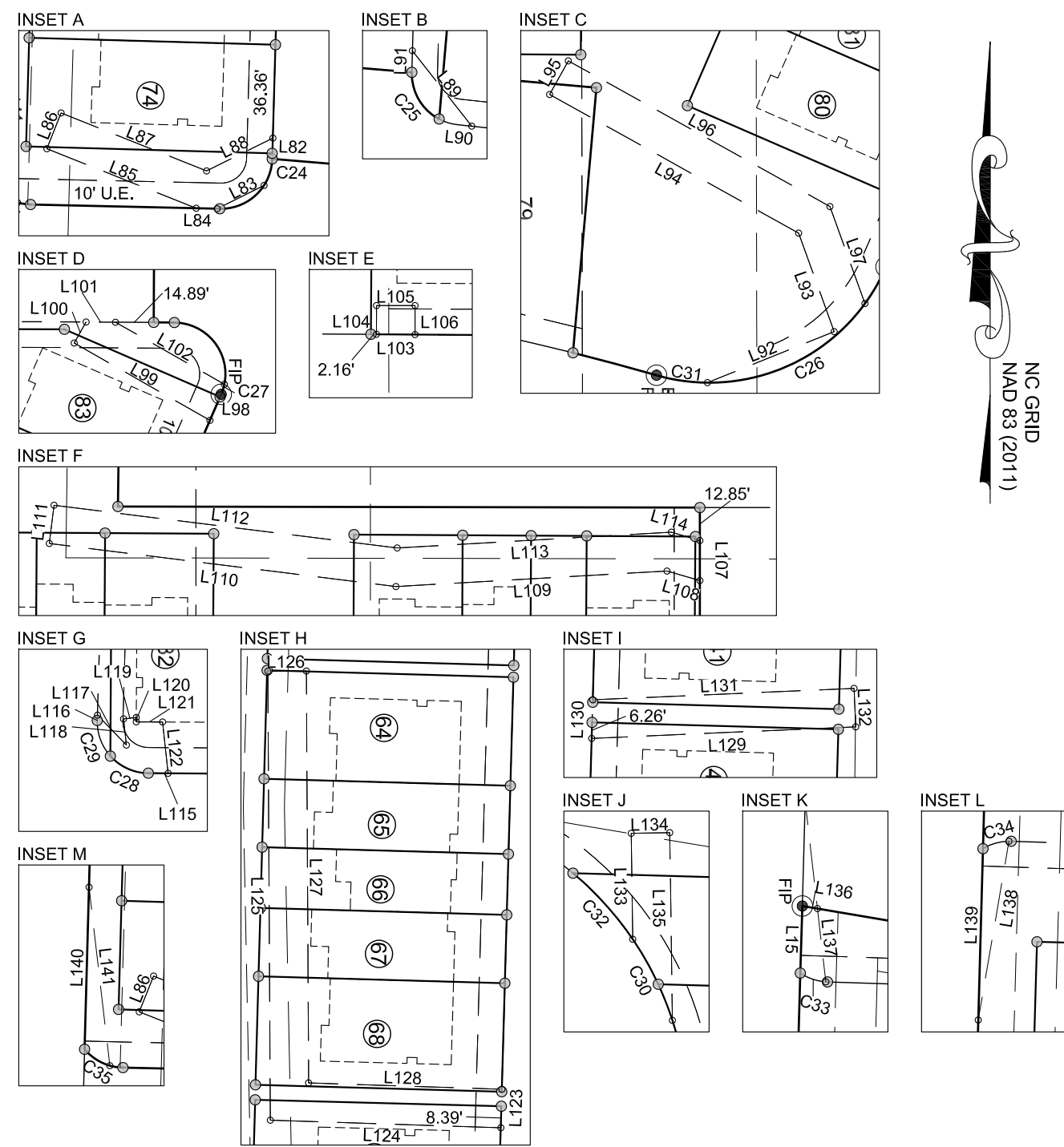
FINAL PLAT SHEETS 1 OF 2 FOR THE TOWNES AT OAKWOOD SQUARE PHASE 2

OWNER INFORMATION:
TRADITION-MEBANE, LLC
209 POMONA DR
GREENSBORO, NC 27407
336-423-2358

TOWNSHIP: CHEEKS
COUNTY: ORANGE
NORTH CAROLINA
DATE: 1/26/2022
SCALE: 1"=60'



Civil Engineers and Land Surveyors
8518 Triad Drive, Colfax, NC 27235
www.feiconsulting.com
(336) 852-9797
License No. C-0950



SURVEYOR'S CERTIFICATION:

"I TOMMY W. WRIGHT, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK 6573, PAGE 264 ETC.); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK AS PAGE SHOWN; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY AS CALCULATED IS 1:10,000±; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 26th DAY OF JANUARY, A.D., 2022.

THIS SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.



PROFESSIONAL LAND SURVEYOR
L-5262
LICENSE NUMBER

I, TOMMY W. WRIGHT CERTIFY THAT THE CONTROL FOR THIS SURVEY IS FROM AN ACTUAL GPS (OR GNSS) SURVEY MADE UNDER MY SUPERVISION AND THE FOLLOWING INFORMATION WAS USED TO PERFORM THE SURVEY

CLASS OF SURVEY: CLASS A
POSITIONAL ACCURACY: 0.05'
TYPE OF GPS (OR GNSS) FIELD PROCEDURE: VRS (SOKKIA MODEL GCX-3 NETWORK ROVER)
DATE(S) OF SURVEY: 8/3/2021 THROUGH 11/10/2021
DATUM/EPOCH: NAD 83 (2011)
GEOID MODEL: 18
PUBLISHED/FIXED CONTROL USE: NC CORS NETWORK
COMBINED GRID FACTOR: 0.99995218 (GROUND TO GRID)
UNITS: U.S. SURVEY FOOT

LINE DATA TABLE

LINE	BEARING	DISTANCE
L1	S 00°00'00" E	87.23'
L2	N 89°39'52" W	20.52'
L3	S 00°20'19" W	50.00'
L4	S 89°36'35" E	8.06'
L5	N 05°02'24" E	103.78'
L6	N 84°58'44" W	42.50'
L7	N 84°58'44" W	24.00'
L8	N 84°58'44" W	22.00'
L9	N 84°58'44" W	24.00'
L10	N 84°58'44" W	42.50'
L11	S 05°01'16" W	89.47'
L12	N 85°13'54" W	50.08'
L13	N 88°42'46" W	73.77'
L14	N 01°35'13" E	56.32'
L15	N 01°44'26" E	26.13'
L16	S 88°23'30" E	86.63'
L17	S 01°36'30" W	125.37'
L18	N 88°23'30" W	96.00'
L19	N 01°36'30" E	161.67'
L20	S 88°23'30" W	96.00'
L21	S 01°36'30" W	161.67'
L22	N 88°23'30" W	96.00'
L23	S 01°36'30" E	161.67'
L24	S 88°23'30" E	96.00'
L25	S 01°36'30" W	161.67'
L26	N 88°23'30" W	96.00'
L27	N 01°36'30" E	161.67'
L28	S 88°23'30" E	96.00'
L29	S 01°36'30" W	161.67'
L30	N 88°23'30" W	96.00'
L31	N 01°36'30" E	161.67'
L32	S 88°30'12" E	95.92'
L33	S 01°36'03" W	188.38'
L34	N 88°22'26" W	96.01'
L35	N 01°37'34" E	188.16'
L36	N 88°22'26" W	95.94'
L37	S 89°39'29" E	143.21'
L38	S 00°20'08" W	91.00'
L39	N 89°39'52" W	153.62'
L40	N 00°20'08" E	88.09'
L41	N 23°28'41" E	117.06'
L42	S 89°56'33" E	32.56'
L43	S 66°31'11" E	66.12'
L44	N 66°31'19" W	96.00'
L45	N 89°39'52" W	115.21'
L46	N 00°20'08" E	96.00'
L47	S 89°39'52" E	133.00'
L48	S 00°20'08" W	85.14'
L49	S 00°20'08" W	96.00'
L50	N 89°39'52" W	146.84'
L51	N 00°20'08" E	78.64'
L52	N 89°36'05" E	42.34'
L53	N 00°20'08" E	10.26'
L54	S 89°39'52" E	119.33'
L55	N 88°23'30" W	96.00'
L56	N 01°36'30" E	133.00'
L57	S 88°23'30" E	96.00'
L58	S 01°36'30" W	133.00'
L59	N 88°23'30" W	96.00'
L60	N 01°36'30" E	133.00'
L61	S 88°23'30" E	96.00'
L62	S 01°36'30" W	133.00'
L63	N 88°23'30" W	96.00'
L64	N 01°36'30" E	133.00'
L65	S 88°23'30" E	96.00'
L66	S 01°36'30" W	133.00'
L67	N 88°23'30" W	96.00'
L68	N 01°36'30" E	34.89'
L69	S 88°23'30" E	143.55'
L70	S 01°36'30" W	133.00'
L71	S 89°39'52" E	54.68'
L72	S 01°36'30" W	8.31'
L73	S 01°36'30" W	7.81'
L74	S 01°36'30" W	8.31'
L75	S 88°08'34" E	32.90'
L76	S 88°08'34" E	32.44'
L77	S 01°36'30" W	6.33'
L78	S 01°36'30" W	8.79'
L79	S 01°36'30" W	4.59'
L80	S 01°51'13" W	5.64'
L81	S 01°36'30" W	2.17'

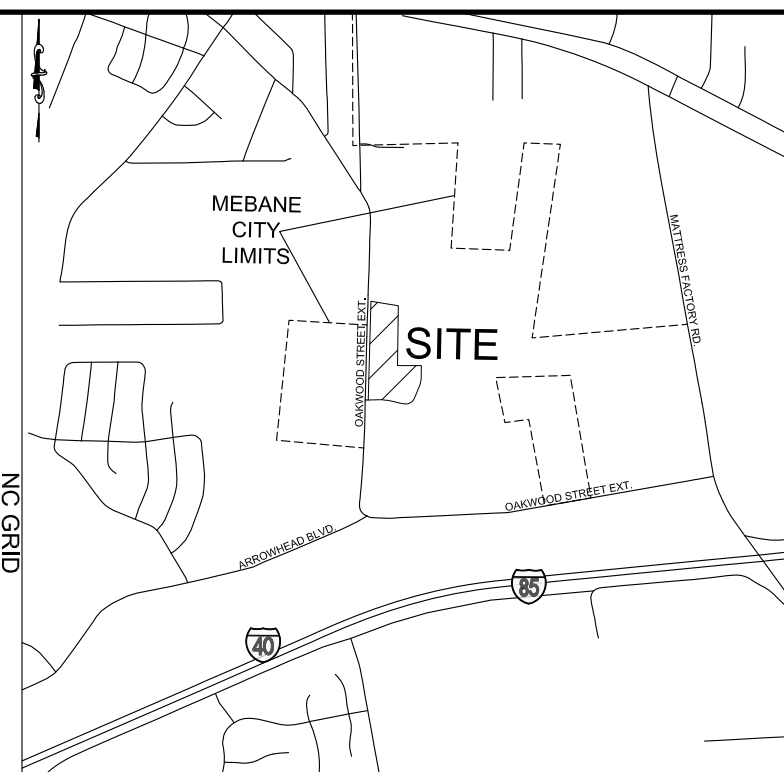
CURVE DATA TABLE

LINE	BEARING	DISTANCE
L82	S 01°36'30" W	8.14'
L83	S 63°34'52" W	20.43'
L84	N 88°42'46" W	8.15'
L85	N 68°14'55" W	62.63'
L86	N 21°45'05" E	15.00'
L87	S 68°14'55" E	61.01'
L88	N 63°34'52" E	28.84'
L89	S 38°08'48" E	37.39'
L90	N 84°01'55" W	5.39'
L91	N 01°36'30" E	8.39'
L92	N 68°01'36" E	53.25'
L93	N 19°51'00" W	40.78'
L94	N 60°51'58" W	111.06'
L95	N 29°08'02" E	15.00'
L96	S 60°51'58" E	116.67'
L97	S 19°51'00" E	40.21'
L98	S 23°28'41" W	11.04'
L99	N 60°19'07" W	60.84'
L100	N 29°40'53" E	9.40'
L101	S 89°39'52" E	11.43'
L102	S 60°19'07" E	48.82'
L103	N 89°39'52" W	15.00'
L104	N 00°04'34" E	11.22'
L105	S 89°55'26" E	15.00'
L106	S 00°04'34" W	11.29'
L107	S 00°00'00" E	15.62'
L108	N 73°46'26" W	13.36'
L109	S 86°42'29" W	105.81'
L110	N 82°54'50" W	136.08'
L111	N 07°05'10" W	15.00'
L112	S 82°54'50" E	134.72'
L113	N 86°42'29" E	107.03'
L114	N 73°46'26" E	11.57'
L115	N 89°39'52" W	7.68'
L116	N 01°36'30" E	2.04'
L117	S 44°01'31" E	16.17'
L118	N 06°05'07" W	10.28'
L119	N 83°54'53" E	4.99'
L120	S 00°20'08" W	1.69'
L121	S 89°39'52" E	10.26'
L122	S 06°05'07" E	20.13'
L123	S 01°36'30" W	15.00'
L124	N 88°06'36" W	89.82'
L125	N 00°18'57" W	174.98'
L126	N 89°41'03" E	15.00'
L127	S 00°18'57" E	160.55'
L128	S 88°06'36" E	75.31'
L129	S 87°29'38" W	102.99'
L130	N 01°36'30" E	15.04'
L131	S 87°29'38" E	101.91'
L132	S 02°30'22" E	15.00'
L133	N 00°49'04" W	41.28'
L134	N 89°10'56" E	15.00'
L135	S 00°49'04" E	73.10'
L136	S 80°24'54" E	5.95'
L137	S 06°29'24" E	28.72'
L138	S 09°43'29" W	70.64'
L139	N 01°35'13" E	66.78'
L140	S 01°32'40" W	63.16'
L141	S 06°38'50" E	70.01'

CERTIFICATE OF OWNERSHIP AND DEDICATION

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 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 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 - TRADITION MEBANE LLC. DATE _____
ATTEST DATE _____



VICINITY MAP
1"=2000'

GENERAL NOTES:

- AREAS COMPUTED UTILIZING COMPUTER SOFTWARE.
- ALL DISTANCES ARE GROUND DISTANCES (US SURVEY FEET) UNLESS OTHERWISE SHOWN.
- LOCATION WORK SHOWN HEREON WAS DERIVED BY ABOVE GROUND INDICATORS ONLY, UNLESS OTHERWISE NOTED.
- THIS PROPERTY IS SUBJECT TO ANY EASEMENTS, AGREEMENTS, OR RIGHTS-OF-WAY OF RECORD PRIOR TO THE DATE OF THIS MAP AND WHICH WERE NOT VISIBLE AT THE TIME OF INSPECTION.
- THIS MAP WAS PREPARED WITHOUT THE BENEFIT OF A TITLE INVESTIGATION, THEREFORE, THIS MAP IS SUBJECT TO ANY AND ALL FACTS AND ACCURATE TITLE INVESTIGATION MAY DISCLOSE.
- THE CLASSIFICATION OF THIS SURVEY IS NORTH CAROLINA CLASS A.
- NO SUBSURFACE INVESTIGATION PERFORMED BY FLEMING ENGINEERING, INC.
- 5/8" IRON REBAR SET AT NEW LOT CORNERS.
- ALL STORM AND SEWER EASEMENTS ARE CENTERED ON PIPE OR STRUCTURE CONTAINED WITH IN THEM.
- FLOOD ZONE SHOWN HEREON BY OTHERS. SEE FLOOD STUDY BY FOR OAKWOOD BUSINESS CENTER, DATED FEB 6TH, 2009 PREPARED BY MILONE AND MACBRIDE, INC., FLOOD LINE PLOTTED ON PLANS BY HAGEN ENGINEERING, "THE TOWNES AT OAKWOOD SQUARE, DATED 1-19-20, CONTACT CITY OF MEBANE FOR MORE INFORMATION.
- NO CONTROL MONUMENTS WERE RECOVERED WITHIN 2000' OF THIS PROPERTY; NGS OR OTHER.

CERTIFICATE OF FINAL MAJOR SUBDIVISION PLAT APPROVAL AND ACCEPTANCE OF DEDICATION

_____, 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 _____

ZONED R-6 (TOWNHOUSES) INTERIOR LOT SETBACK:
FRONT SETBACK - 20'
SIDE SETBACK - 10'
REAR SETBACK - 20'

SITE NOTES:
- PARKING SPACES ARE TO BE OWNED AND MAINTAINED BY THE HOA.
- ALL AREAS THAT ARE NOT LOTS OR ROW SHALL BE DESIGNATED AS COMMON AREA.
- WATER, SANITARY SEWER AND STREETS TO BE PUBLIC.
- HOA TO MAINTAIN BUFFER YARDS, COMMON AREAS, RECREATIONAL AREAS, WET POND, POOL, RETAINING WALLS, ETC.
- ALL STORM DRAINAGE EASEMENTS (SDE) ARE PRIVATE EASEMENTS AND ARE NOT MAINTAINED BY THE CITY.

STATE OF NORTH CAROLINA
COUNTY OF ORANGE

I, _____, REVIEW OFFICER OF ORANGE COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING FOR WHICH THE REVIEW OFFICER HAS RESPONSIBILITY AS PROVIDED BY LAW.

REVIEW OFFICER
ORANGE COUNTY LAND RECORDS/GIS

DATE OF CERTIFICATION: _____

SITE DATA:

PIN: 9824399496
TRADITION MEBANE LLC
D.B. 6573 PG. 264

TOTAL NUMBER OF LOTS: 60
AREA IN LOTS: 4.24 AC
AREA IN R/W: 1.55 AC
AREA IN COMMON AREA: 2.03 AC
AREA IN PHASE 2: 7.82 AC

ZONING: R-6 (CD) RESIDENTIAL CONDITIONAL ZONING DISTRICT

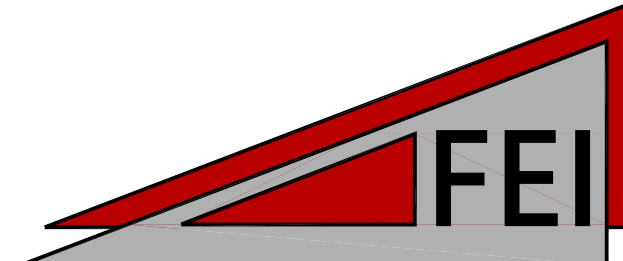
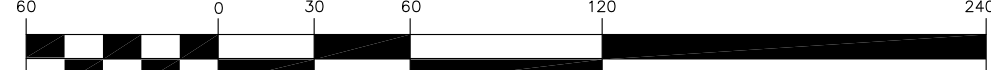
WATERSHED:

CAPE FEAR RIVER BASIN

FINAL PLAT SHEETS 2 OF 2 FOR THE TOWNES AT OAKWOOD SQUARE PHASE 2

OWNER INFORMATION:
TRADITION-MEBANE, LLC
209 POMONA DR
GREENSBORO, NC 27407
336-423-2358

TOWNSHIP: CHEEKS
COUNTY: ORANGE
NORTH CAROLINA
DATE: 1/26/2022
SCALE: 1"=60'



Civil Engineers and Land Surveyors
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License No. C-0950



AGENDA ITEM #4E

Recommendation to the Alamance County Commissioners for Reappointment to the Alamance County Library Committee

Presenter

Lawson Brown, City Attorney

Public Hearing

Yes No

Summary

Courtney Doi is requesting to continue serving as one of Mebane's trustees on the Alamance County Library Committee. Kristen Whitlow, Mebane's other Library Committee trustee, recently moved out of the city limits and is no longer eligible to serve.

Background

Mebane is allowed two (2) trustees to serve on the Alamance County Library Committee. Ms. Doi has served three terms. She was first appointed in 2016 and reappointed in 2018 and 2020. During her first year on the Library Committee, she served as the Library Committee's representative on the County's Strategic Planning Committee and during her second year she served as the Chair of the Library Committee. Ms. Whitlow's seat will remain vacant as no eligible applications were received.

The Alamance County Commissioners amended the Library Committee Bylaws on June 1, 2020 removing the limit of two (2) consecutive terms; therefore Ms. Doi is eligible to be recommended for reappointment if Council so chooses.

Financial Impact

N/A

Recommendation

Staff recommends that Council make a recommendation for reappointment of Courtney Doi as a Mebane trustee.

Suggested Motion

I make a motion to recommend Ms. Doi for reappointment by the Alamance County Board of Commissioners to serve as a Mebane trustee on the Alamance County Library Committee.

Attachments

1. Email from Courtney Doi

From: [Courtney Doi](#)
To: [Stephanie Shaw](#)
Cc: [Susana Goldman](#)
Subject: Reappointment to Library Committee
Date: Thursday, April 7, 2022 3:48:08 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Ms. Shaw,
Susana asked me to reach out to you as I would LOVE to be reappointed to the library committee as the Mebane representative. Please let me know what additional information you need.
Best,
Courtney Doi

Sent from my iPhone



AGENDA ITEM #4F

New Retention Schedules for North Carolina Local Governments

Meeting Date

June 6, 2022

Presenter

Lawson Brown, City Attorney

Public Hearing

Yes No

Summary

Adoption of new schedules for records retention as required by the Government Records Section of the State Archives of North Carolina Department of Natural and Cultural Resources (NCDCCR).

Background

In October of last year, NCDCCR released new schedules that require Council approval and adoption. The General Schedule includes items that any kind of local agency may create, such as budgets, personnel files, correspondence, etc. The Program Records Schedule includes items specific to county and municipality management.

These schedules supersede the 2012 Municipal schedule and the 2019 Local General Schedule.

Financial Impact

There is no new financial impact.

Recommendation

Staff recommends the adoption of the 2021 Local Government Agencies General Records Schedule and Program Records Schedule.

Suggested Motion

I hereby move that the City adopt the 2021 Local Government Agencies General Records Schedule and Program Records Schedule.

Attachments

1. [2021 General Records Schedule: Local Government Agencies](#)
2. [2021 Program Records Schedule: Local Government Agencies](#)



AGENDA ITEM #4G

Revised City of Mebane Purchasing Policy

Meeting Date

June 6, 2022

Presenter

Daphna Schwartz

Public Hearing

Yes No

Summary

The current City purchasing policy was last revised nine years ago in 2013. The revised purchasing policy includes guidance to comply with current State of NC statues and City processes and procedures.

Background

The current purchasing policy was written in 2013 and primarily addressed City processes and procedures. The revised purchasing policy expands on the City's current processes and procedures, as well as including references to State and Federal purchasing guidance. The revised policy puts in writing the current purchasing practices, with minor procedural changes to create consistency across all departments.

Financial Impact

None.

Recommendation

Staff recommends approval of the revised City of Mebane Purchasing Policy.

Suggested Motion

I make a motion to approve the revised City of Mebane Purchasing Policy.

Attachments

1. City of Mebane Purchasing Policy



City of Mebane PURCHASING POLICY

Revised July 1, 2022 as Administrative Policy for all City Employees

City of Mebane, North Carolina Purchasing Policy

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City of Mebane, North Carolina

Purchasing Policy

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I PURPOSE

This policy is intended for use as a guide to the City of Mebane's purchasing methods and practices. The policies and procedures established herein will enable the City to obtain needed materials, equipment, supplies, and services efficiently and economically.

The understanding and cooperation of all employees is essential if the City is to obtain the maximum value for each tax and utility dollar spent. While this policy does not answer all questions related to purchasing, it does provide the foundation for the City, as a whole, a sound purchasing system.

The goals and objectives of the City of Mebane's purchasing program are:

1. To comply with the legal and ethical requirements of public procurement.
2. To comply with North Carolina General Statutes related to the purchase of goods and services, E-verify requirements for vendors, and the pre-audit certification for expenditure of public funds.
3. To assure vendors that impartial and equal treatment is afforded to all who wish to do business with the City of Mebane.
4. To receive maximum value for each dollar spent by awarding purchase orders to the lowest responsible, responsive bidder, taking into consideration quality, performance, technical support, delivery schedule, past performance and other relevant factors.
5. To provide City departments with the required goods, equipment, and services at the time and place needed and in the proper quantity and quality while providing necessary information to the City's Finance Department.
6. To professionally administer the search for sources of supplies, the development of new sources, the selection of suppliers, negotiations, commitment, follow-up, and adjustments.
7. To promote good and effective vendor relations, cultivated by informed and fair buying practices and strict maintenance of ethical standards.
8. To maximize the standardization of products used within and among departments in order to minimize stock levels and obtain better prices.
9. To verify that vendors and contractors are adequately insured when doing business with the City and have obtained the proper licenses, if required.

When the procedures and guidelines established in this policy are followed, each department can efficiently manage, control, and plan its available resources to meet present and future departmental needs and help the City to meet these goals. Any questions or concerns about this policy or the established procedures should be directed to the City Finance Department.

This policy is to be effective July 1, 2022 following the City Council adoption and supersedes all previous purchasing or procurement instructions or directives.

II GENERAL GUIDELINES FOR PURCHASING SUPPLIES AND MATERIALS

2.1 Local Buying

It is the desire of the City of Mebane to contract with vendors and contractors located within the City of Mebane and Alamance or Orange Counties whenever possible. However, the City also has a responsibility to its citizens and must ensure taxpayer money is spent with prudence. Due to that responsibility, the City does not make purchasing decisions based exclusively on the location of the vendor; however, every effort will be made to encourage qualified local vendors and suppliers to compete for City business.

2.2 Planning

Planning for purchases should be done on a short-term and long-term basis, thereby minimizing small orders and last minute purchases. Planning will also reduce the number of trips required to obtain materials and minimize clerical and supervisory costs associated with the procurement process.

2.3 Buying Proper Quality

Quality and service are as important as price; it is the duty of the requesting department to secure the best, most economical, quality that will meet but not exceed the requirements for which the goods or services are intended. In some instances, the lowest price does not necessarily mean the lowest cost.

III APPROVAL AND SELECTION OF VENDORS

3.1 Selection Policy

Vendors will be selected on a competitive basis. Formal bids, informal bids, e-mail communications and/or telephone quotations will be solicited by the requesting department. Bid awards, purchase orders and/or contracts will be issued to the lowest responsive and responsible bidder.

The City of Mebane will not use vendors who have been debarred by Federal, State, or Local governments.

3.2 Vendor Establishment

Department head or an authorized departmental purchasing agent should make requests for new vendors directly to the Finance Department.

The following completed documents are required prior to the Finance Department establishing a new vendor in the City's accounting system:

- a. Vendor Registration Form (*Exhibit 1*)
- b. IRS W-9 Form (*most current version*)
- c. Certificate of Insurance (*if required*)
- d. E-Verify Affidavit (*if required*)

Vendors should not be given notice to proceed with the purchase of any goods or services, nor should contractors start on any contract prior to the establishment of the vendor in the accounting system by the Finance Department.

3.3 Vendor Provisions

a. Gifts and Gratuities

City employees are expressly prohibited from soliciting or accepting any rebate, money or costly entertainment, gift or gratuity (with the exception of mementos and novelties of nominal value) from any person, company, firm or corporation to which any purchase order or contract is, or might be awarded. The City will not tolerate circumstances that produce, or reasonably appear to produce, conflicts between the personal interests of an employee and the interests of the City. Accordingly, the City may terminate, at no charge to the City, any purchase order and/or contract if it is found that substantial gifts or gratuities were offered to a City employee. The City may also take disciplinary action, including dismissal, against a City employee who solicits or accepts gifts or gratuities of any value whatsoever.

b. Performance

The Finance Department maintains a vendor file for recording the performance of vendors/contractors. Departmental head or authorized departmental purchasing agent(s) should notify the Finance Department to report any difficulties or complaints with a particular vendor. Written notification should include specific details. This information will be used to determine if the vendor shall remain on the vendor list.

IV PURCHASING PROCEDURES - Apparatus, Supplies, Materials & Equipment

Flow Chart: [Figure A](#) (Page: 10)

4.1 Purchases: less than \$1,000.00

[Appendix III: Non-Purchase Order Tracking](#)

[Exhibit 10: General Ledger Non-Purchase Order Tracking](#)

Purchases under \$1,000.00 do not require a purchase order.

Department head should only authorize purchases for necessary goods when proper documentation is provided and funds are available to make the purchases. Since many purchases fall below the \$1,000.00 threshold, the department head is advised to track all non-purchase order purchases in a spreadsheet so as not to go over budget. [Exhibit 10: General Ledger Non-Purchase Order Tracking](#) is used to track any non-purchase order purchases. Additionally, splitting orders into smaller dollar amounts to avoid requesting a purchase order will be viewed as circumventing the purchasing policy and be reported to the appropriate Manager.

The department head or an authorized departmental purchasing agent must communicate with vendors that all invoices are to be sent directly to the City of Mebane, Accounts Payable for payment. All invoices received by the City of Mebane that should be applied to a purchase orderer must clearly identify the purchase order number on the invoice. The invoices can be emailed to the following:

- Email: accountspayable@cityofmebane.com

4.2 Purchases: \$1,000.00 to \$29,999.99 – Purchase Orders

Purchase Orders: *a contract between the City of Mebane and a vendor; the purchase order is not binding until accepted by the vendor. The City of Mebane will not recognize the issuance of purchase orders by unauthorized City employees or officials and payment of these obligations will not be approved.*

Departments that require goods exceeding the \$1,000.00 authorized threshold, must request a Purchase Order (PO) from the Finance Department.

The department head or an authorized departmental purchasing agent will process a purchase order request, **requisition**, in the City's accounting system. By initiating the requisition process the City Employee is approving that the expense account number is accurate and budgeted funds are currently available and all required documentation is attached. Please do not enter a purchase requisition until all necessary documents are ready to be uploaded.

When completing a purchase requisition, please include each line from the quote. Please see [Appendix 2: Requisition/Quote Examples](#) as a reference when needed.

Sales tax and shipping/freight should be included on the purchase requisition.

The following documents are required, *when applicable*, to be attached to the requisition in the City's accounting system, prior to the Finance Department review of the requisition:

- Quote
- Registration/Certification Document
- Contract Routing Form, Fully Executed
- Contract, Fully Executed

Vendors should not be given notice to proceed with the purchase of any goods prior to the Finance Department issuing the obligatory purchase order. If an order is placed, received or invoiced prior to a purchase order being issued, then a purchase order will not be issued. The person responsible for obtaining the purchase order will need to complete the [Purchasing Policy Violation Memorandum](#) (Exhibit 2) to explain why the purchasing policy was not followed.

The Finance Department will review the purchase requisition for the purpose of assuring that all required information is provided, that the price indicated is practical, based on current market conditions, that budget compliance/variance is known, and that contract compliance, when applicable, is assured. Questions over price or contract compliance will be discussed directly with the requestor.

If a purchase requisition is not approved by the Finance Department, it will be returned to the requester along with a statement noting the reason for disapproval.

If the purchase requisition is approved, the Finance Department will issue a purchase order. The approved purchase order will be emailed to the requester and department head for forwarding to the vendor or supplier. The receipt of the purchase order by the vendor/supplier indicates the start of the purchase contract between the two parties.

Purchase Order Exceptions:

Emergency Purchases: *an urgent, sudden, and serious event, or an unforeseen change in circumstances that necessitates immediate action to remedy harm or avert imminent danger to life, health, or property; an exigency.*

[Emergency Purchase Form](#) (Exhibit 3)

If an emergency situation occurs, and the timing is such that it is not possible to comply with this policy, a department head or authorized departmental purchasing agent may proceed with a purchase without first obtaining a purchase order. At the earliest convenience, the [Emergency Purchase Form](#) (Exhibit 3) must be completed and emailed to the Finance Director by the employee who made the purchase.

4.3 Purchases with Exceptions

The following invoices/receipts, no matter the cost, are fully authorized for payment upon receipt.

- Annual dues & licenses
- Employee Reimbursements
- Utilities
- Insurance Premiums and Fees
- Debt service payments
- Payroll related items
- Fees collected on behalf of other governments
- Refunds
- Developer bonds
- Grants/Aid

4.4 Purchases: \$30,000.00 - \$89,999.99 -- Informal Bids/Purchase Order

In accordance with NC General Statute 143-131, written quotes will be used for purchases between \$30,000.00 to \$89,999.99 with or without advertising.

Dividing purchases in order to evade informal bid requirements and procedures is prohibited.

- Solicitation of Bids must be consistent and contain the same specifications, requirements terms/conditions, and delivery information for all vendors/suppliers.
- Informal bids must be in writing.
- Three (3) bids/quotes minimum for any item(s) needed
- In some rare circumstances, lack of competition may inhibit this procedure. *If this occurs, please see [Appendix IV - Sole Source Justification Guidelines](#) and complete the [Justification for Sole Source Purchase Contracts](#) (Exhibit 4). Additionally, the Council must approve all sole source justifications, and the department head requesting the sole source must take the item to*

Council for approval.

- All bids/quotes received must be documented and maintained with the awarded bid
 - Documentation of all bids received must be uploaded with the purchasing requisition in the form of one of the following:
 - Written memo from department head or authorized departmental purchasing agent
 - Copy of quote received from vendor
 - Email correspondence with vendor documenting price
 - All bids/quotations are to remain confidential until the time of bid opening and award of agreement contract
- Informal bids/quotes become public record at the time the awarded bid is announced. After that time, all bids are open for public inspection. Only information noted as “PROPRIETARY” is excluded from public inspection.

The department head or authorized departmental purchasing agent will notify the Finance Department of the intent to solicit informal bids on the item needed and the date that the department would like the bids received.

The department head or authorized departmental purchasing agent will solicit bids from qualified vendors/suppliers. Once the Department has received the quotes/bids as requested (**minimum 3**), they will compare the solicited bids and award the vendor/supplier that provided the lowest responsive and responsible bid.

The department head or an authorized departmental purchasing agent will process a requisition, in the City’s accounting system. The city employee will attach all quote documentation to the requisition. The quote documentation required includes the awarded bid documentation and the non-awarded bids documentation received during the informal bid process. The non-awarded bids will be attached to the requisition with the description: **Non-awarded bids received for informal bid of [item] on [date].**

By initiating the requisition process the City employee is approving the expense account number is accurate and budgeted funds are currently available to cover the cost of the purchase.

The Finance Department will review the requisition and produce the requested purchase order. The approved purchase order will be emailed to the requester and department head for forwarding to the vendor or supplier. The receipt of the purchase order by the vendor/supplier indicates the start of the purchase contract between the two parties.

Vendors should not be given notice to proceed with the purchase of any goods or services prior to the Finance Department issuing the obligatory purchase order. If an order is placed, received or invoiced prior to a purchase order being issued, then a purchase order will not be issued. The person responsible for obtaining the purchase order will need to complete the [Purchasing Policy Violation Memorandum](#) (Exhibit 2) to explain why the purchasing policy was not followed.

Exception to Informal Bid Procedures:

- Purchases from the United States Government or from any other governmental unit or agency are exempt from the informal bid procedure requirement (GS-143-129)
- An exception applies in “cases of special emergency involving the health and safety of the people or their property.” The definition of an emergency is very limited and is only applicable when the emergency is immediate, unforeseeable, and cannot be resolved within the minimum time required to comply with bidding procedures. (G.S. 143-129(e)(2))
- Purchasing from competitive group purchasing programs. Please contact the Finance Department to ensure the purchasing group qualifies under this statute. (G.S. 143-129(e)(3))
- Purchases made under a State Contract if the local government has become a party to the contract. (GS 143-49 and -129)

4.5 Purchases: greater than \$90,000.00 Formal Bids/Purchase Order

In accordance with the NC General Statute 143-129, invitation for formal bids will be used for purchases of \$90,000.00 or greater. This includes advertising for a full seven days and receiving sealed bids.

Dividing purchases in order to evade formal bid requirements and procedures is prohibited.

The following requirements must be met whenever the Formal Bid Procedure is employed:

- The bids must be publicly advertised for a full seven days
- All bids must be sealed
- Bids must be opened in public at a specified time and place
- Bids must be recorded in the minutes

Specifications for Formal Bids must do at least four (4) things:

- Identify minimum requirements
- Encourage competitive bids
- Be capable of objective review
- Provide for an equitable award at the lowest possible cost

Specifications shall be as simple as possible while maintaining the degree of exactness required to prevent bidders from avoiding supplying the goods or services required or otherwise taking advantage of their competitors.

All specifications utilizing a precise brand designation/name must include the term “or approved equal” to avoid being restrictive and eliminating fair competition from the bidding process.

Specifications for formal bids must be thorough, accurate and detailed. Failure to write specifications in this manner may result in the bid being rejected, readvertised and time delayed.

For example, it would not be sufficient to request bids on copy paper. An appropriate request would include the following information: Quantity needed, paper weight, paper size, paper color, recycled or virgin paper requirements, delivery and packaging requirements and shipping instructions. Care must be taken in writing specifications so that the bids do not become restrictive and only one vendor and/or manufacturer can comply with requirements. Any brand names and/or

model number listed in specifications should be listed only as an aid to the bidder and should only be given to more clearly indicate the quality of the desired item.

Exception to Formal Bid Procedures:

- Purchase of gasoline, diesel fuel, alcohol fuel, motor oil or fuel oil may be purchased using the informal bid procedure regardless of the size of the expenditure.
- Purchases made under a State Contract if the local government has become a party to the contract. (GS 143-49 and -129)
- An exception applies in “cases of special emergency involving the health and safety of the people or their property.” The definition of an emergency is very limited and is only applicable when the emergency is immediate, unforeseeable, and cannot be resolved within the minimum time required to comply with bidding procedures. (G.S. 143-129(e)(2))
- Purchasing from competitive group purchasing programs. Please contact the Finance Department to ensure the purchasing group qualifies under this statute. (G.S. 143-129(e)(3))
- Purchases made from the US Government or any other governmental unit or agency within the United States.
- Contracts with the North Carolina Department of Transportation for street construction and repair. (GS 136-41.3)

The department head or authorized departmental purchasing agent will notify the Finance Department of the intent to solicit formal bids on the item needed and the proposed date for the bids to be received. The department will also provide a copy of the bid solicitation for review and approval prior to the public advertisement unless a third-party has been contracted to handle formal bidding.

If a third-party is not contracted to handle formal bidding, the following process shall be followed.

The Finance Department shall be responsible for reviewing the bid solicitation and ensuring that all the North Carolina General Statutes are satisfied, including, but not limited to, proper advertisement and receipt of sealed bids.

The department head or designated department employee will be responsible for advertising the bid in the following forms:

- Times News
- Mebane Enterprise
- City of Mebane website
- HUB Bid Opportunities

The bid must be advertised for seven full days. The advertisement must:

- List the date, time, and location of the bid opening;
- Identify where specifications may be obtained; and
- Contain a statement that the Council reserves the right to reject any or all bids.

Upon receipt of the sealed bids, the Finance Department will hold the bids in a safe location until the bid opening specified time and place.

At the bid opening the department head or authorized departmental purchasing agent along with the Finance Director shall review all bid responses to determine the bid deemed to be in the best interest of the City. The Finance Director, with the department head or designee, will determine the bid(s) that should be presented to the City Council for review and approval of bid award.

The Finance Department will retain all the received bids in a secure location for the required retention period. The Finance Department will forward, via email, a copy of the bid(s) to be presented at City Council to the department head and/or other employees as directed. The Finance Department will electronically attach the non-awarded bids to the awarded bid's requisition and purchase order when issued with the following file name: **Non-Awarded Bids received for Formal Bid of [item] opened on [date].**

The department head will be responsible for communicating with the City Clerk to ensure that the purchase and the recommended bidder(s) can be included on the agenda for the next scheduled City Council Meeting. The department head will prepare the agenda item to be included in the City Council monthly packet. The department head will present the purchase needed and recommend the lowest responsive responsible bidder(s) to City Council for award of the contract.

After the City Council has awarded the bid contract, the department head or an authorized departmental purchasing agent will process a purchase order request, requisition, in the City's accounting system. The departmental employee will attach the awarded bid documentation to the requisition. By initiating the requisition process the City employee is approving the expense account number is accurate and budgeted funds are currently available to cover the cost of the purchase.

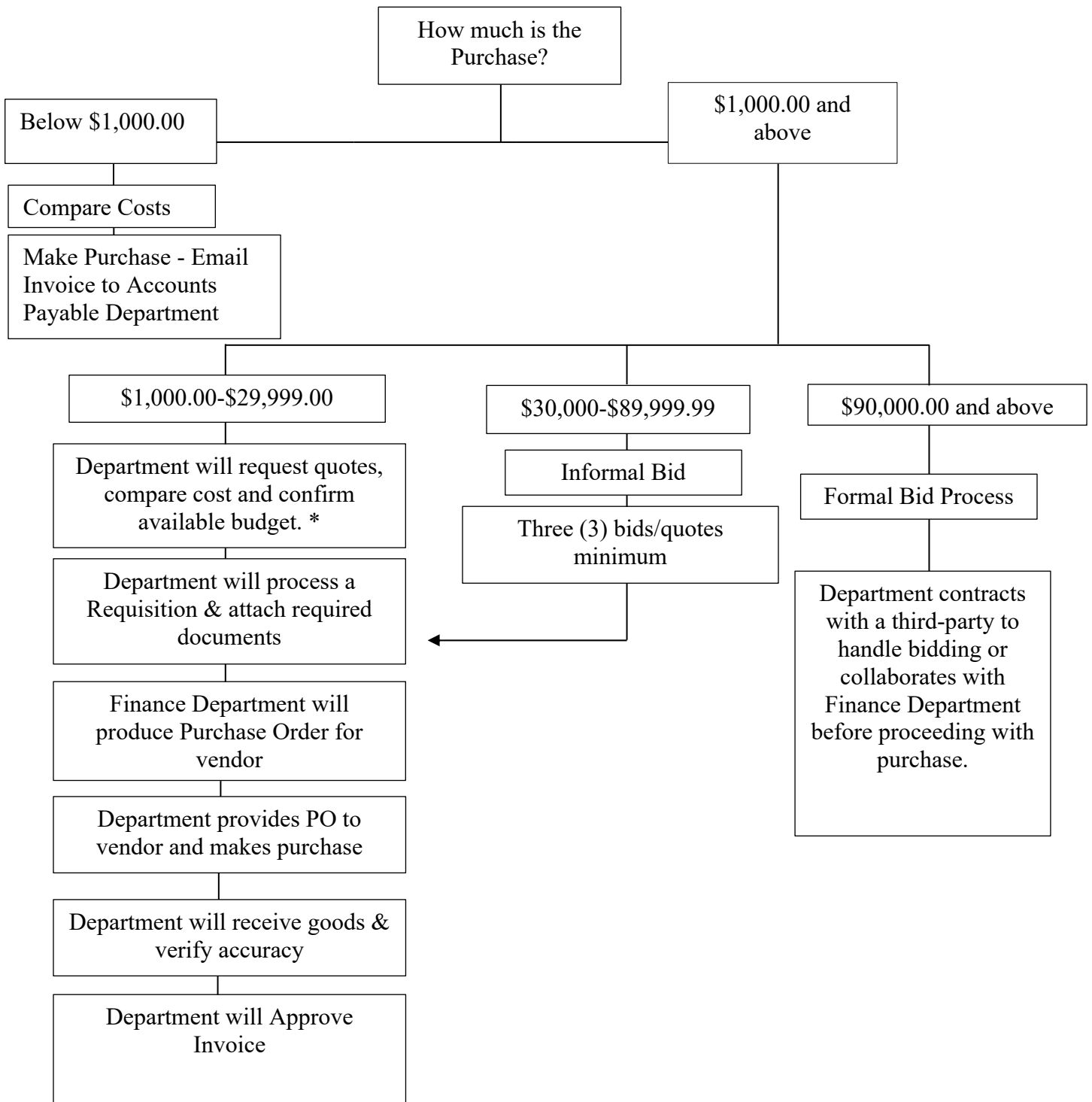
The Finance Department will review the requisition and produce the requested purchase order. The approved purchase order will be emailed to the requester and department head for forwarding to the vendor or supplier. The receipt of the purchase order by the vendor/supplier indicates the start of the purchase contract between the two parties.

Vendors/Suppliers of the awarded bid should not be given notice to proceed with the purchase of any goods or services prior to the Finance Department issuing the obligatory purchase order. If an order is placed, received or invoiced prior to a purchase order being issued, then a purchase order will not be issued. The person responsible for obtaining the purchase order will need to complete the [Purchasing Policy Violation Memorandum](#) (Exhibit 2) to explain why the purchasing policy was not followed.

The awarded vendor should ensure that the purchase order number is included on all invoices related to the purchase prior to forwarding the invoice to the City of Mebane for payment. The invoices should be sent to the following:

- Email: accountspayable@cityofmebane.com

FIGURE A
Purchasing Procedure Flow Chart (Not using Federal Funds)
Apparatus, Supplies, Materials and Equipment



*Departments are encouraged to consult Finance Department for assistance in competitive pricing.

V PURCHASING PROCEDURES - Repair & Construction Contracts

Flow Chart: [FIGURE B](#) (Page: 18)

5.1 Repair & Construction – Documentation Required

The department head or delegated authorized departmental purchasing agent who is considering into entering into or renewing a contractual agreement with an outside contractor must advise the contractor prior to the awarding of a contract exactly what documentation is required by the City of Mebane as a condition for consideration of the contractor's application to perform work or services for the City.

The documentation required from a contractor/vendor is directly proportionate to the recognized safety hazards inherent in the job or service to be performed.

The department head or delegated authorized departmental purchasing agent will review the [City of Mebane Contractor Agreement, Appendix A](#), to determine the risk level for each repair to be performed prior to obtaining quotes/rates for the project.

Depending on the risk level a contractor could be asked to provide any or all of the following:

- Internal Revenue Service – Form W-9, Most current revision-fully executed
- Certificate of Liability and Worker's Compensation Insurance (or waiver)
- Independent Contractor Agreement
- City of Mebane Contractor Agreement
- Written Safety Information Checklist
- Copies of OSHA 300 Logs for past 5 years
- Any special requirements incorporated into the bid package

5.2 Purchases: less than \$1,000.00

[Appendix III: Non-Purchase Order Tracking](#)

[Exhibit 10: General Ledger Non-Purchase Order Tracking](#)

The department head should only authorize purchases for necessary repairs and construction when proper documentation is provided and funds are available to make the purchases. Since many purchases fall below the \$1,000.00 threshold, the department head is advised to track all non-purchase order purchases in a spreadsheet as not to go over budget. [Exhibit 10: General Ledger Non-Purchase Order Tracking](#) is used to track any non-purchase order purchases. Additionally, splitting orders into smaller dollar amounts to avoid requesting a purchase order will be viewed as circumventing the purchasing policy and be reported to the appropriate Manager.

The vendor should forward all invoices to the City of Mebane, Accounts Payable for payment. The invoices should be sent to the following:

- Email: accountspayable@cityofmebane.com

5.3 Purchases: \$1,000.00 - \$29,999.99 - Purchase Orders

Purchase Orders: *a contract between the City of Mebane and a vendor; the purchase order/contract is not binding until accepted by the vendor. The City of Mebane will not recognize the issuance of purchase orders by unauthorized City employees or officials and payment of these obligations will not be approved.*

City of Mebane purchase orders are authorized by the Finance Director, or designee appointed by the Finance Director.

The department head that requires repairs or construction that will exceed the \$1,000.00 authorized threshold, must request a Purchase Order (PO) from the Finance Department.

The department head or an authorized departmental purchasing agent will process a purchase order request, **requisition**, in the City's accounting system. By initiating the requisition process the City employee is approving that the expense account number is accurate and budgeted funds are currently available.

The following documents are required, *when applicable*, to be attached to the requisition in the City's accounting system, prior to the Finance Department producing a purchase order:

- Quote
- Registration/Certification Document
- Contract Routing Form, Fully Executed
- Contract, Fully Executed

Vendors should not be given notice to proceed with any services nor should contractors start on any repairs prior to the Finance Department issuing the obligatory purchase order. If an order is placed, received or invoiced prior to a purchase order being issued, then a purchase order will not be issued. The person responsible for obtaining the purchase order will need to complete [Purchasing Policy Violation Memorandum](#) (Exhibit 2) to explain why the purchasing policy was not followed.

The Finance Department will review the purchase requisition for the purpose of assuring that all required information is provided, that the price indicated is practical, based on current market conditions, that budget compliance/variance is known, and that contract compliance, when applicable, is assured. Questions over price or contract compliance will be discussed directly with the requester.

If a purchase requisition is not approved by the Finance Department, it will be returned to the requester along with a statement noting the reason for disapproval.

If the purchase requisition is approved, the Finance Department will issue a purchase order. The approved purchase order will be emailed to the requester and department head for forwarding to the contractor or vendor. The receipt of the purchase order by the vendor/contractor indicates the start of the purchase contract between the two parties.

5.4 Purchases: \$30,000.00 - \$499,999.99 - Informal Bids/Purchase Orders

In accordance with NC General Statute 143-131 (-129), quotes will be used for construction or repair work \$30,000.00 to \$499,999.99 with or without advertising.

Dividing repairs/construction projects in order to evade informal bid requirements and procedures is prohibited.

- Solicitation of Bids must be consistent and contain the same specifications, requirement terms/conditions, and delivery information for all Vendors/Suppliers/Contractors
- Informal bids must be in writing
- Three (3) bids/quotes minimum for any service(s)/repairs(s) needed
- In some rare circumstances, lack of competition may inhibit this procedure. *If this occurs, please see [Appendix IV - Sole Source Justification Guidelines](#) and complete the [Justification for Sole Source Purchase Contracts](#) (Exhibit 4). Additionally, the Council must approve all sole source justifications, and the department head requesting the sole source must take the item to Council for approval*
- All bids/quotations received must be documented and maintained with the awarded bid
 - Documentation of all bids received must be provided to the Finance Department in the form of one of the following:
 - Written memo from department head or authorized departmental purchasing agent
 - Copy of quote received from each vendor
 - Email correspondence with vendor documenting pricing
- All bids/quotes are to remain confidential until the time of bid opening/and or award of contract.
- Informal bids/quotes become public record at the time the contract is awarded. After that time, all bids are open for public inspection. Only information noted as “PROPRIETARY” is excluded from public inspection.

Department head or authorized departmental purchasing agent will notify the Finance Department of the intent to solicit informal bids on the item needed and the date that the department anticipates receiving the bids.

Department head or authorized departmental purchasing agent will solicit bids from qualified contractors/suppliers. Once the Department has received the quotes/bids as requested (**minimum 3**), they will compare the solicited bids and award the vendor/supplier that provided the lowest responsible responsive bid.

The department head or an authorized departmental purchasing agent will process a purchase order request, **requisition**, in the City’s accounting system. The department employee will attach the awarded quote documentation and fully executed contract, if applicable, to the requisition. By initiating the requisition process the department employee is approving the expense account number is accurate and that budgeted funds are currently available to cover the cost of the purchase.

The department head or designee will also attach the non-awarded bids documentation received

from the informal bid process to the requisition that is issued for the awarded Vendor. The non-awarded bids will be attached with the following file name: **Non-awarded bids received for informal Bid of [item] on [date]**

The Finance Department will review the requisition and issue the requested purchase order. Once the purchase order has been issued, the department head or requester will receive an emailed copy. The department head or designated employee should forward a physical or electronic copy of the purchase order to the vendor/supplier. The receipt of the purchase order by the vendor/supplier indicates the start of the purchase contract between the two parties.

Vendors should not be given notice to proceed with any services prior to the Finance Department issuing the obligatory purchase order. If an order is placed, received or invoiced prior to a purchase order being issued, then a purchase order will not be issued. The person responsible for obtaining the purchase order will need to complete [Purchasing Policy Violation Memorandum](#) (Exhibit 2) to explain why the purchasing policy was not followed.

Exception to Informal Bid Procedures:

Purchases from the United States Government or from any other governmental unit or agency are exempt from the informal bid procedure requirement (GS-143-129)

- An exception applies in cases of special emergency involving the health and safety of the people or their property. The definition of an emergency is very limited and is only applicable when the emergency is immediate, unforeseeable, and cannot be resolved within the minimum time required to comply with bidding procedures. (G.S. 143-129(e)(2))
- Purchasing from competitive group purchasing programs. Please contact the Finance Department to ensure the purchasing group qualifies under this statute. (G.S. 143-129(e)(3))
- Purchases made under a State Contract if the local government has become a party to the contract. (GS 143-49 and -129)

5.5 Purchases: greater than \$500,000.00 - Formal Bids/Purchase Orders

In accordance with the NC General Statute 143-129, invitation for formal bids will be used for construction or repair work of \$500,000.00 or greater. This includes advertising for at least seven full days between the bid requested and the date of opening sealed bids.

Dividing repairs or construction projects in order to evade formal bid requirements and procedures is prohibited.

The following requirements must be met whenever the Formal Bid Procedure is employed:

- The bids must be publicly advertised for a full seven days
- A minimum of three (3) bids must be received
- All bids must be sealed
- All bids must be accompanied by a cash bid deposit or a bid bond of at least 5% of the bid amount
- Bids must be opened in public at a specified time and place
- Award of contractor bid must be approved by City Council and recorded in the minutes.

Specifications for Formal Bids must do at least four (4) things:

- Identify minimum requirements
- Encourage competitive bids
- Be capable of objective review
- Provide for an equitable award at the lowest possible cost

Specifications shall be as simple as possible while maintaining the degree of exactness required to prevent bidders from avoiding supplying the goods or services required or otherwise taking advantage of their competitors.

All specifications utilizing a “Name Brand” must include the term “or approved equal” to avoid being restrictive and eliminating fair competition from the bidding process.

Different methods of structuring specifications include:

- Specification by blueprint or dimension sheet
- Specification by chemical analysis or physical properties
- Specification by performance, purpose or use
- Specification by identification with industry standards
- Specification by samples

Specifications for formal bids must be thorough, accurate and detailed. Failure to write specifications in this manner may result in the bid being rejected, readvertised and time delayed.

For example, it would not be sufficient to request bids on copy paper. An appropriate request would include the following information: Quantity needed, paper weight, paper size, paper color, recycled or virgin paper requirements, delivery and packaging requirements and shipping instructions. Care must be taken in writing specifications so that the bids do not become restrictive and only one vendor and/or manufacturer can comply with requirements. Any brand names and/or model number listed in specifications should be listed only as an aid to the bidder and should only be given to more clearly indicate the quality of the desired item.

Exception to Formal Bid Procedures:

- Purchase of gasoline, diesel fuel, alcohol fuel, motor oil or fuel oil may be purchased using the informal bid procedure regardless of the size of the expenditure.
- Purchases made under a State Contract if the local government has become a party to the contract. (GS 143-49 and -129)
- An exception applies in “cases of special emergency involving the health and safety of the people or their property.” The definition of an emergency is very limited and is only applicable when the emergency is immediate, unforeseeable, and cannot be resolved within the minimum time required to comply with bidding procedures. (G.S. 143-129(e)(2))
- Purchases made from the US Government or any other governmental unit or agency within the United States.
- Contracts with the North Carolina Department of Transportation for street construction and repair. (GS 136-41.3)

The department head or an authorized departmental purchasing agent will notify the Finance

Department of the intent to solicit formal bids for the repair/construction needed and the proposed date for bids to be received. The department will also provide a copy of the bid solicitation for review and approval prior to the public advertisement.

The Finance Department shall be responsible for reviewing and approving the bid solicitation and ensuring that all the North Carolina General Statutes are satisfied, including, but not limited to, proper advertisement and receipt of sealed bids ***unless a third-party has been contracted to handle formal bidding.***

If a third-party is not contracted to handle formal bidding, the following process shall be followed.

The department head or designated department employee will be responsible for advertising the approved solicitation for bids in the following forms:

- Times News
- Mebane Enterprise
- City of Mebane website
- HUB Bid Opportunities

The Finance Department will hold all sealed bids in a secure location until the advertised bid opening specified time and place.

At the bid opening, the department head or authorized departmental purchasing agent along with the Finance Director shall review all bid responses and determine the lowest responsive bidder(s), taking into consideration, quality, performance, and time specified in the proposals for the performance of the contract. The Finance Director and the requesting Department designee, will recommend the bidder(s) to be presented to the City Council for review and approval of contract award.

The Finance Department will retain all the received bids in a secure location for the required retention period. The Finance Department will forward, via email, a copy of the bid(s) to be presented to City Council to the department head and/or other department employee(s) as directed.

The department head will be responsible for communicating with the City Clerk to ensure that the repairs/construction and the recommended bidder(s) can be included on the agenda for the next scheduled City Council Meeting. The department head will prepare the agenda item to be included in the City Council monthly packet. The Director will present the project/construction needed and recommend the selected bidder(s) to City Council for approval of the awarded contract.

The department head or an authorized departmental purchasing agent will process a purchase order request, requisition, in the City's accounting system for the bid after it has been awarded by City Council. The departmental employee will attach the awarded bid documentation, and the vendor's contract to the requisition.

The department head or designated department employee will also electronically attach the non-awarded bids to the awarded bid's requisition with the following file name: **Non-awarded bids received for formal bid of [item] opened on [date].**

By initiating the requisition process the City employee is authorizing the accuracy of the expense

account number and that budgeted funds are currently available to cover the cost of the project.

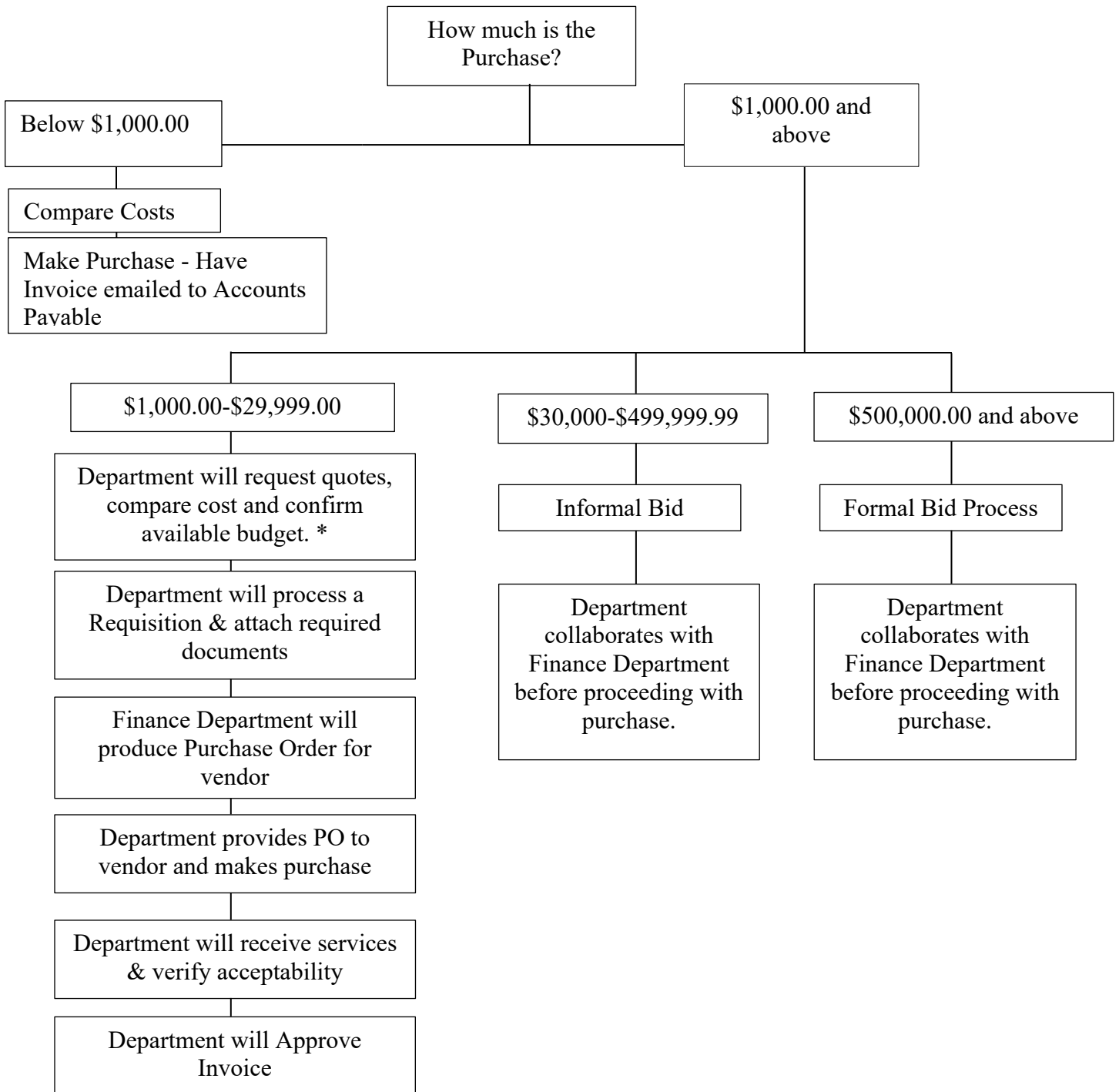
The Finance Department will review the requisition and produce the requested purchase order. Once the purchase order has been issued, the department head or requester will receive an emailed copy. The department head or designated employee will be responsible for providing a copy of the issued purchase order to the contractor/vendor. The receipt of the purchase order by the vendor/contractor indicates the start of the purchase contract between the two parties.

Vendors/Suppliers of the awarded bid should not be given notice to proceed with any repairs prior to the Finance Department issuing the obligatory purchase order. If an order is placed, received or invoiced prior to a purchase order being issued, then a purchase order will not be issued. The person responsible for obtaining the purchase order will need to complete [Purchasing Policy Violation Memorandum](#) (Exhibit 2) to explain why the purchasing policy was not followed.

The awarded vendor should ensure that the purchase order number is included on all invoices related to the repairs and/or construction project prior to forwarding invoices to the City of Mebane for payment. The invoices should be sent to the following:

- Email: accountspayable@cityofmebane.com

FIGURE B
Purchasing Procedure Flow Chart (Not using Federal Funds)
Repairs & Construction Contracts



*Departments are encouraged to consult Finance Department for assistance in competitive pricing.

VI PURCHASING PROCEDURES - Services

Services: *The North Carolina State Statutes do not provide specific guidance on purchases for services, with the exception of professional fees, examples: architect and engineering. North Carolina State Statute §143-64.32 provides for a written exemption on professional services/professional fees less than fifty thousand dollars, (\$50,000.00). To ensure the best price/rate for any service, the department head or delegated authorized departmental purchasing agent should consult with various qualified individuals to confirm the scope of services needed and fair market estimated price prior to the start of any service.*

6.1 Services: less than \$1,000.00

[Appendix III: Non-Purchase Order Tracking](#)

[Exhibit 10: General Ledger Non-Purchase Order Tracking](#)

The department heads should only authorize the performance of required services after:

- Review of the *City of Mebane Contractor Agreement, Appendix A,*
 - Adherence to the guidelines based on the determined risk level
- Confirmed funds are available for payment of the service

Since some services will fall below the \$1,000.00 threshold, the department head is advised to track all non-purchase order services in a spreadsheet to ensure accounts do not go over budget. [Exhibit 10: General Ledger Non-Purchase Order Tracking](#) is used to track any non-purchase order purchases. Additionally, splitting services performed into individual invoices to avoid requesting a purchase order will be viewed as circumventing the purchasing policy and be reported to the appropriate Manager.

The vendor should forward all service invoices to the City of Mebane, Accounts Payable for payment. The invoices should be sent to the following:

- Email: accountspayable@cityofmebane.com

6.2 Services: \$1,000.00 - \$29,999.99 - Purchase Orders

Purchase Orders: *a contract between the City of Mebane and a vendor; the purchase order/contract is not binding until accepted by the vendor. The City of Mebane will not recognize the issuance of purchase orders by unauthorized City employees or officials and payment of these obligations will not be approved.*

Departments that require services that will exceed the \$1,000.00 authorized threshold, must request a purchase order from the Finance Department.

The department head or an authorized departmental purchasing agent will process a purchase order request, **requisition**, in the City's accounting system. By initiating the requisition process the City employee is approving that the expense account number is accurate and budgeted funds are currently available.

The following documents are required, *when applicable*, to be attached to the requisition in the

City's accounting system, prior to the Finance Department producing a purchase order:

- Quote
- Registration/Certification Document
- Contract Routing Form, Fully Executed
- Contract, Fully Executed

Vendors should not be given notice to proceed with any services prior to the Finance Department issuing the obligatory purchase order. If the service required is completed prior to the purchase order being issued, then a purchase order will not be issued. The person responsible for obtaining the purchase order will need to complete [Purchasing Policy Violation Memorandum](#) (Exhibit 2) to explain why the purchasing policy was not followed.

The Finance Department will review the purchase requisition for the purpose of assuring that all required information is provided, that the price indicated is practical, based on current market conditions, that budget compliance/variance is known, and that contract compliance, when applicable, is assured. Questions over price or contract compliance will be discussed directly with the requestor.

If a purchase requisition is not approved by the Finance Department, it will be returned to the requester along with a statement noting the reason for disapproval.

If the purchase requisition is approved, the Finance Department will issue a purchase order. The approved purchase order will be emailed to the requester and department head for forwarding to the contractor or vendor. The receipt of the purchase order by the vendor/contractor indicates the start of the purchase contract between the two parties.

6.3 Services: greater than \$30,000.00 – Quotes/Purchase Orders
The City of Mebane requires quotes for any service(s) over \$30,000.00.

Dividing services needed into multiple workorders to evade the City of Mebane's policy is prohibited.

- Solicitation of quotes must be consistent and contain the same specifications, requirement terms/conditions, and delivery information for all vendors/suppliers/contractors
- Quotes must be in writing
- Three (3) bids/quotes minimum for any service(s) needed
- All quotes received must be documented and maintained with the awarded quote

Once the department has received the quotes, they will compare the quotes and determine the vendor/supplier/contractor utilized.

The department head or an authorized departmental purchasing agent will process a purchase order request, **requisition**, in the City's accounting system. The department employee will attach the awarded quote documentation to the requisition along with any other required documents that are applicable. By initiating the requisition process the department employee is approving the expense account number is accurate and that budgeted funds are currently available to cover the cost of the purchase.

The Finance Department will review the requisition and issue the requested purchase order. Once the purchase order has been issued, the department head or requester will receive an emailed copy. The department head or designated employee should forward a physical or electronic copy of the purchase order to the vendor/supplier. The receipt of the purchase order by the vendor/supplier indicates the start of the purchase contract between the two parties.

Vendors should not be given notice to proceed with any services prior to the Finance Department issuing the obligatory purchase order. If an order is placed, received or invoiced prior to a purchase order being issued, then a purchase order will not be issued. The person responsible for obtaining the purchase order will need to complete [Purchasing Policy Violation Memorandum](#) (Exhibit 2) to explain why the purchasing policy was not followed.

VII ADDITIONAL PURCHASING PROCEDURES

7.1 Purchase Order – Blanket Purchase Orders

Blanket Purchase Order: *a purchase order that outlines an ongoing agreement arranged between the City and a vendor to deliver goods or services at a predetermined price and on a recurring basis for a specified time period.*

Appendix V – Blanket Purchase Order Monitoring
Exhibit 11 – Blanket Purchase Order Monitoring

The only difference between a blanket PO and a regular PO is that a regular PO is generally used for a shorter time frame, while a blanket PO is used for recurring orders over a longer period of time with a concrete start and end date.

This type of purchase order should be used when there is a recurring need for expendable goods and frequent services at agreed upon prices.

Each blanket purchase orders should be monitored by the department head or authorized departmental purchasing agent during the year to ensure blanket purchase order funds are available prior to approving the purchase of any item or service. [Exhibit 11: Blanket Purchase Order Monitoring](#) provides a method for the departmental blanket purchase orders to be supervised. Additionally, splitting orders into smaller dollar amounts to avoid requesting a purchase order will be viewed as circumventing the purchasing policy and be reported to the appropriate Manager.

All blanket purchase orders should include a price list that is guaranteed for the length of the blanket PO.

Blanket purchase orders can not be issued for a blanket contract.

Consider using a blanket PO when:

- Making repetitive and pre-specified purchases from the same supplier within a certain period (typically one fiscal year).
- The unit cost is well-defined and specific information can be provided.
- Ordering standardized products or services which require numerous shipments.

- It's effective to use economies of scale.

When not to use a blanket PO:

- The price is not known at the time of purchasing.
- The price is subject to change without notice.
- Quality of product or service is questionable.

7.2 Purchase Order – Blanket Contracts and Purchase Orders

At times, the City enters into blanket contracts with vendors. Purchase orders are required, regardless of the dollar amount, for all purchases made under the blanket contracts.

7.3 Purchase Order – Change Orders

In order to change an existing purchase order, the department head or authorized departmental purchasing agent must request a PO change by email. The email should include documentation from the vendor detailing the reason for the price changes, or an explanation of the departmental variances requiring the necessary PO adjustment.

Change orders will not be allowed:

- That would expand the scope of the purchase order. If additional items need to be purchased a new requisition must be submitted.
- That would alter the procurement procedures that were used in the original process (i.e., from informal to formal)
- After the scope of services have been rendered or materials have been received.

City Council must approve all change orders on bids/contracts they award.

7.4 Purchase Order – Cancellations

To cancel a purchase order, the Department Director should notify the Finance Department and vendor/supplier immediately.

7.5 Procurement Card (P-Card)

[Procurement Card Policy & Procedure Manual](#) – Appendix IV

The department head can request that the Finance Department issue a City employee a procurement card to be used on authorized purchases of materials, supplies and services consistent with the City of Mebane Procurement Card Policy & Procedure Manual.

7.6 State of North Carolina Term Contracts

Term Contract: *a binding agreement between the State of North Carolina and a vendor to buy and sell certain items at agreed contract prices, terms and conditions.*

In accordance with the North Carolina Administrative Code, the North Carolina Division of Purchase and Contract makes these contracts available to non-state agencies (local governments).

It is the policy of the City of Mebane to participate in North Carolina Term Contracts whenever feasible and possible. The department head or authorized department purchasing agent may utilize the State of North Carolina Department of Administration Purchase and Contract Division

or approved joint purchasing agreements whenever possible for procurement of capital and non-capital items. This system expedites the purchase of goods, offers pricing compatible with quotes received from formal and informal bids, and satisfies North Carolina General Statutes. Examples of goods available on state contract are: law enforcement vehicles, office furniture, copiers, janitorial supplies, copier paper, and office supplies.

It is suggested that the appropriate department head reviews all term contracts applicable to their respective department prior to any recommendations or decisions being made to become party to the contract. In some cases, it is more beneficial for Local Governments to purchase items through an informal bid procedure than to rely on State Term Contract pricing.

A complete list of all items available on Term Contract is available at the NC Division of Purchase and Contract website, <https://ncadmin.nc.gov/about-doa/divisions/purchase-contract> .

7.7 Cooperative Purchasing Agreements

Department heads or authorized department purchasing agents may utilize established Cooperative Purchasing agreements for procurement of capital and non-capital items. These programs can expedite the purchase of goods, offer pricing compatible with quotes received from formal and informal bids, and satisfies North Carolina General Statutes.

Examples of goods available on cooperative purchasing contracts are: office furniture, vehicles, law enforcement vehicles, uniforms, office supplies, janitorial supplies and pest contracts.

Contact the Finance Department with questions about cooperative purchasing partners to which the City of Mebane belongs. The Finance Department can research and enroll The City of Mebane in additional cooperative purchasing partners as needed.

Department heads should contact the Finance Department to help research a specific vendor, product type, or service for an existing contract in a cooperative purchasing agreement.

7.8 MWBE Participation

Minority Business: *a business that is at least 51 percent owned by one or more minority persons or socially and economically disadvantaged individuals. These persons must also control the management and daily business operations.*

It is the practice of the City Mebane to provide minority and women-owned businesses equal opportunity to participate in all aspects of City procurement relating to building construction and repair contracts.

7.9 Receipt and Inspection of Goods or Services on Authorized Purchase Orders

The ordering Department shall ultimately be responsible for the receipt, inspection, and acceptance of incoming supplies and equipment. Receiving procedures are as follows:

- When any or all items on the PO have been received, inspected, and accepted, an authorized employee must:
 - Approve the delivery receipt/invoice with a signature
 - Provide accurate purchase order number on the delivery receipt/invoice

- Date the delivery receipt/invoice when items were received
- When any or all items on the PO have been received, inspected, and are *not* acceptable, the department head or authorized departmental purchasing agent must:
 - Forward a copy of the delivery receipt/invoice to the Finance Department stating that the items were rejected
 - Provide a reason for the rejection
 - Detail the steps that the Department is taking with the vendor to bring resolution to the rejected/defective items
- When any or all items have already been accepted are subsequently found to be defective or inaccurate, the department head or authorized departmental purchasing agent must:
 - Notify the Finance Department by email of the defective/inaccurate purchase
 - The email notification of the defective purchase shall include the following:
 - Name of the supplier/vendor
 - PO number the item was purchased
 - Date item was received
 - Nature of defect
 - Action requested

7.10 Payments

Most vendors offer a discount if invoices are paid promptly. To take advantage of this discount and to maintain good vendor relations, it is important that all invoices, packing slips, and receiving reports be forward to the Finance Department, Accounts Payable (accountspayable@cityofmebane.com) without delay.

These documents should reach Accounts Payable within 1 to 3 business days after their receipt.

VIII BID PROCEDURES

8.1 Bid Deposits

Bid deposits or surety when required by the statute shall be prescribed in the public notices inviting bids. Unsuccessful bidders shall be entitled to the return of that deposit or surety. A successful bidder, upon failure on the bidder's part to enter into a contract within the time specified after written notification of the bid award, shall forfeit any surety deposited with the City. The State Statutes allow for the waiving of bid deposits on purchase contracts. The bid bond cannot be waived on a formal construction project.

8.2 Bid Protest Procedures

Any party which is a prospective bidder, offeror, or contractor that may be aggrieved by the solicitation must submit a written protest within five (5) calendar days prior to the opening of the Request for Bid and/or the Request for Proposal.

Any party which is an actual bidder, offeror, or contractor that may be aggrieved by the award of a contract, must submit a written protest within five (5) days of City transmitting via email the announcement of intent to award.

The protest must be addressed to the office of the City of Mebane Attn: [department head, soliciting the bid], (the department head's name will be included in the solicitation of bids document) and must include the following information:

- Name, address, telephone number, and email of the protester
- Signature of the protester or authorized agent
- The bid name and bid number
- A detailed statement of the legal and factual ground of protest including copies of relevant documents
- Any supporting exhibits, evidence, or documents to substantiate any claims
- All information establishing that the protester is an interested party for the purpose of filing a protest
- The form of relief requested

After careful consideration of all relevant information, and consultation with the City Attorney, the department head soliciting the bid, shall make a written decision.

A decision of the department head may be appealed to the Finance Director. This appeal must be in writing and be delivered to the office of the Finance Director within seven (7) calendar days of the date of the department head's emailed decision.

The Finance Director will then have seven (7) calendar days to render a decision. This decision may be appealed to the City Manager within seven (7) calendar days of the date of the Finance Director's emailed decision.

The City Manager will then have seven (7) days to render a final decision.

Any and all costs incurred by a protesting party in connection with a protest shall be the sole responsibility of the protesting party.

8.3 Dispute Resolutions

Pursuant to N.C.G.S. §143-128, disputes shall be resolved according to the current "Rules Implementing Mediated Settlement conferences in North Carolina Public Construction Projects" adopted by the North Carolina State Building Commission.

IX TAX EXEMPTION

The City of Mebane is exempt from all federal excise taxes. Upon request, the Finance Department will furnish proper exemption certificates. The City of Mebane pays NC sales tax at the current rate. The City of Mebane does not consider tax as a cost factor because we file for a refund as provided for by the NC General Statutes.

X PURCHASING VIOLATIONS

Exhibit 2: [Purchasing Policy Violation Memorandum](#)

If a violation of this policy occurs the responsible department head or the authorized departmental purchasing agent will submit the Purchasing Policy Violation Memorandum to the Finance Director acknowledging the violation with all required supporting documentation. The memo should include a brief description of the plan implemented to prevent future occurrences. Depending on the nature of the violation, appropriate disciplinary action may be taken by the violators direct supervisor.

XI SPECIAL PROCUREMENT PROCEDURES

11.1 Emergency Purchases

Exhibit 3: [Emergency Purchase Form](#)

In cases of emergencies, the department head or his/her designee may purchase directly from any vendor the supplies or services whose immediate procurement is essential to prevent delays in work, which may affect the life, health, or safety of City of Mebane employees or citizens.(143-129(e)(2))

The department shall exercise good judgment and use established vendors when making emergency purchases. Always obtain the best possible price and limit purchases to emergency items needed. Not anticipating departmental needs does not constitute an emergency situation.

During working hours, the following procedure should be used for emergency purchases: Contact the Finance Director and give all pertinent information to obtain a purchase order. The following information will be needed:

- Vendor name
- Item(s) to be purchased
- Quantities of item(s) to be purchased
- Expenditure account to which the item(s) will be charged
- Reason for the emergency purchase

After verifying available funds, a purchase order number will be issued for the expenditure and a confirming purchase order will be emailed to the department head. Should the purchase over encumber the account balance, a request for a budget transfer should be routed to the Finance Departments as soon as possible.

During non-working hours, the department head or designated employee may proceed with the purchase and provide all pertinent information to the Finance Director as soon as business hours resume.

Emergency purchases, although sometimes necessary, are costly both in time and money. The use of emergency procedures should be limited and will be monitored for abuse.

11.2 Sole Source Purchases

[Appendix IV: Sole Source Justification Guidelines](#)

[Exhibit 4 – Justification for Sole Source Purchase of Contracts](#)

When a department head or authorized department purchasing agent determines the necessity to purchase goods or services from a sole source, the City employee shall document the request why only one company or individual is capable of providing the goods or services required. The provisions of G.S. 143-129 will be followed by asking City Council for this sole source exception.

11.3 Professional Services

The selection of architects and engineers is governed by North Carolina Statutes and City of Mebane adopted policies and procedures.

- If the cost of the engineering and architectural services is less than \$50,000, the City Manager or appointed designee has the authority to enter into a contract for these services using the Mini-Brooks exemption. The department head seeking to obtain a Mini Brooks Exemption will complete the [Mini Brooks Exemption Form \(Exhibit 6\)](#) and submit it to the City Manager, for review and approval. The signed [Mini Brooks Exemption Form](#) will need to be attached with the project requisition purchase request when submitted to the Finance Department for approval.
- For all requirements for engineering and architecture that exceed \$50,000, the City of Mebane will use the best qualified method of selection. The City must advertise its needs, develop an RFQ for the project, and solicit proposals from all qualified firms. The City must select a firm using the best-qualified method and the award must be made by the City Council.

Other services such as insurance, brokers and insurance products, banking services, sludge application, service or maintenance contracts on equipment, legal advice, CPA firms, aerial photographs and other services where manpower is the predominant cost of the service, is classified as a service. There are no General Statutes that govern services.

11.4 Procurement Procedures with Federal Funds (Uniform Guidance)

Purpose

The purpose of this policy is to establish guidelines that meet or exceed the procurement requirements for purchases of goods (apparatus, supplies, materials, and equipment), services, and construction or repair projects when federal funds are being used in whole or in part to pay for the cost of the contract. To the extent that other sections of procurement policies and procedures adopted by the City of Mebane are more restrictive than those contained in this policy, local policies and procedures shall be followed.

Policy

- **Application of Policy** - This policy applies to contracts for purchases, services, and

construction or repair work funded with federal financial assistance (direct or reimbursed). The requirements of this Policy also apply to any sub recipient of the funds.

All federally funded projects, loans, grants, and sub-grants, whether funded in part or wholly, are subject to the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for federal awards (Uniform Guidance) codified at 2 C.F.R. Part 200 unless otherwise directed in writing by the federal agency or state pass-through agency that awarded the funds.

- **Compliance with Federal Law** - All procurement activities involving the expenditure of federal funds must be conducted in compliance with the Procurement Standards codified in 2 C.F.R. § 200.317 through § 200-327 unless otherwise directed in writing by the federal agency or state pass-through agency that awarded the funds. The City of Mebane will follow all applicable local, state, and federal procurement requirements when expending federal funds. Should the City of Mebane have more stringent requirements, the most restrictive requirement shall apply so long as it is consistent with state and federal law.
- **Contract Award** - All contracts shall be awarded only to the lowest responsive responsible bidder possessing the ability to perform successfully under the terms and conditions of the contract.
- **No Evasion** - No contract may be divided to bring the cost under bid thresholds or to evade any requirements under this Policy or state and federal law.
- **Contract Requirements** - All contracts paid for in whole or in part with federal funds shall be in writing. The written contract must include or incorporate by reference the provisions required under 2 C.F.R § 200.327 and as provided for under 2 C.F.R. Part 200, Appendix II.
- **Self-Certification** - Annual self-certification shall be included within the annual Budget Ordinance and approved by the City Council.
- **Contractors' Conflict of Interest** - Designers, suppliers, and contractors that assist in the development or drafting of specifications, requirements, statements of work, invitation for bids or requests for proposals shall be excluded from competing for such requirements.
- **Approval and Modification** - The administrative procedures contained in this Policy are administrative and may be changed as necessary at the staff level to comply with state and federal law.

General Procurement Standards and Procedures: (Federal Fund/Uniform Guidance)

Either the Purchasing Division or the Requesting Department shall procure all contracts in accordance with the requirements of this Section of the Policy.

- **Necessity** - Purchases must be necessary to perform the scope of work and must

avoid acquisition of unnecessary or duplicative items. The Finance Department should check with the federal surplus property agency prior to buying new items when feasible and less expensive. Strategic sourcing should be considered with other departments and/or agencies that have similar needs to consolidate procurements and services to obtain better pricing.

- **Clear Specifications** - All solicitations must incorporate a clear and accurate description of the technical requirements for the materials, products, or services to be procured, and shall include all other requirements which bidders must fulfill and all other factors to be used in evaluating bids or proposals. Technical requirements must not contain features that restrict competition.
- **Notice of Federal Funding** - All bid solicitations must acknowledge the use of federal funding for the contract. In addition, all prospective bidders or offerors must acknowledge that funding is contingent upon compliance with all terms and conditions of the funding award.
- **Compliance by Contractors** - All solicitations shall inform prospective contractors that they must comply with all applicable federal laws, regulations, executive orders, and terms and conditions of the funding award.
- **Fixed Price** - Solicitations must state that bidders shall submit bids on a fixed price basis and that the contract shall be awarded on this basis unless otherwise provided for in this Policy. Cost plus percentage of cost contracts are prohibited. Time and materials contracts are prohibited in most circumstances. Time and materials contracts will not be used unless no other form of contract is suitable and the contract includes a “Not to Exceed” amount. A time and materials contract shall not be awarded without express written permission of the federal agency or state pass-through agency that awarded the funds.
- **Use of Brand Names** - When possible, performance or functional specifications are preferred to allow for more competition leaving the determination of how to reach the required result to the contractor. Brand names may be used only when it is impractical or uneconomical to write a clear and accurate description of the requirement(s). When a brand name is listed, it is used as reference only and “or equal” must be included in the description.
- **Lease versus Purchase** - Under certain circumstances, it may be necessary to perform an analysis of lease versus purchase alternatives to determine the most economical approach.
- **Dividing Contract for MWBE Participation** - If economically feasible, procurements may be divided into smaller components to allow maximum participation of small and minority businesses and women business enterprises. The procurement cannot be divided to bring the cost under bid thresholds or to evade any requirements under this Policy.
- **Documentation** - Documentation must be maintained by the Finance Department and/or the Requesting Department detailing the history of all procurements. The documentation should include the procurement method used, contract type, basis for

contractor selection, price, sources solicited, public notices, cost analysis, bid documents, addenda, amendments, contractor's responsiveness, notice of award, copies of notices to unsuccessful bidders or offerors, record of protests or disputes, bond documents, notice to proceed, purchase order, and contract. All documentation relating to the award of any contract must be made available to the granting agency upon request.

- **Cost Estimate** - For all procurements costing \$250,000 or more, the Finance Department and/or Requesting Department shall develop an estimate of the cost of the procurement prior to soliciting bids. Cost estimates may be developed by reviewing prior contract costs, online review of similar products or services, or other means by which a good faith cost estimate may be obtained. Cost estimates for construction and repair contracts may be developed by the project designer.
- **Contract Requirements** - The Requesting Department must prepare a written contract incorporating the provisions referenced under Policy → Contract Award of this policy .
- **Debarment** - No contract shall be awarded to a contractor included on the federally debarred bidders list. Prior to preparing the contract, the Finance Department or the Requesting Department must verify that the contractor is not the federally debarred bidders list.
- **Contractor Oversight** - The Requesting Department receiving the federal funding must maintain oversight of the contract to ensure that contractor is performing in accordance with the contract terms, conditions, and specifications.
- **Open Competition** - Solicitations shall be prepared in a way to be fair and provide open competition. The procurement process shall not restrict competition by imposing unreasonable requirements on bidders, including but not limited to unnecessary supplier experience, excessive or unnecessary bonding, specifying a brand name without allowing for "or equal" products, or other unnecessary requirements that have the effect of restricting competition.
- **Geographic Preference** - No contract shall be awarded on the basis of a geographic preference.

Specific Procurement Procedures (Federal Fund/Uniform Guidance updated 11-3-2021)

Either the Finance Department or the requesting department shall solicit bids in accordance with the requirements under this Section of the Policy based on the type and cost of the contract. In accordance with C.F.R. § 200.320(a)(1)(iv)(A) and the applicable provisions of North Carolina law, the City of Mebane hereby self-certifies the following micro-purchase thresholds:

- **Purchase Contracts costing less than \$30,000 shall be procured using the Uniform Guidance "micro-purchase" procedure (2 C.F.R. § 200.320(a)) as follows:**
 - The contract may be awarded without soliciting pricing or bids if the price of the goods or services is considered to be fair and reasonable.

- To the extent practicable, purchases must be distributed among qualified suppliers.
- **Service Contracts (except for A/E professional services) costing less than \$50,000 shall be procured using the Uniform Guidance “micro-purchase” procedure (2 C.F.R. § 200.320(a)) as follows:**
- The contract may be awarded without soliciting pricing or bids if the services is considered to be fair and reasonable.
 - To the extent practicable, services must be distributed among qualified suppliers
 - Purchase of services subject to the qualifications-based selection process in the Mini-Brooks Act; provided that such threshold shall apply to a contract only if the Unit has exercised an exemption to the Mini-Brooks Act, in writing, for a particular project pursuant to G.S. 143-64.32. If the exemption is not authorized, the micro-purchase threshold shall be \$10,000.
- **Purchase Contracts costing \$30,000 up to \$90,000 shall be procured using the Uniform Guidance “small purchase” procedure (2 C.F.R. § 200.320(b)) as follows:**
- Obtain price or rate quotes from an “adequate number” of qualified sources (a federal grantor agency might issue guidance interpreting “adequate number,” so the Requesting Department should review the terms and conditions of the grant award documents to confirm whether specific guidance has been issued).
 - Take affirmative steps to solicit price quotes from MWBE vendors and suppliers as required under 2 C.F.R. § 200.321.
 - Cost or price analysis is not required prior to soliciting bids.
 - Award the contract on a fixed-price basis.
 - Award the contract to the lowest responsive, responsible bidder.
- **Service Contracts (except for A/E professional services) costing \$50,000 up to \$90,000 shall be procured using the Uniform Guidance “small purchase” procedure (2 C.F.R. § 200.320(b)) as follows:**
- Obtain price or rate quotes from an “adequate number” of qualified sources (a federal grantor agency might issue guidance interpreting “adequate number,” so the Requesting Department should review the terms and conditions of the grant award documents to confirm whether specific guidance has been issued).
 - Take affirmative steps to solicit price quotes from MWBE vendors and suppliers as required under 2 C.F.R. § 200.321.
 - Cost or price analysis is not required prior to soliciting bids.
 - Award the contract on a fixed-price basis (a not-to-exceed basis is permissible for service contracts where obtaining a fixed price is not feasible).
 - Award the contract to the lowest responsive, responsible bidder.
- **Service Contracts (except for A/E professional services) and Purchase Contracts costing \$90,000 and above shall be procured using a combination of the most restrictive requirements of the Uniform Guidance “sealed bid” procedure (2 C.F.R. § 200.320(c)) and state formal bidding procedures (G.S. 143-129) as**

follows:

- Cost or price analysis is required prior to soliciting bids.
- Complete specifications or purchase description must be made available to all bidders.
- The bid must be formally advertised in a newspaper of general circulation for at least seven full days between the date of the advertisement and the date of the public bid opening. Electronic-only advertising must be authorized by the City Council. The advertisement must state the date, time, and location of the public bid opening, indicate where specifications may be obtained, and reserve to the City Council the right to reject any or all bids only for “sound documented reasons.”
- Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as required under 2 C.F.R. § 200.321.
- Open bids at the public bid opening on the date, time, and at the location noticed in the public advertisement. All bids must be submitted sealed. A minimum of 2 bids must be received in order to open all bids.
- Award the contract to the lowest responsive, responsible bidder on a fixed-price basis. City Council approval is required for purchase contracts unless the City Council has delegated award authority to an individual official or employee. Any and all bids may be rejected only for “sound documented reasons.”

➤ **Service Contracts (except for A/E professional services) costing \$250,000 and above may be procured using the Uniform Guidance “competitive proposal” procedure (2 C.F.R. § 200.320(d)) when the “sealed bid” procedure is not appropriate for the particular type of service being sought. The procedures are as follows:**

- A Request for Proposals (RFP) must be publicly advertised. Formal advertisement in a newspaper is not required so long as the method of advertisement will solicit proposals from an “adequate number” of qualified firms.
- Take affirmative steps to solicit price quotes from MWBE vendors and suppliers as provided under 2 C.F.R. § 200.321.
- Identify evaluation criteria and relative importance of each criterion (criteria weight) in the RFP.
- Consider all responses to the publicized RFP to the maximum extent practical.
- Must have a written method for conducting technical evaluations of proposals and selecting the winning firm.
- Award the contract to the responsible firm with most advantageous proposal taking into account price and other factors identified in the RFP. City Council approval is not required.
- Award the contract on a fixed-price or cost-reimbursement basis.

➤ **Construction and repair contracts costing less than \$30,000 shall be procured using the Uniform Guidance “micro-purchase” procedure (2 C.F.R. § 200.320(a)) as follows:**

- The contract may be awarded without soliciting pricing or bids if the price of the goods or services is considered to be fair and reasonable.

- To the extent practicable, contracts must be distributed among qualified suppliers.
- **Construction and repair contracts costing \$30,000 up to \$250,000 shall be procured using the Uniform Guidance “small purchase” procedure (2 C.F.R. § 200.320(b)) as follows:**
- Obtain price or rate quotes from an “adequate number” of qualified sources (a federal grantor agency might issue guidance interpreting “adequate number,” so the requesting department should review the terms and conditions of the grant award documents to confirm whether specific guidance has been issued).
 - Take affirmative steps to solicit price quotes from MWBE vendors and suppliers as required under 2 C.F.R. § 200.321.
 - Cost or price analysis is not required prior to soliciting bids, although price estimates may be provided by the project designer.
 - Award the contract on a fixed-price or not-to-exceed basis.
 - Award the contract to the lowest responsive, responsible bidder. City Council approval is not required.
- **Construction and repair contracts costing \$250,000 up to \$500,000 shall be procured using the Uniform Guidance “sealed bid” procedure (2 C.F.R. § 200.320(c)) as follows:**
- Cost or price analysis is required prior to soliciting bids (this cost estimate may be provided by the project designer).
 - Complete specifications must be made available to all bidders.
 - Publicly advertise the bid solicitation for a period of time sufficient to give bidders notice of opportunity to submit bids (formal advertisement in a newspaper is not required so long as other means of advertising will provide sufficient notice of the opportunity to bid). The advertisement must state the date, time, and location of the public bid opening, and indicate where specifications may be obtained.
 - Take affirmative steps to solicit price quotes from MWBE vendors and suppliers as provided under 2 C.F.R. § 200.321.
 - Open the bids at the public bid opening on the date, time, and at the location noticed in the public advertisement. All bids must be submitted sealed. A minimum of 2 bids must be received in order to open all bids.
 - A 5% bid bond is required of all bidders. Performance and payment bonds of 100% of the contract price are required of the winning bidder.
 - Award the contract on a firm fixed-price basis. Award the contract to the lowest responsive, responsible bidder. City Council approval is not required. Any and all bids may be rejected only for “sound documented reasons.”
- **Construction and repair contracts costing \$500,000 and above shall be procured using a combination of the most restrictive requirements of the Uniform Guidance “sealed bid” procedure (2 C.F.R. § 200.320(c)) and state formal bidding procedures (G.S. 143-129) as follows:**
- Cost or price analysis is required prior to soliciting bids (this cost estimate should be provided by the project designer).
 - Complete specifications must be made available to all bidders.

- Formally advertise the bid in a newspaper of general circulation for at least seven full days between the date of the advertisement and the date of the public bid opening. Electronic-only advertising must be authorized by the City Council. The advertisement must state the date, time, and location of the public bid opening, indicate where specifications may be obtained, and reserve to the City Council the right to reject any or all bids only for “sound documented reasons.”
 - Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as provided under 2 C.F.R. § 200.321.
 - Open the bids at the public bid opening on the date, time, and at the location noticed in the public advertisement. All bids must be submitted sealed and in paper form. A minimum of 3 bids must be received in order to open all bids.
 - A 5% bid bond is required of all bidders (a bid that does not include a bid bond cannot be counted toward the 3-bid minimum requirement). Performance and payment bonds of 100% of the contract price are required of the winning bidder.
 - Award the contract on a firm fixed-price basis.
 - Award the contract to the lowest responsive, responsible bidder.
 - City Council approval is required and cannot be delegated. The city council may reject and all bids only for “sound documented reasons.”
- **Construction or repair contracts involving a building costing \$300,000 and above must comply with the following additional requirements under state law:**
- Formal HUB (historically underutilized business) participation required under G.S. 143-128.2, including local government outreach efforts and bidder good faith efforts, shall apply.
 - Separate specifications shall be drawn for the HVAC, electrical, plumbing, and general construction work as required under G.S. 143-128(a).
 - The project shall be bid using a statutorily authorized bidding method (separate-prime, single-prime, or dual bidding) as required under G.S. 143-129(a1).
- **Contracts for Architectural and Engineering Services costing under \$250,000 shall be procured using the state Mini-Brooks Act requirements (G.S. 143-64.31) as follows:**
- Issue a Request for Qualifications (RFQ) to solicit qualifications from qualified firms (formal advertisement in a newspaper is not required). Price (other than unit cost) shall not be solicited in the RFQ.
 - Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as provided for under 2 C.F.R. § 200.321.
 - Evaluate the qualifications of respondents based on the evaluation criteria developed by the Purchasing Division and/or Requesting Department.
 - Rank respondents based on qualifications and select the best qualified firm. Price cannot be a factor in the evaluation. Preference may be given to in-state (but not local) firms.
 - Negotiate fair and reasonable compensation with the best qualified firm. If negotiations are not successfully, repeat negotiations with the second-best qualified firm.

- Award the contract to best qualified firm with whom fair and reasonable compensation has been successfully negotiated. City Council approval is not required.
- **Contracts for Architectural and Engineering Services costing \$250,000 or more shall be procured using the Uniform Guidance competitive proposal procedure (2 C.F.R. § 200.320(d)(5)) as follows:**
- Publicly advertise a Request for Qualifications (RFQ) to solicit qualifications from qualified firms (formal advertisement in a newspaper is not required). Price (other than unit cost) shall not be solicited in the RFQ.
 - Take affirmative steps to solicit price quotes from MWBE vendors and suppliers as provided under 2 C.F.R. § 200.321.
 - Identify the evaluation criteria and relative importance of each criterion (the criteria weight) in the RFQ.
 - Proposals must be solicited from an “adequate number of qualified sources” (an individual federal grantor agency may issue guidance interpreting “adequate number”).
 - Must have a written method for conducting technical evaluations of proposals and selecting the best qualified firm.
 - Consider all responses to the publicized RFQ to the maximum extent practical.
 - Evaluate qualifications of respondents to rank respondents and select the most qualified firm. Preference may be given to in-state (but not local) firms provided that granting the preference leaves an appropriate number of qualified firms to compete for the contract given the nature and size of the project.
 - Price cannot be a factor in the initial selection of the most qualified firm.
 - Once the most qualified firm is selected, negotiate fair and reasonable compensation. If negotiations are not successfully, repeat negotiations with the second-best qualified firm.
 - Award the contract to best qualified firm with whom fair and reasonable compensation has been successfully negotiated. City Council approval is not required.

Exceptions (Federal Fund/Uniform Guidance)

Non-competitive contracts are allowed *only* under the following conditions and with the written approval of the federal agency or state pass-through agency that awarded the federal funds:

- **Sole Source** - A contract may be awarded without competitive bidding when the item is available from only one source. The Finance Department and/or Requesting Department shall document the justification for and lack of available competition for the item. All sole source contracts must be approved by the City Council when federal funding is involved unless the contract is under \$30,000.
- **Public Exigency** - A contract may be awarded without competitive bidding when there is a public exigency. A public exigency exists when there is an imminent or actual threat to public health, safety, and welfare, and the need for the item will not

permit the delay resulting from a competitive bidding. A cost analysis is still required.

- **Inadequate Competition - A contract may be awarded without competitive bidding when competition is determined to be inadequate after attempts to solicit bids from a number of sources as required under this Policy do not result in a qualified winning bidder.**
- **Federal Contract.** A contract may be awarded without competitive bidding when the purchase is made from a federal contract available on the U.S. General Services Administration schedules of contracts. Note: cannot use this exception for FEMA public assistance. FEMA advises against this and requires bidding out. Can be used for other federal funding/grants as long as approval has been given by the grantor.
- **Awarding Agency Approval.** A contract may be awarded without competitive bidding with the express written authorization of the federal agency or state pass-through agency that awarded the federal funds so long as awarding the contract without competition is consistent with state law.

[Appendix IX – Uniform Guidance Conflict of Interest Policy](#)

[Appendix X – MicroPurchase Resolution](#)

XII DELIVERY AND PERFORMANCE

A completed and accepted purchase order by the parties concerned must produce the intended results or objectives before it can be considered a successful or completed purchase. The terms and conditions must clearly define the delivery and performance requirements of the services, supplies or equipment.

The importance of the delivery schedule will be emphasized to the vendor. Delivery requirements will be clearly written and fully understood by all vendors. If several items are required by the purchase order there may be a different delivery schedule for each item. It is necessary to clearly indicate the delivery location on the requisition.

12.1 Non-performance

If a vendor fails to meet any requirements(s) of the specifications or terms and conditions of the contract or purchase order, the vendor can be cited for non-performance. The seriousness of non-performance will be evaluated based upon the circumstances of each violation. Specific types of non-performance are discussed in Section XII.

XIII INSPECTION AND TESTING

Life and safety as well as successful operation of expensive equipment and supplies may depend upon how well a purchased item meets the design and performance specifications.

Goods and materials should be checked at the time of receipt for damage or defects. The inspection shall include assuring goods comply with the specifications. If damage is found or the goods fail to comply with the specifications, the item(s) shall be rejected as outlined below.

13.1 Rejection

In order to protect the City's rights in the event of rejection, for whatever reason, the vendor shall be informed immediately. Reasons for the rejection must be documented in memo form, and

emailed to the vendor and Finance Department with the purchase order attached in a timely manner.

13.2 Damaged Goods

One of the major reasons for immediately inspecting the goods or materials upon receipt is to detect any visible damage. When it is apparent that the extent of the damage causes the goods to be worthless, they will not be accepted. It is necessary that all damage including evidence of concealed damage shall be documented by memo, and emailed to the vendors and the Finance Department with the purchase order attached.

13.3 Latent Defects

Latent defects may be the result of damage in transit or failure of the manufacturer to conform to specifications. Consequently, it is often difficult to fix responsibility for the defective material. If specific liability for the defect cannot be determined between the carrier, the vendor, or the manufacturer, the City may file a claim against all parties. A memo must be emailed to the vendor and the Finance Department with the purchase order attached so all parties involved can be properly informed.

XIV VENDOR RELATIONS

Good vendor relations are valuable business assets established through mutual confidence and satisfactory business relationships between buyer and seller. An important contribution toward promoting and preserving these relations is a clear understanding of the method of contract between buyer and seller.

The Finance Department maintains a vendor file for recording the performance of vendors with whom the City engages in business. Should a department experience difficulty with, or have a complaint with, a particular vendor, document your concerns with an electronic memo to the Finance Department. Be as specific as possible, detailing the circumstances, dates, personnel involved (including titles) and phone numbers. This information will be helpful in determining if the vendor shall remain on the vendor list.

If it is felt a certain vendor should be commended for its efforts, document the circumstances and forward to the Finance Department.

Departments do not have the authorization to commit in writing, or verbally, future City business to vendors. If a department wishes to add a specific vendor or contractor to the bid list, the Finance Department shall be contacted.

XV AFTER THE ORDER

The procurement function is not accomplished by simply placing an order with a supplier. Satisfactory delivery must also be made. To ensure delivery will be made when required, follow-up is necessary.

The Finance Department shall, on a quarterly basis, review outstanding purchase orders to determine if vendors are delinquent in shipping the items requested or producing an invoice. The ordering department shall contact these vendors concerning the delinquent delivery.

The Finance Department shall contact vendors concerning invoice discrepancies and shall have the authorization to approve or disapprove invoice amounts.

XVI SALE OF CITY SURPLUS PROPERTY

The Finance Director or her designee is the only authorized City employee to sell surplus property. Department Heads shall advise the Finance Department, in writing, of any equipment or supplies that are no longer needed or have become unsuitable for public use.

XII Exhibits



City of Mebane
PURCHASING
POLICY
Exhibits

[Exhibit 1 – Vendor Registration Form](#)
 Click the link above to be directed to actual form



**City of Mebane
Vendor Registration**

Vendor Legal Name: _____

DBA:
(if applicable) _____

TAX ID (EIN) #: _____ Social Social Security #: _____

Physical Address: _____

Remittance Address:
(if different from above): _____

Vendor Type: Individual Corporation Partnership Non-Profit Governmental
(Please check one)

Phone Number: _____ Fax Number: _____

Contact Name: _____

Contact Title: _____

Contact Email: _____

Vendor Website: _____

Brief Description of Business
Provided by Vendor: _____

Credit Card Payment Accepted: Yes No

(Signature)

(Print Name)

(Title)

(Date)

**This application may be mailed or
emailed to the following address:**
 City of Mebane
 Attn: Accounts Payable
 106 E Washington Street
 Mebane, NC 27302
 accountspayable@cityofmebane.com

**All invoices should be mailed or
emailed to the following address:**
 City of Mebane
 Attn: Accounts Payable
 106 E Washington Street
 Mebane, NC 27302
 accountspayable@cityofmebane.com

City of Mebane Use Only

Department Requesting Vendor: _____ Set Up By: _____

Vendor Number: _____ Date: _____

Exhibit 2 - Purchasing Policy Violation Memorandum

Click the link above to be directed to actual form



Memorandum

To: Daphna Schwartz, Finance Director
CC: Beatrice Hunter, Human Resources Director
Chris Rollins, City Manager
Cliff Ayscue, Inspections Director

From: [Redacted]

RE: Purchasing Policy Violation

Date: [Redacted]

The City of Mebane Purchasing Manual states "Vendors should not be given notice to proceed with any services, nor should Contractors start on any repairs prior to the Finance Department issuing the obligatory Purchase Order."

This policy ensures that the City of Mebane is compliant with G.S. 159-2(a). (a1) and (a2), also known as the Pre-audit Requirement. If the City of Mebane fails to perform any of the pre-audit requirements, the contract, agreement or purchase is void, and the City is not liable for the payment. The statute also states "an officer or employee [of a local unit] incurs an obligation or payout or causes to be paid out any funds in violation of the [preaudit statute], he and the sureties on his official bond are liable for any sums so committed or disbursed."

Vendor: [Redacted]

Invoice Date: [Redacted]

Description of purchase or repair:
[Redacted]

Need for purchase or repair:
[Redacted]

Explanation of purchasing policy violation:
[Redacted]

Internal Departmental plan to prevent future violations:
[Redacted]

Supporting Documentation Attached: YES NO

Exhibit 3 - Emergency Purchase Form
 Click the link above to be directed to actual form



Emergency Purchase Order Documentation

Date: _____

Has the Governor of North Carolina declared a State of Emergency under NC G.S. 166A, that includes the City of Mebane under NC G.S. 166A-19.20(b)? **NO**

Has the Mayor of Mebane proclaimed a State of Emergency under NC G.S. 166A, Article 36A Chapter 14? **YES**

Emergency Creating Purchase: _____

Department: _____

Vendor: _____

Additional Vendors Available? **NO** Additional Quotes Received? **NO**

Purchase Comments: _____

Quantity	Product Description	General Ledger Account	Amount
SubTotal:			0.00
Taxes:			
Total:			0.00

Receipts Attached: **NO**

 Department Head

 Finance Director

Finance Department Comments: _____

Exhibit 4 - Justification for Sole Source Purchase of Contracts

Click the link above to be directed to actual form



Justification for Sole Source Purchase of Contracts

Purpose

Sole source justification provides evidence that a competitive procurement is impractical. Staff must request approval for the sole source procurement of equipment, construction, or supplies when a purchase is required to be competitive per North Carolina General Statutes.

Statement

I am aware that the City of Mebane requires competitive procurements when required by the North Carolina General Statutes. I am requesting a sole source procurement based on the criteria stated above. These statements are complete and accurate based on my professional judgment and investigations.

Requestor: _____ Requestor Signature: _____

Department: _____ Budget Line: _____

Date: _____ New Vendor: No _____

Vendor Name: _____ Contract Amount/Value: _____

Briefly describe the equipment, construction or supplies requested, and its purpose or use:

What are the consequences or risks of not securing this equipment, construction or supplies from this company?

Please provide information that supports your specific requirements necessitating a sole source purchase:

Exhibit 5b - GovDeals – Surplus Property – Heavy Equipment Inspection Form

Click the link above to be directed to actual form

Heavy Equipment Inspection Form

Inventory ID: _____	Asset Number _____	Fair Market Value: _____
Short Description:		
Year _____	Manufacturer _____	Model _____
Long Description: Equipment Serial # _____ [Required for all Marketing]		
This Equipment: <input type="checkbox"/> Starts <input type="checkbox"/> Starts with a Boost & <input type="checkbox"/> Is Operable <input type="checkbox"/> Is not operable <input type="checkbox"/> For Parts Only		
Engine: ___ L, V ___ <input type="checkbox"/> Gas <input type="checkbox"/> Diesel engine Engine: <input type="checkbox"/> Hours _____ <input type="checkbox"/> Miles _____		
This vehicle was maintained every _____ <input type="checkbox"/> Hours		
Engine Manufacturer: _____ Condition: <input type="checkbox"/> Is Operable <input type="checkbox"/> Needs repair <input type="checkbox"/> Is in Unknown Condition		
Engine Repairs needed: _____		
Transmission: <input type="checkbox"/> Automatic <input type="checkbox"/> Manual ___ Speed Transmission: <input type="checkbox"/> Hours _____ <input type="checkbox"/> Miles _____		
Transmission Manufacturer: _____ Condition: <input type="checkbox"/> Is Operable <input type="checkbox"/> Needs Repair <input type="checkbox"/> Is Unknown		
Transmission Repairs Needed: _____		
Drivetrain: <input type="checkbox"/> 2WD <input type="checkbox"/> 4WD <input type="checkbox"/> AWD Condition: _____		
Date Removed From Service: _____ Maintenance Records: <input type="checkbox"/> Available <input type="checkbox"/> Not Available For Inspection		
Exterior: Color _____ Windows: <input type="checkbox"/> No cracked glass <input type="checkbox"/> Cracked _____		
Minor <input type="checkbox"/> Dents <input type="checkbox"/> Scratches <input type="checkbox"/> Dings Tire Condition: <input type="checkbox"/> Low ___ <input type="checkbox"/> Flat ___		
Damage to: _____		
Additional Damage to: _____		
# Of Wheels _____ # Of Axles _____ # Of Tracks _____		
Dimensions: _____		
Decals: <input type="checkbox"/> None <input type="checkbox"/> Have been sprayed <input type="checkbox"/> Have been removed <input type="checkbox"/> Impressions remain <input type="checkbox"/> No impressions		
Interior: Color _____ <input type="checkbox"/> Cloth <input type="checkbox"/> Vinyl <input type="checkbox"/> Leather		
Damage to Seats: _____		
Damage to Dash/ Floor: _____		
Radio: Brand _____ <input type="checkbox"/> AM <input type="checkbox"/> AM/FM <input type="checkbox"/> AM/FM Cassette <input type="checkbox"/> AM/FM CD		
<input type="checkbox"/> Cruise Control Power: <input type="checkbox"/> Steering <input type="checkbox"/> Seats <input type="checkbox"/> AC <input type="checkbox"/> No AC Condition: <input type="checkbox"/> Cold <input type="checkbox"/> Unknown		
Additional Equipment: Manufacturer _____ Model _____		
Serial # _____ Condition: <input type="checkbox"/> Is Operable <input type="checkbox"/> Needs repair <input type="checkbox"/> Is in Unknown Condition		
Description: _____		

Location of Asset: _____		
For more information contact: _____		

Exhibit 5f - GovDeals – Surplus Property – Tractor Inspection Form

Click the link above to be directed to actual form

Tractor Inspection Form

Inventory ID: _____	Asset Number _____	Fair Market Value: _____
Short Description: Year _____ Manufacturer _____ Model _____ Serial Number _____		
Please fill in or check Long Description:		
This Equipment: <input type="checkbox"/> Starts <input type="checkbox"/> Starts with a Boost & <input type="checkbox"/> Is Operable <input type="checkbox"/> Is not operable <input type="checkbox"/> For Parts Only		
Engine L, V _____ <input type="checkbox"/> Gas <input type="checkbox"/> Diesel engine <input type="checkbox"/> Hours _____ <input type="checkbox"/> Miles _____		
This vehicle was maintained every _____ <input type="checkbox"/> Hours Horse Power: _____		
Engine Manufacture: _____ Condition: <input type="checkbox"/> Is Operable <input type="checkbox"/> Needs repair <input type="checkbox"/> Is in Unknown Condition		
Repairs needed: _____		
Date Removed From Service: _____ Maintenance Records: <input type="checkbox"/> Available <input type="checkbox"/> Not Available For Inspection		
Transmission		
Transmission: <input type="checkbox"/> Automatic <input type="checkbox"/> Manual Speed Transmission: <input type="checkbox"/> Hours _____ <input type="checkbox"/> Miles _____		
Transmission Manufacture: _____ Condition: <input type="checkbox"/> Is Operable <input type="checkbox"/> Needs Repair <input type="checkbox"/> Is Unknown		
Drivetrain _____ Repairs Needed: _____		
<hr/>		
Attachments & Additional Equipment		
<input type="checkbox"/> Backhoe <input type="checkbox"/> Front End Loader <input type="checkbox"/> PTO Drive <input type="checkbox"/> 3 Point Hitch <input type="checkbox"/> Other: _____		
Mowing Deck: Manufacture: _____ Model: _____ Type: _____ Size: _____		
Deck Condition: <input type="checkbox"/> Operable <input type="checkbox"/> Not Operable & <input type="checkbox"/> Damage: _____		
Other Equipment: Manufacturer _____ Model _____		
Serial # _____ Condition: <input type="checkbox"/> Is Operable <input type="checkbox"/> Needs repair <input type="checkbox"/> Is in Unknown Condition		
Description: _____		
<hr/>		
Exterior: Color _____ Windows: <input type="checkbox"/> No cracked glass <input type="checkbox"/> Cracked _____		
Minor <input type="checkbox"/> Dents <input type="checkbox"/> Scratches <input type="checkbox"/> Dings Tire Condition: <input type="checkbox"/> Low <input type="checkbox"/> Flat _____		
Minor dents to: _____		
Major damage to: _____		
Dimensions: _____		
Decals: <input type="checkbox"/> None <input type="checkbox"/> Have been sprayed <input type="checkbox"/> Have been removed <input type="checkbox"/> Impressions remain <input type="checkbox"/> No impressions		
Interior: Color _____ <input type="checkbox"/> Cloth <input type="checkbox"/> Vinyl <input type="checkbox"/> Leather		
Damage to: _____		
Radio: Brand _____ <input type="checkbox"/> AM <input type="checkbox"/> AM/FM <input type="checkbox"/> AM/FM Cassette <input type="checkbox"/> AM/FM CD		
<input type="checkbox"/> Cruise Control Power: <input type="checkbox"/> Steering <input type="checkbox"/> Seats <input type="checkbox"/> AC <input type="checkbox"/> No AC Condition: <input type="checkbox"/> Cold <input type="checkbox"/> Unknown		
<hr/>		
Location of Asset: _____		
For more information contact: _____		

[Exhibit 6 - Mini Brooks Exemption Form](#)

Click the link above to be directed to actual form



Request for Exemption of Qualification Based Selection Process

Requested By: _____

Session Law 2013-401 modified §143-64.32 requiring Qualification Based Selection for Professional Services: Units local government may in writing exempt particular projects from this provision in the case of proposed projects where an estimated professional fee is an amount less that \$50,000.

Project Name: _____

Description of Project:

Approval to use this exemption is evidenced by signature below:

Chris Rollins, City Manager

Date

Exhibit 7 – City of Mebane Procurement Card Cardholder’s Agreement

Click the link above to be directed to actual form



City of Mebane Procurement Card Cardholder's Agreement

1. I understand that by using the Procurement Card, (P-Card), I will be making financial commitments on behalf of City of Mebane and that the City will be liable for all charges made with the Procurement Card.
2. I understand that the use of the Procurement Card for the purchase of goods is limited to a dollar amount of \$1,000 or less, unless approved by the Finance Director in advance of the purchase.
3. I will strive to obtain the best value for the City when purchasing merchandise with the Procurement Card.
4. I agree to use the Procurement Card only for authorized purchases and in an appropriate manner, as defined in the Procurement Card Policies and Procedures and in accordance with all other existing purchasing and travel related policies and procedures.
5. I understand that should I make an unauthorized purchase with the Procurement Card or use the Card in an inappropriate manner, I may be subject to disciplinary action up to and including termination, as set forth under City Policy. Unauthorized or inappropriate use will be determined by a committee consisting of at a minimum, the Procurement Card Administrator, Finance Director and Human Resources Director.
6. I understand that the City will monitor and audit my use of the Procurement Card.
7. I understand that the Procurement Card remains the property of Bank of America and that I am accountable for activity on the Card. I agree to return the Procurement Card immediately upon termination of employment at the City of Mebane, or at the request of the Procurement Card Administrator.
8. I understand that it is my responsibility as a cardholder to: Make purchases, collect detailed receipts, allocate charges via Works, follow up with the vendors and/or the bank on disputes, reconcile monthly charges in Works by the 10th of every month.
9. I have read the City of Mebane Procurement Card Policies and Procedures and understand them. Therefore I agree to abide by all requirements set forth in said Policies and Procedures.
10. I agree to abide by the ethics guidelines set forth in the policies and procedures.
11. I will be responsible for the safe keeping of the Procurement Card issued to me and, if lost or stolen, I will report its loss immediately to Bank of America at 888-449-2273 and the Procurement Card Administrator at 919-304-9276.
12. I understand that my personal credit will not be affected by any use of the City of Mebane Procurement Card.
13. I understand that I will not use the Procurement Card to make any purchases that represent or appear to represent, a conflict of interest between any parties involved in the transaction.
14. **I understand that the Procurement Card is for my use only and I will not give/loan the card to anyone else.**
15. My Signature below indicates that I have read this agreement, understand it and agree to be bound by it, and any subsequent amendments or addenda, for as long as I am a Procurement Cardholder at the City of Mebane.

Printed Cardholder Name

Cardholder Signature

Date

[Exhibit 8 – Missing Receipt Affidavit](#)
Click the link above to be directed to actual form



Missing Receipt Affidavit
(for use with P-Card transactions)

I, _____, have either not received or have misplaced a receipt totaling _____

This expense was incurred on behalf of the City of Mebane.

Date Expense Incurred: _____

Vendor: _____

Address of Vendor: _____

Purpose of purchase:

I certify that the amount, item(s), and purpose of purchased detailed above was expended for the City of Mebane business purposes. If charged to a grant or contract, I certify that the claimed expenses comply with the conditions of the grant or contract.

Cardholder Signature

Cardholder Date

Supervisor Signature

Supervisor Date

Supervisor Printed Name

Supervisor Title

Exhibit 9 – Verbal Quote Form

Click the link above to be directed to actual form



**City of Mebane Verbal
Quotation Form**

Date: _____

Time Quote Received: _____ In Person By Phone

Quote Received By: _____ 4200 - Administration

Vendor: _____

Vendor Representative Providing Quote: _____

Purpose of Quote: _____

Description	Quantity	Item Cost	Item Total
			0.00
			0.00
			0.00
			0.00
			0.00
Item Sub Total			0.00
Discount			0.00
Shipping			
Sub Total			0.00
Sales Tax	County: Orange	0.7500%	0.00
Verbal Quote Total			0.00

(Signature)

Exhibit 10 – General Ledger Non-Purchase Order Tracking
 Click the link above to be directed to actual form

Account Number: 100.4400-330
 Account Name: Departmental Supplies
 Amount: \$ 21,100.00

Transaction Date	Vendor	Description of Purchase	Tax	Amount (Item & shipping)	Total Receipt	Balance of Budget
3/30/2021	P-Card Purchase (XYZ Company)	apples & oranges	\$ 5.00	\$ 10.00	\$ 15.00	\$ 21,090.00
					\$ -	\$ 21,090.00
					\$ -	\$ 21,090.00
					\$ -	\$ 21,090.00
					\$ -	\$ 21,090.00
					\$ -	\$ 21,090.00
					\$ -	\$ 21,090.00
					\$ -	\$ 21,090.00
					\$ -	\$ 21,090.00
					\$ -	\$ 21,090.00
					\$ -	\$ 21,090.00
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					\$ -	\$ 21,090.00
					\$ -	\$ 21,090.00
					\$ -	\$ 21,090.00
					\$ -	\$ 21,090.00
					\$ -	\$ 21,090.00
					\$ -	\$ 21,090.00

Departments will be responsible for all charges that are not NC Sales tax. Please be sure to include this amount when entering your transactions.

Exhibit 11 – Blanket Purchase Order Tracking
 Click the link above to be directed to actual form

Vendor: **All Cleaning Done Services**
 Amount: **\$ 6,000.00**

Transaction Date	Description of Purchase	Tax	Amount (item & shipping)	Total Receipt	Balance of PO
3/30/2021	March Cleaning	\$ -	\$ 1,000.00	\$ 1,000.00	\$ 5,000.00
				\$ -	\$ 5,000.00
				\$ -	\$ 5,000.00
				\$ -	\$ 5,000.00
				\$ -	\$ 5,000.00
				\$ -	\$ 5,000.00
				\$ -	\$ 5,000.00
				\$ -	\$ 5,000.00
				\$ -	\$ 5,000.00
				\$ -	\$ 5,000.00
				\$ -	\$ 5,000.00
				\$ -	\$ 5,000.00
				\$ -	\$ 5,000.00
				\$ -	\$ 5,000.00
				\$ -	\$ 5,000.00
				\$ -	\$ 5,000.00

Departments will be responsible for all charges that are not NC Sales tax. Please be sure to include this amount when entering your transactions.

XIX APPENDIXES



City of Mebane
PURCHASING
POLICY
Appendixes

Appendix I: Requisition Input Procedures For Accounting Software

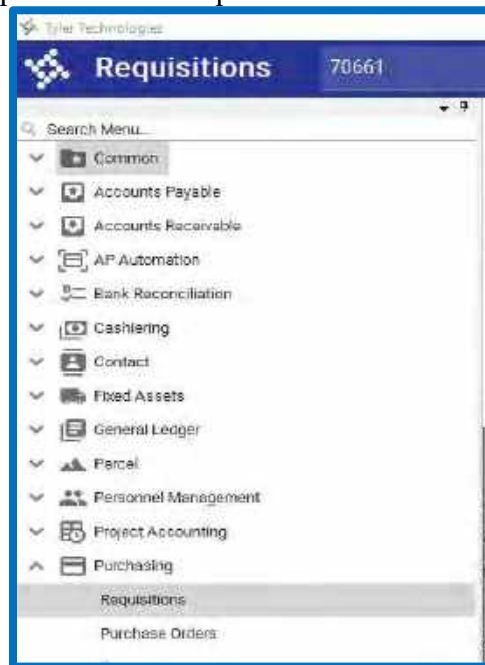
Entering a requisition in to the financial accounting software, ERP Pro officially starts the Purchase Order (PO) request process for the City of Mebane.

A purchase order (PO) cannot be issued for the City of Mebane without this input process and the electronic reviews and approvals from department heads, finance department and city management.

Please contact the Misty Stewart, in Finance at 919-304-9276 or mstewart@cityofmebane.com with questions about the requisition process.

ERP Pro

- Select on the Menu: Purchasing/Requisitions
This will produce the “Requisitions” Tab

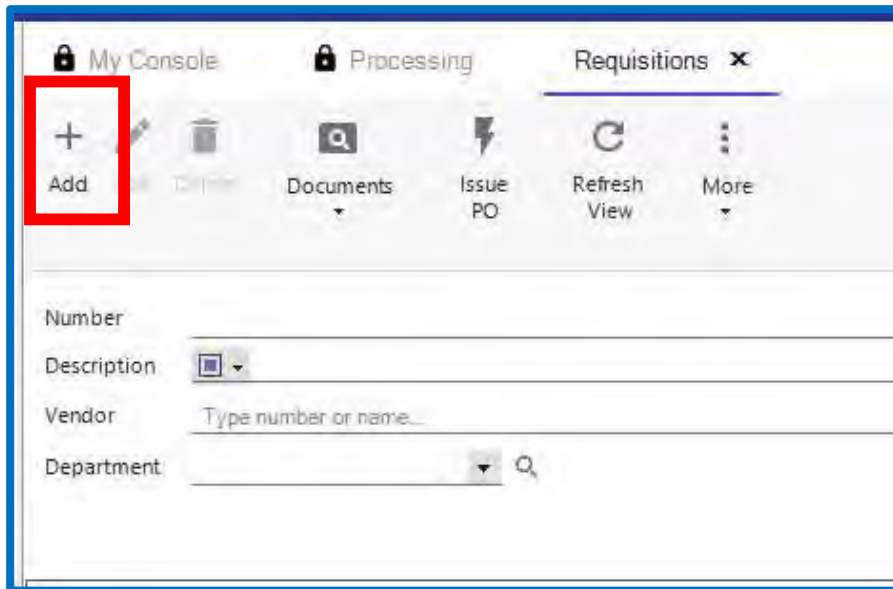


The ERP Pro Technologies Menu is located on the left side of the Accounting Software.

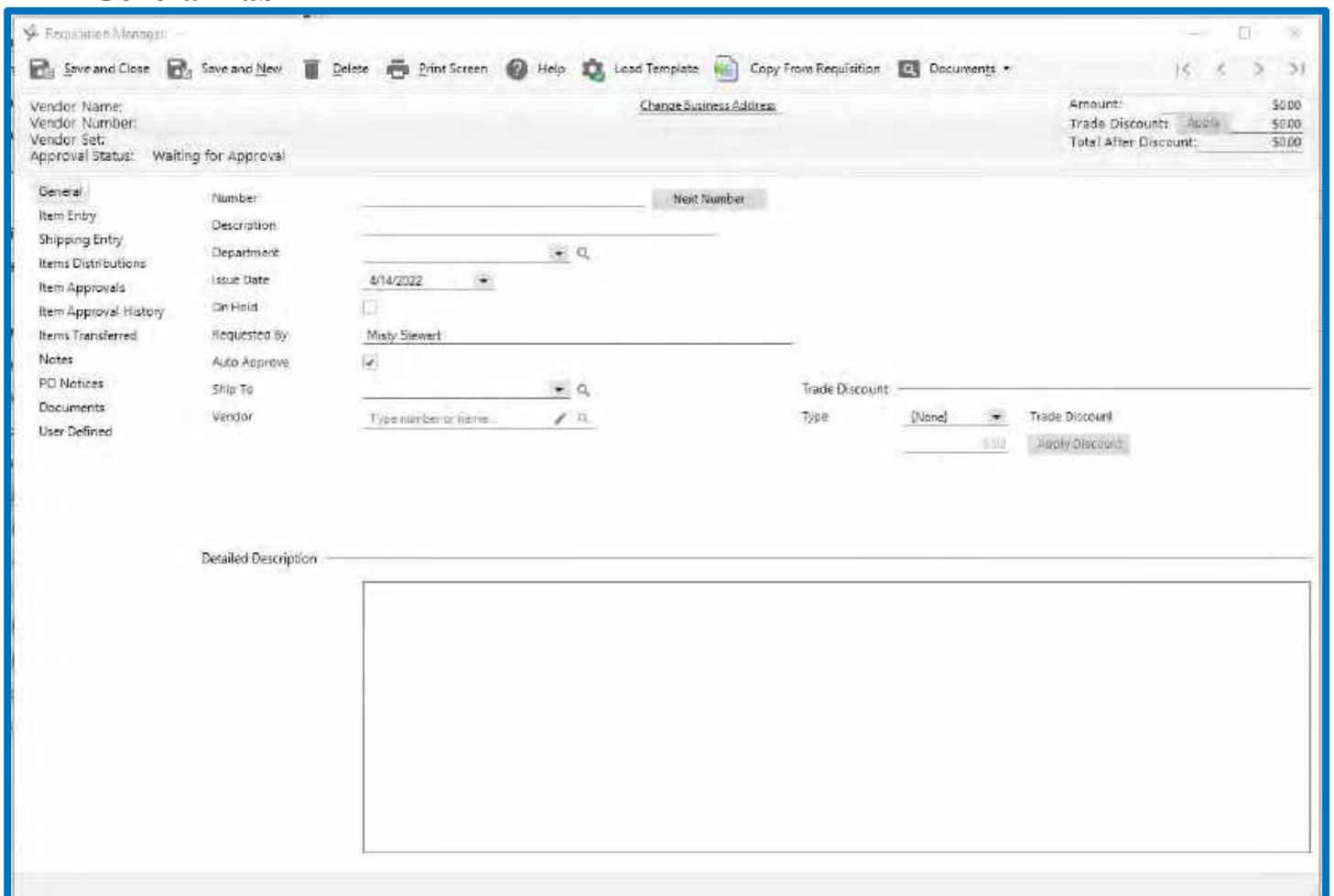
The ERP Pro Tabs are located across the top of the Accounting Software.



This will open the Requisition Manager Window



Requisition Manager Window **General Tab**



- Number: *Click the “Next Number” Box*
- Description: *Broad description of the purchase requested*
 - **50 Character Limit Field**
- Department - Drop Down Box: *Select department requesting the purchase*
- Issue Date: **Prefilled with current date value**
- Requested By: **Prefilled with logged in user**
- Ship to – Drop Down Box: *Select the Department where item will be utilized*
- Vendor: *Type vendor name and select from drop down list provided **OR** click magnifying glass to the right of the field and search the complete active vendor list*
- Detailed Description Box: **this is NOT a required field but Recommended**
 - *Provide ALL details that should be document/retained for the requisition*
 - Examples
 - Verbal Quote? received when, provided by who, valid until, etc
 - Parts, Labor & Installation included in quote price (*if not broken down by detail*)
 - Other vendors/contractors solicited with quotes/estimates not selected

After all the above fields have been completed moved to the Item Entry Tab, located on the left of the Requisition Manager Window.

Item Entry Tab

Requisition Manager: - Example Requisition

Vendor Name: _____ Vendor Number: _____ Vendor Set: _____ Approval Status: Waiting for Approval

Amount: \$0.00
Trade Discount: \$0.00
Total After Discount: \$0.00

General
Item Entry
Shipping Entry
Items Distributions
Item Approvals
Item Approval History
Items Transferred
Notes
PD Notices
Documents
User Defined

Commodity: NA - NA
Item Description: Example Requisition
Ship To: _____
Vendor: _____
Units: _____ Price: _____ Amount: 0.00
Ordered: _____
Shipping: _____
Sales Tax: _____
Total Item: \$0.00
Trade Discount: \$0.00
Account: _____ Vendor Part Number: _____
Project Account No.: _____
Split Distribution
Need By Date: _____

Sequence	Commodity Co	Item Description	Vendor	Transferred F	Is Taxed	Units	Price	Amount	Trade Disc	Shipping
1	NA	Example Requisition		<input type="checkbox"/>	<input type="checkbox"/>			0.00	0.00	0.00
								\$0.00	\$0.00	\$0.00

Automatically Add Rows

- Commodity: (Select from the drop down menu)
 - Goods: *Requires Unit Number and Price per Unit*
 - NA: *Requires Total Price of Purchase*
 - Service: *Requires Total Price of Purchase*
- Item Description: *Description of the item being purchased from vendor*
Note: The requisition input into ERP Pro should resemble the quote received from the vendor/contractor. If 5 items listed on quote, at least 5 items should be listed on the requisition, possible more if cost of the purchases are split between accounts or departments.
- Ship: **Prefilled from Requisition Manager Window's General Tab**
- Ordered/Units: (*Only if Goods is chosen under Commodity*) *Number of items needed*
- Ordered/Price: (*Only if Goods is chosen under Commodity*) *Price of items requested*
- Ordered/Amount: (*When NA or Services is chosen under Commodity*) *Price of line item*
- Sales Tax: The Sales tax box should be checked if the vendor is located in the state of North Carolina and pays the required Sales and Use Tax to North Carolina
 The Sales tax box should NOT be checked if the vendor is NOT located in the state of North Carolina and is not required to make Sales and Use tax to NC.

(DropBox): **Select the appropriate County**

The appropriate county is determined by:

- Physical Location – if purchased and ownership taken by employee
- Delivery Location – if purchase was mailed or vendor carried to a City location

The screenshot shows a software interface with a 'Sales Tax' section. A dropdown menu is open, showing a list of counties. The 'Sales Tax' checkbox is checked, and the amount '337.50' is displayed. Other fields like 'Account', 'Project Account Na...', and 'Special Instructions' are partially visible.

Code	Description
Alamance County	Alamance County
BUNCOMBE COUNTY	BUNCOMBE COUNTY
Durham County	Durham County
FORSYTH COUNTY	FORSYTH COUNTY
Guilford County	Guilford County
HAYWOOD COUNTY	HAYWOOD COUNTY
Orange County	Orange County
Pitt County	Pitt County

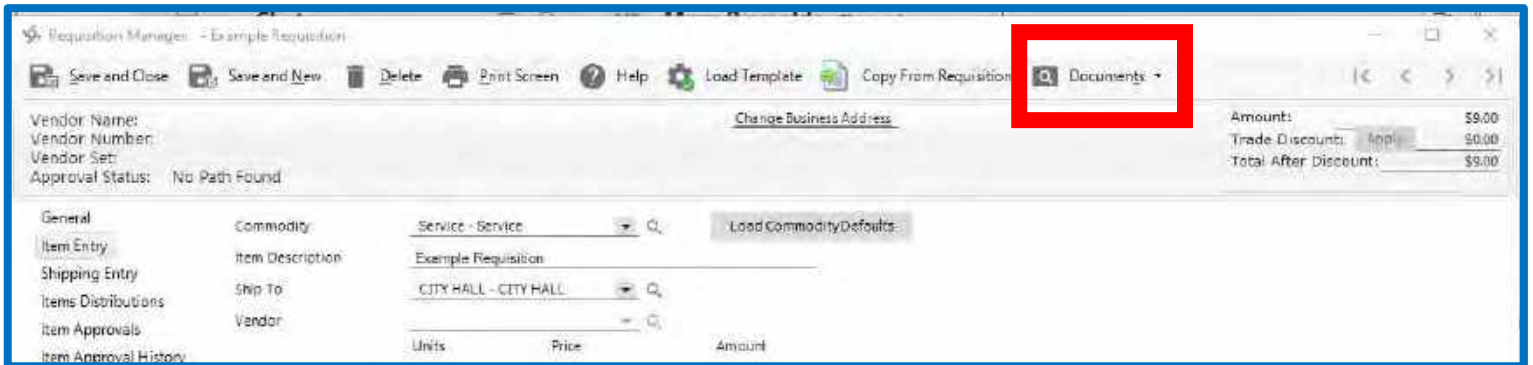
- Account: *General Ledger account where purchase should be expensed*
- Special Instructions: **this is NOT a required field**
Used for any special notes that should be retained for future reference

Scanning Documents

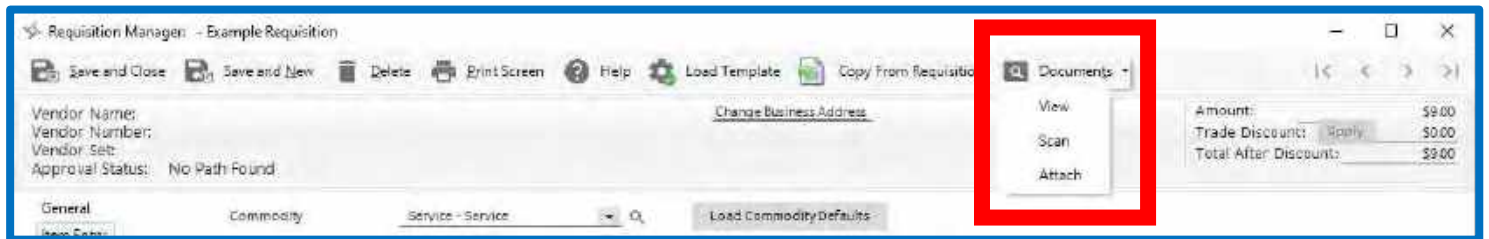
All requisitions require documentation to be scanned for supporting documentation.

To scan documents:

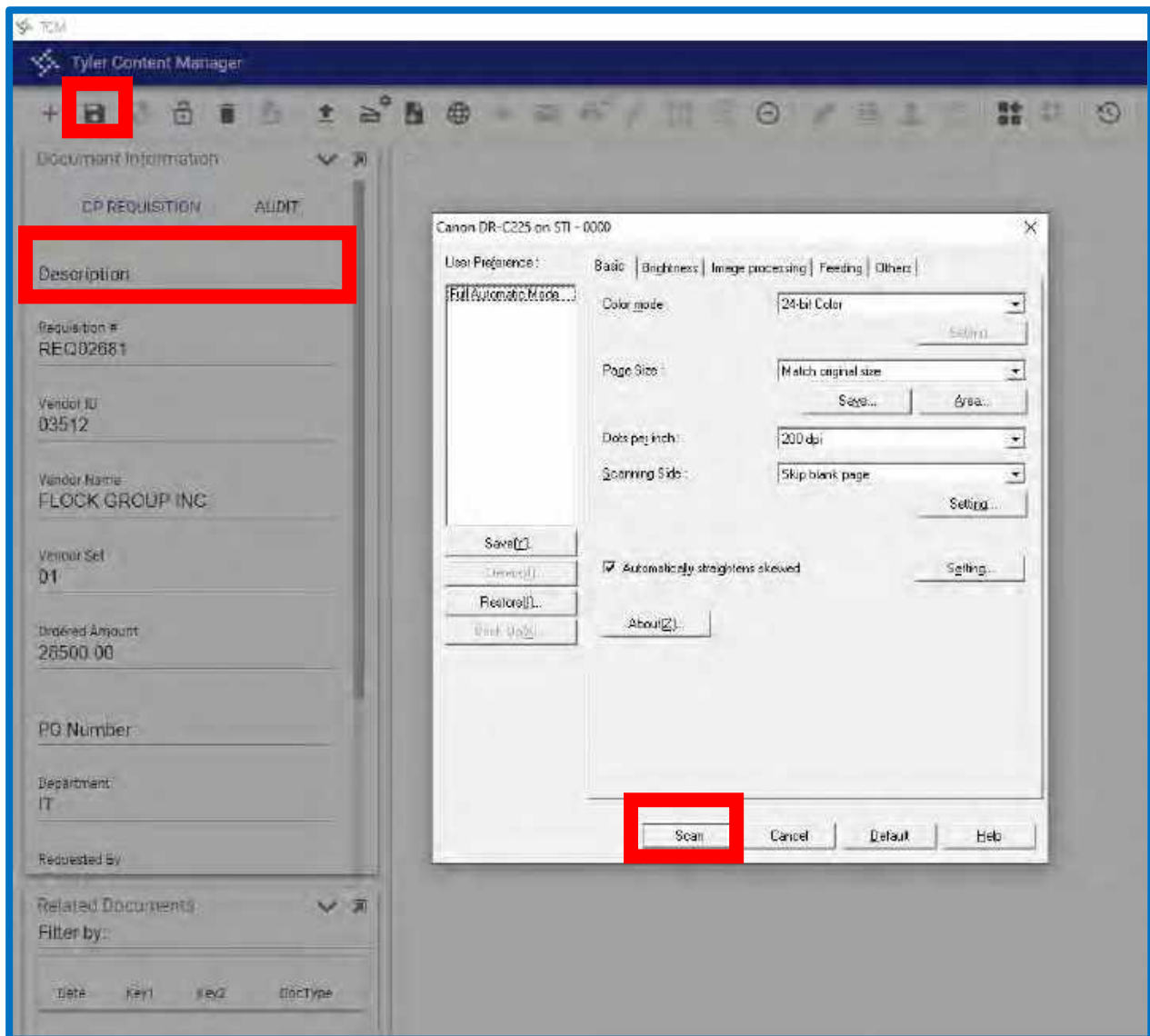
- Click: Documents
(located on the menu ribbon at the top of the requisition manager window)



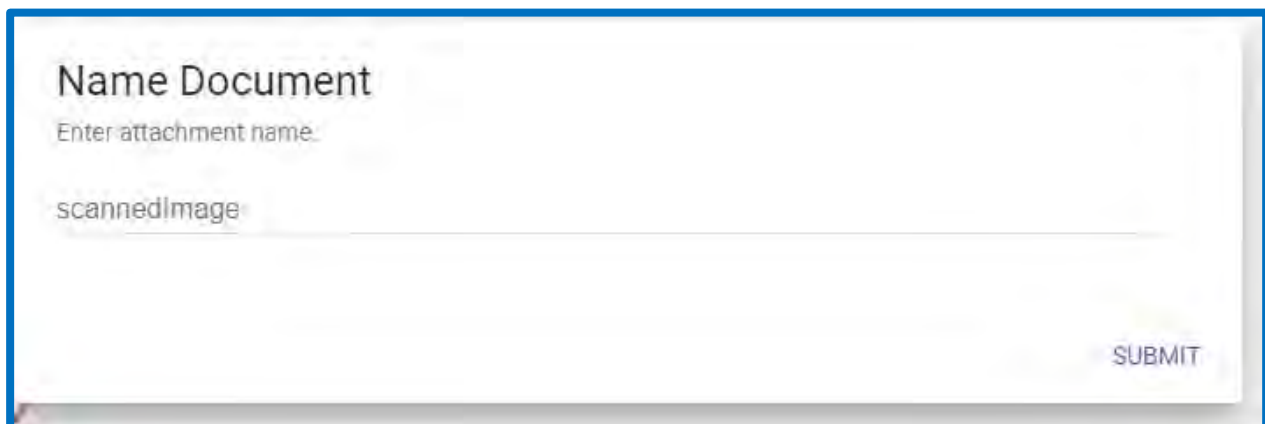
- Drop Down Box: Select the method to be used to attach the document
 - View
 - Scan
 - Attach



- Option: Scan
This will open the TCM Content Manager
This will allow a document can either be chosen OR dropped from the computer

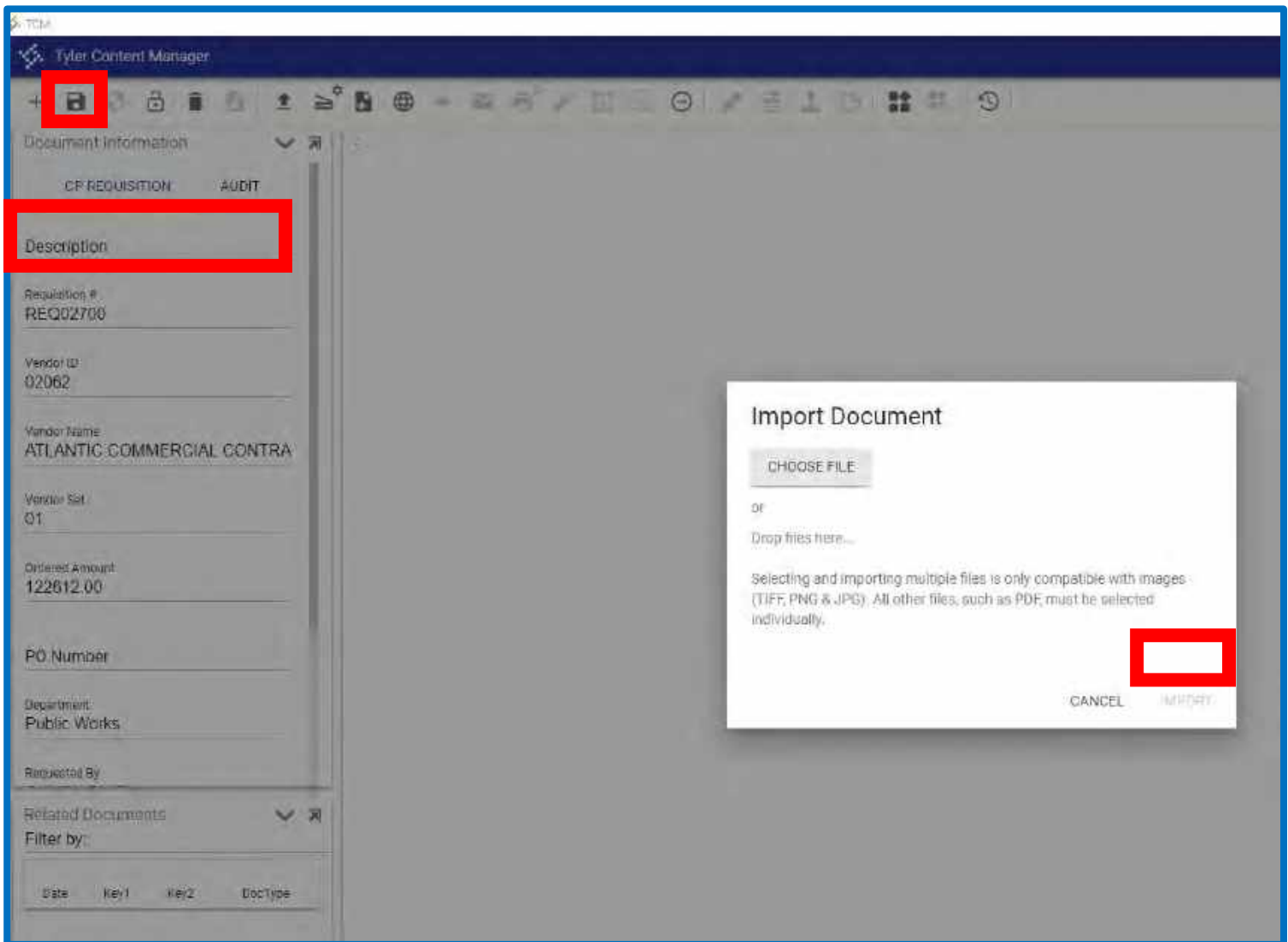


- Place document in the attached scanner
- Click: *Scan*
- Name Document Window Appears: *Enter the Name/Description of document*



- Click: *Submit*

- Once the document has loaded to TCM, provide another description for the document
- Click: *Disk* - saves/attaches document to the requisition
(Located in the top menu ribbon)
- Close TCM – Click “X” in top right hand corner
- Option: Attach
This will open the TCM Content Manager
This will allow a document can either be chosen OR dropped from the computer
Click: *Import*



- Once the document has loaded to TCM, provide another description for the document
- Click: *Disk* - saves/attaches document to the requisition
(Located in the top menu ribbon)
- Close TCM – Click “X” in top right hand corner

Notes Tab

- This tab is optional –
- Additional area to retain comments/thoughts on the needed requisition

Appendix II: Requisition/Quote Examples References for Requisition Input

The following provides guidance on how different types of quotes/estimates should be entered into the ERP Pro accounting system. If additional assistance is needed, please contact the Finance Department, 919-304-9276.

I. Apparatus, Supplies, Materials & Equipments

Example 1: Goods/Items Purchased

<p style="text-align: center;"><u>XYZ</u></p> <p>Electronic Needs P.O. Box 111 Dogwood City, NC 22222 (804)555-5555</p> <p>Prepared for: City of Mebane 106 E Washington St. Mebane, NC 27302</p> <p>Description Recreations Building</p> <p>Canopy recessed light LED upgrade.</p> <p>This estimate is for the replacement of 21 recessed can lights to 8" LED recessed lights. Light output is adjustable from 3000K, 4000K, or 5000K color.</p> <p>This quote can be separated in two parts if needed. \$1869.64 for the 13 lights at the main entrance canopy and \$1150.56 for the 8 lights on the right side canopy.</p> <p>All parts, labor, and Scissor lift are included.</p>	<h2 style="margin: 0;">Estimate</h2> <p>Date: 4/8/2022 Estimate # 7999</p> <p>Project: Canopy Can Lights for Recreations Building</p> <hr style="border-top: 1px dashed black;"/> <table style="width: 100%; border-collapse: collapse;"><thead><tr><th style="width: 60%; text-align: center;">Quantity</th><th style="width: 40%; text-align: center;">U/M</th></tr></thead></table> <p style="text-align: right; margin-top: 20px;">Total <u>\$3,020.19</u></p> <p style="text-align: center; font-weight: bold; margin-top: 10px;">PRICES SUBJECT TO CHANGE DUE TO COPPER MARKET INFLATION.</p>	Quantity	U/M
Quantity	U/M		

ERP Pro – Accounting Software

General Tab

Detailed Description: Replacement of 21 recessed can lights to 8” LED recessed lights. The light output is adjustable from 3000K, 4000K, or 5000K.

13 lights at the main entrance canopy
8 lights on the right side of the canopy

Price of each until includes Parts, Labor and Scissor lift if needed.

Item Entry Tab

Item Entries: 1 – line items

Commodity: Goods


Description: 8” LED Recessed lights for Entrance at the MACC

Units: 21

Price: 143.82

Reminder: Vendor will need to know that the sales tax on the purchase of the recessed lights will need to be detailed on the invoice when sent to accounts payable for payment.

Example 2: Goods/Items Purchased

	Fire Box Enterprise 1000 NYZ Drive. Waterworks, NC 22222 P: 1-444-444-4444 F: 1-555-555-5555	<h2 style="margin: 0;">Quotation</h2> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Date</td> <td style="width: 50%;">Quotation #</td> </tr> <tr> <td>4/20/2022</td> <td>BBBB</td> </tr> </table>	Date	Quotation #	4/20/2022	BBBB						
Date	Quotation #											
4/20/2022	BBBB											
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Name / Address</td> <td style="width: 50%;">Ship To</td> </tr> <tr> <td>MEBANE FIRE DEPT 106 EAST WASHINGTON ST MEBANE, NC 27302</td> <td>MEBANE FIRE DEPT ATTN: BOB 405 NORTH FIRST ST MEBANE, NC 27302</td> </tr> </table>		Name / Address	Ship To	MEBANE FIRE DEPT 106 EAST WASHINGTON ST MEBANE, NC 27302	MEBANE FIRE DEPT ATTN: BOB 405 NORTH FIRST ST MEBANE, NC 27302							
Name / Address	Ship To											
MEBANE FIRE DEPT 106 EAST WASHINGTON ST MEBANE, NC 27302	MEBANE FIRE DEPT ATTN: BOB 405 NORTH FIRST ST MEBANE, NC 27302											
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;">Terms</td> <td style="width: 15%;">Rep</td> <td style="width: 20%;">Account #</td> <td style="width: 20%;">FOB</td> <td style="width: 30%;">Valid through</td> </tr> <tr> <td>30 days net</td> <td>23</td> <td>MEB050</td> <td>Manufacturer</td> <td>05/20/2022</td> </tr> </table>	Terms	Rep	Account #	FOB	Valid through	30 days net	23	MEB050	Manufacturer	05/20/2022	
Terms	Rep	Account #	FOB	Valid through								
30 days net	23	MEB050	Manufacturer	05/20/2022								
Qty	Item	Description	Each	Total								
1	Q2B-012NNSD	FEDERAL SIGNAL Q2B CHROME SIREN, RECESS MOUNT N.C. Sales Tax	2,183.16 6.75%	2,183.16 147.36								

ERP Pro – Accounting Software

General Tab

Detailed Description: Quote includes (does not include) installation.
 Anticipated Delivery Date: 6 months

Item Entry Tab

Item Entries: 1 – line items
Commodity: Goods
Description: Federal Signal Q2B Chrome Siren, Recess Mount
Units: 1
Price: 2,183.16
Sales Tax: (Confirm that sales tax on ERP Pro equals Quote)

Example 3: Goods/Items Purchased

Presented To:
 City of Mebane
 March 10th, 2022

Extended Warranty Estimate for Hardware Only
 (Does not include hard drives or SSD materials or labor)



	Start Date	End Date	Amount
<div style="display: flex; align-items: center;"> <div style="margin-right: 10px;">  </div> <div> <p>Next business day on-site response City Hall Server A Corcoran Technology 7800 Serial Number: 8597DESU</p> </div> </div>	March 10th, 2022	March 9th, 2024	\$729.60
<div style="display: flex; align-items: center;"> <div style="margin-right: 10px;">  </div> <div> <p>Next business day on-site response City Hall Server B Corcoran Technology 8800D (MindSpace) Serial Number: 9726KD7W</p> </div> </div>	March 10th, 2022	March 9th, 2024	\$715.78
<div style="display: flex; align-items: center;"> <div style="margin-right: 10px;">  </div> <div> <p>Next business day on-site response City Park Server P Corcoran Technology Q987 Serial Number: 1689LNBP</p> </div> </div>	March 10th, 2022	March 9th, 2024	\$511.87

Total USD \$1,957.25
 (excluding any applicable taxes)

Page 1 of 1

This is an estimate only, pricing is not confirmed until time of order.

ERP Pro – Accounting Software

General Tab

Detailed Description: N/A – Unless Requester deems information necessary

Item Entry Tab

Item Entries: 3 – line items

Commodity: Goods

Description: Extended Warranty – City Hall Server A (3/10/22 – 3/9/2024)

Units: 1

Price: 729.60

Sales Tax:

Add Line Item

Commodity: Goods

Description: Extended Warranty – City Hall Server B (3/10/22 – 3/9/2024)

Units: 1

Price: 715.78

Sales Tax:

Add Line Item

Commodity: Goods

Description: Extended Warranty – City Park Server P (3/10/22 – 3/9/2024)

Units: 1

Price: 511.87

Sales Tax:

Reminder: after all line items from the quote have been entered, review the total sales tax computed on ERP Pro and ensure that it equals back to the quote received

Example 4: Services, Repairs & Construction

The Lawn Ranger
Tonto
1735 HiYo Silver Away Ct
Wildwest, NC 27217
336-111-1111 336-222-2222

City of Mebane

Weekly Mowing Interstate Exchanges April – September and November Includes Spraying as needed and Litter Removal	\$20,100.00
Mulch and Fertilize as Needed – includes Labor	\$ 9,150.00

ERP Pro – Accounting Software

General Tab

Detailed Description: The Lawn Ranger will care for the lawn on the Interstate Exchanges located in Mebane (Would be nice to include Exit Numbers) during months of April – September and the month of November

Lawn Care Includes: Weekly Mowing, Spraying as Needed and Litter Removal

The Lawn Ranger will also Mulch and Fertilize the Interstate Exchanges, as needed.

The invoices received for mulch and fertilize will include labor costs.

Item Entry Tab

Item Entries: 2 – line items

Commodity: Services

Description: Weekly Lawn Care along Interstate Exchanges

Amount: 20,100.00

Add Line Item

Commodity: Services

Description: Mulch and Fertilizer

Amount: 9,150.00

Add Line Item


II. Repairs & Construction

Example 5: Repairs & Construction

Mopping Around, LLC.
 444 Mr Clean Way
 Pine Sol, NC 77777
 +1 336-444-4444
 baldone4cleaning@gmail.com

Estimate

ADDRESS
 City of Mebane



ESTIMATE # 2326
 DATE 07/01/2021

ACTIVITY	QTY	RATE	AMOUNT
Office cleaning Softball Fields	1	0.00	0.00
please refer to scope of work list provided by client facility is to be cleaned 3 days per week service quote per month-\$1,180.00			
Office cleaning Soccer Complex	1	0.00	0.00
please refer to scope of work list provided by client facility is to be cleaned 1 day per week service quote per month-\$400.00			
Please ask us about our other services:		TOTAL	\$0.00
*Office Cleaning*Floor care *Pressure Cleaning*Junk Removal *Window Cleaning*Construction Clean up *Int & Ext. Maintenance*Lawn Care			

ERP Pro – Accounting Software

General Tab

Detailed Description: Office Cleaning – Softball Fields – Monthly Rate: \$1,180.00 - This will include facility cleaning 3 days per week

Office Cleaning – Soccer Complex – Monthly Rate: \$400.00 - This will include facility cleaning once per week.

Details of the work that is performed during the “Facility Cleanings” is attached to the executed contract. *(These items could be listed here for easier reference if preferred)*

Item Entry Tab

Item Entries: 2 – line items
Commodity: Services
Description: Office Cleaning – Softball Fields
Amount: 14,160.00
Add Line Item
Commodity: Services
Description: Office Cleaning – Soccer Complex
Amount: 4,800.00

Example 6: Services, Repairs & Construction

Beach Construction
100 Wrench Lane
Hammer, NC 99999

7/14/21


City of Mebane

Re: Window and Entry Door at Play Ground Park

Mr Slide,

1) The addition of the new metal door and framed opening will consist of (1) new 3’x6’8” metal frame and door with a new entrance framed around the door on the exterior.
Cost: \$2900.00

(This Price Is Good For 30 Days)



ERP Pro – Accounting Software

General Tab

Detailed Description: Installation of new metal door and framed opening.
New Metal Frame: 3' X 6'8"
New Exterior Entrance Door

Item Entry Tab

Item Entries: 1 – line item
Commodity: Services
Description: Installation of Exterior Metal Door and Framework
Amount: 2,900.00

III. Blanket Purchase Orders

Blanket requisitions **MUST** have a current price list or fee schedule attached to the request.

ERP Pro – Accounting Software

General Tab

Detailed Description: Blanket Purchase order for *ITEM/SERVICE*

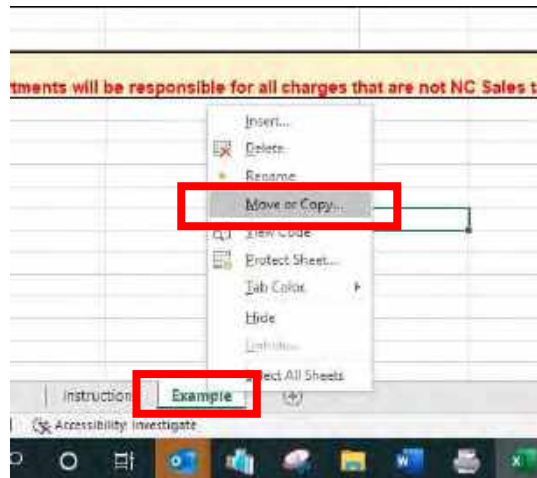
Item Entry Tab

Item Entries: 1 – line item
Commodity: N/A
Description: Blanket Purchase order for *ITEM/SERVICE* for FYXX
Amount: *estimated dollar amount that will be spent during the fiscal year*

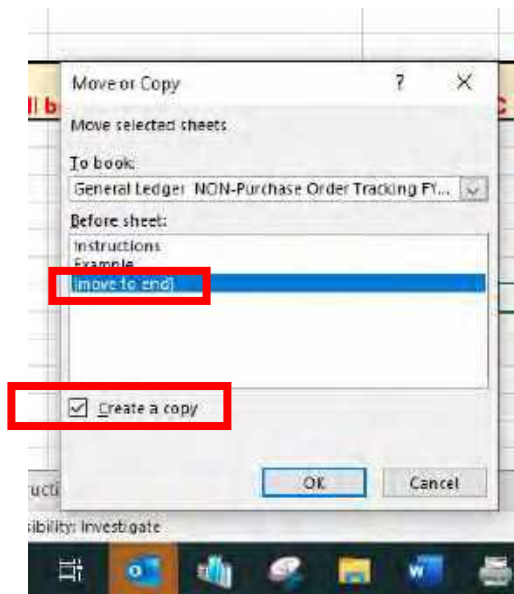
Appendix III - Non-Purchase Order Tracking

Non-Purchase Order Tracking

1. Create a new workbook for each General Ledger account.
 - Right click on the Example worksheet tab. Choose Move or Copy.



- Choose (move to end) and check off Create a Copy



- The new tab will be highlighted. Type the new General Ledger account as the worksheet name.



2. Change the General Ledger Account Name on the new worksheet.
3. Enter the dollar amount of the Non-Purchase Order, including shipping costs.

4. As you make a purchase, enter the information on the table.
5. Tax is being included on the spreadsheet, however any North Carolina tax paid, does not deduct from your General Ledger account balance.
6. The balance of the General Ledger Account will automatically change as transactions are added to the Accounting Software.

Appendix IV - Sole Source Guidelines

City of Mebane

Guidelines for Writing Sole Source/Brand Specific Justification

1. **PURPOSE:** State law requires local governments to obtain competition for purchases whenever possible. For this reason, we try to use performance based specifications to describe what we intend to purchase. Except for small order purchases and products which are currently on State Term Contracts, when our requirements can only be met by a specific product or vendor, we must have documentation in our purchasing files to show a rationale for not obtaining full and open competition. This “sole source” or “brand specific” justification must be submitted to the City Council for approval.
2. **SOLE SOURCE JUSTIFICATIONS:** A sole source procurement is authorized when there is only one source available for the goods or services required. The justification should include the following:
 - a. Equipment/service you wish to purchase and why.
 - b. When specific features are vital to support specific work, please state the technical specifications that make the equipment unique.
 - c. When standardization/compatibility is the overriding consideration, please state what equipment you are currently using and explain rationale to maintain compatibility.
 - d. Name of suggested supplier.
3. **BRAND SPECIFIC JUSTIFICATIONS:** A brand specific procurement is authorized when a requirement can only be met by the exact specifications offered by a particular piece of equipment made by a manufacturer. The justification should include the following:
 - a. Brand of equipment you wish to purchase and why it is singularly able to meet your needs and no other brand can do so.
 - b. When specific features are vital to support specific work, please state the technical specifications that make the equipment unique.
 - c. When standardization/compatibility is the overriding consideration, please state what equipment you are currently using and explain rationale to maintain compatibility.
 - d. Names of sources that distribute that particular brand of equipment.

EXAMPLES OF JUSTIFICATIONS:

Sole Source Justification:

We wish to purchase a mass spectrometer with a probe length of 11.3”, which is the longest probe available. The probe length and its large acceptance angle are two critical specifications required for my research. This is the only product that has the features necessary to support my research work. No other probes come close to meeting these requirements. Quintronic is the manufacturer and the only company from which this probe is available.

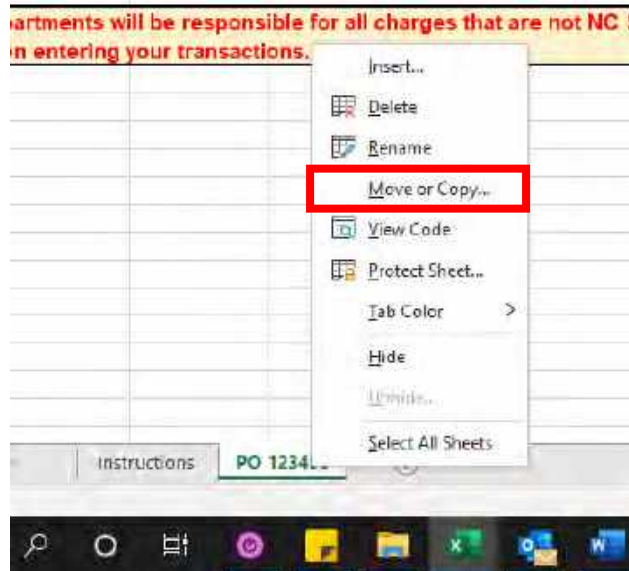
Brand Specific Justification:

We wish to purchase a RADVision L2W-323 multimedia gateway to match our existing equipment. We already have a RADVision control infrastructure in place for existing similar gateways, gatekeepers, and multipoint control units and require a new gateway that will integrate seamlessly with that environment. The PRI interface of this unit is necessary to achieve the call density required for our application. Therefore, RADVision is the only brand that will be acceptable for our needs.

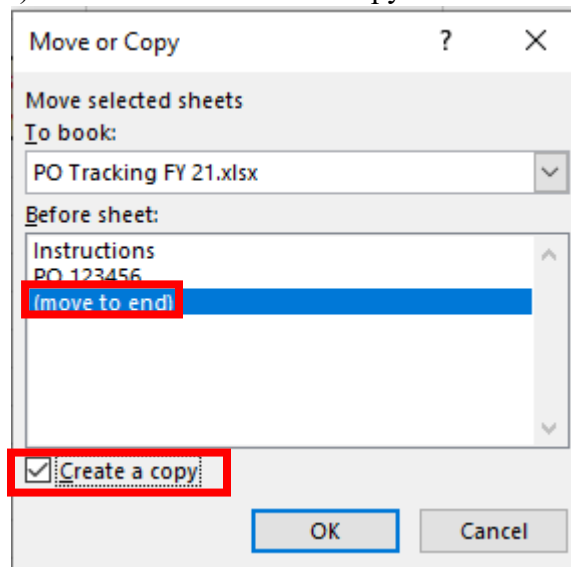
Appendix V – Blanket Purchase Order Tracking

PO Tracking

1. Create a new workbook for each Blanket Purchase Order.
 - Right click on the Example worksheet tab. Choose Move or Copy.



- Choose (move to end) and check off Create a Copy



- The new tab will be highlighted. Type the new Blanket Purchase Order number as the worksheet name.



2. Change the Vendor Name on the new worksheet.
3. Enter the dollar amount of the Blanket Purchase Order, including shipping costs.

4. As you make a purchase, enter the information on the table.
5. Tax is being added but does not deduct from your PO amount. We are only using it so the total receipt can be listed for the ease of the user.
6. The balance of the PO will automatically change as transactions are added.



Appendix VI - Procurement Card Policy & Procedure Manual

City of Mebane Procurement Card Policy & Procedure Manual

INTRODUCTION

The Procurement Card Program, (hereinafter, the “Program”), is designed to expedite small dollar purchases and services. The program is being established to provide a vehicle for departments to quickly procure goods and services and to significantly reduce paperwork and costs. Employees who have been issued procurement cards may now initiate transactions within the limits of this policy.

KEY BENEFITS

- Increased productivity by allowing the cardholder to purchase required supplies and materials quickly.
- Lower processing costs.
- Eliminates the need to setup one-time vendors.
- Ability to significantly reduce or eliminate personal reimbursement and blanket purchase orders.

PURPOSE

To establish a policy for obtaining and using a City of Mebane issued procurement card (p-card).

POLICY

The Finance Department approves the use of a city issued procurement card for all authorized purchases of materials, supplies and services consistent with the policies contained within this policy. Adherence to this policy will help enable the City of Mebane to manage its costs more effectively and efficiently.

City of Mebane in store house accounts should be utilized when available for departmental purchases. The P-Card should not be used for these vendors.

In Store House Account Vendors:

- Office Depot
- Lowe’s Home Improvement
- Southern States
- Advancedd Auto
- NAPA
- Eastern Auto Spa
- Mebane Shrubbery

* list may not be complete, questions can be directed to the Finance Department

APPLICABILITY

This policy is applicable to all departments.

FORM & ATTACHMENT

The following forms and attachments can be requested from the Procurement Card Administrator:

- **Procurement Card Cardholder's Agreement**

GENERAL

Abbreviations

CITY	City of Mebane
WORKS	Procurement Card Approval System
PCA	Procurement Card Administrator
P-card	Procurement Card

Definitions

Merchant/Vendor/Supplier

A company from which you will purchase materials, equipment or services under the provisions of this policy.

Cardholder

An active CITY employee who has been issued a P-card and is therefore authorized to make purchases in accordance with this policy.

Proxy / Supervisor

An active CITY employee who has been assigned the responsibility of reviewing and approving a cardholder's transactions. The proxy may be a cardholder's supervisor or department head. Every cardholder must have a proxy.

Department Liaison

An active CITY employee who will serve as the Procurement Card Administrators' main point of contact for their department. The liaison can also serve as a proxy and/or be a cardholder.

Cycle

A period of one month that runs from the 21st until the 20th of the following month.

Single Purchase Limit

This is the maximum amount that can be charged in a single transaction. The current threshold is dependent upon the employee's position, however; the cardholder's department head may request a higher limit by sending an email to the PCA. The request

must include an explanation for the increase. The PCA will approve or disapprove the request.

Note: It is a policy violation to split purchases into multiple charges to circumvent the single purchase limit.

Cycle Limit

This is the maximum amount that can be charged per cycle. The maximum for most cards is \$5,000.00 however; the cardholder's department head may request a higher limit by requesting an increase via an email to the PCA.

Transaction

A transaction is made when a purchase is made using a P-card.

Pre-Audit

In order to comply with the Local Government Budget and Fiscal Control Act, the Finance Department will encumber p-card expenses based on the previous year expenditures and will adjust monthly from the PO.

RESPONSIBILITIES

The Procurement Card Administrator, PCA

Under the direction of the Finance Director, shall be responsible for the implementation and enforcement of this policy.

Department Head

Department heads are responsible for approving cardholders for their department and ultimately accountable for policy compliance.

Liaison

The liaison is the key contact person for the Department and will work directly with the PCA and serve on a cross-functional team charged with evaluating and enhancing the procurement card program.

Proxy / Supervisor

Reviews transactions made by assigned cardholders to ensure policy compliance, as well as approving all purchases by their employees.

Cardholder

Cardholders are accountable for using their P-card properly, retaining receipts, submitting receipts to their supervisor/proxy for approval, safeguarding the card and ensuring that all transactions are in compliance with this policy. The cardholder is ultimately responsible for all charges on their card.

GENERAL PROCEDURES

Requesting a Card

City of Mebane Procurement Card – Cardholder’s Agreement – Exhibit 7

Department heads will authorize on all requested cardholders. Proposed cardholders must complete the Procurement Cardholder’s Agreement. The cardholder’s agreement form can be acquired through the PCA. Completed agreement forms must be forwarded to the PCA for processing.

Upon receipt and review of the Agreement form, the PCA shall notify the bank to issue a P-card.

All approved Cardholder's and their proxies must attend a mandatory training class prior to receiving their card.

The approved cardholder will be issued a copy of the policy manual and will be required to sign the Cardholder Agreement Form acknowledging and agreeing to the policy, procedures and the responsibilities of a cardholder.

The PCA shall maintain a copy of records of all procurement card requests, limits, cardholder transfers, and lost/stolen/destroyed card information.

Each P-card will have the employees name embossed on it and shall ONLY be used by the Cardholder. NO OTHER PERSON IS AUTHORIZED to use this card. The cardholder may make transactions on behalf of others in their department. However, the cardholder is responsible for all purchases charged to their card.

Making a Purchase

The P-card is simply a corporate Visa[®] card issued to the CITY and can be used like a personal credit card with a few exceptions and can be used at any merchant that accepts Visa[®].

Purchases may be made from a cardholder’s vendor of choice. However, each cardholder and their department head are accountable for the department’s budget. In many cases, merchants will not be able to offer the same discounts available in the traditional purchase order process. Therefore, it is highly recommended that the cardholder and department head be aware of this cost impact to their department and ultimately the tax payers. Conversely, the cardholder is free to check as many sources as reasonable to determine the best price. All costs including delivery should be considered.

The PCA will be available to assist as necessary. Additionally, under no circumstance, is a cardholder required to use a P-card to make a purchase that would result in significantly higher costs than the traditional purchase order process. However, it’s equally important to realize that even if the unit cost of an item is greater, the transaction processing costs of producing a purchase order may be prohibitive.

Your purchasing card does have built in limitations. Some Merchant Category Codes (MCC) are blocked on the card. These are merchants that supply commodities that would not be typical for the City of Mebane regulated commodities or services.

Target Purchases

- All purchases of a single item or multiple items where the total purchase amount is less than cardholder's single transaction limit unless the items are expressly prohibited by this policy. *See Unauthorized Purchases.*
- Low risk transactions.
- Urgent and Emergency purchases.
- Miscellaneous items currently purchased using blanket purchase orders.
- Items on annual contract that are currently purchased via blanket purchase orders.
- Purchases from one-time or limited use vendors.

Purchase Checklist

- Does the purchase comply with all policies?
- Confirm that the merchant accepts VISA[®].
- Does the price seem reasonable or would quotes be beneficial?
- Inquire to see if the merchant offers a CITY or municipal discount.
- Advise the merchant that the CITY is subject to state and local sales tax.
- If the items are to be delivered, it is extremely important that all purchases be sent to the cardholder ensuring that the receipts and packing slips are received by the cardholder. Deliveries can only be made to a City address. Cardholders should never have items shipped to their home or other non-city location.
- If you are placing a phone order, be sure to record the person's name that took your order.
- Give the vendor your card or card number.

Unauthorized Purchases

- A purchase that exceeds the Cardholder's single purchase limit (a temporary limit increase can be requested).
- Transactions split to avoid or circumvent the cardholder's single purchase limit.
- Personal purchases or identification.
- Meals during out-of-town travel, gasoline, or entertainment expenses.
- Hotel and airline flight charges unless prior travel authorization has been approved by the City Manager.

- Cash advances.
- Long distance telephone calls.
- Internet purchases from unsecure websites.

A cardholder who makes unauthorized purchases or carelessly uses the P-card will be liable to the CITY for the total dollar amount of such purchases plus any administrative fees charged by the bank in connection with the misuse. The Cardholder may also be dismissed and will be subject to legal action.

Receipts

A receipt is required for all P-card transactions.

By the 10th of every month, all receipts for approved transactions from the prior month must be uploaded into Works, allocated and signed off on by the Cardholder and approved by the department head. If a transaction is disputed, please contact the PCA immediately.

In the event a receipt is lost, the cardholder must complete a Missing Receipt Affidavit ([Exhibit 8: Missing Receipt Affidavit](#)).

Cardholders who frequently lose, misplace receipts, or fail to submit receipts by the 10th of every month may have their card revoked by the PCA.

SPECIAL SITUATIONS

Disputed Transactions

A cardholder may have a need to dispute a particular transaction. It is the responsibility of the cardholder to satisfy the dispute with the vendor. The PCA will assist in the resolve.

Note: Electronic disputed transactions trigger a message to the bank to alert and receive assistance if needed.

Some of the possible reasons for disputing transactions may be:

- Items received were damaged or defective
- Duplicate shipments
- Invoice discrepancies
- Items returned for credit
- Unfamiliar charges

Merchandise Returns

Return policies differ greatly by merchant. It is important to verify that your return meets the merchants' requirements. A cardholder should never agree to pay a restocking fee when damaged, defective or a duplicate shipment of goods were received or when the return is initiated or caused by the merchant.

If the return is not made in person, the supplier may give a Return Material Authorization (RMA) number. It is important to note the person authorizing the return. The item(s) to be returned should be repacked in the original manufacturer's carton and shipped per the merchant's instructions.

Care should be taken to be sure credit memos are processed in a timely manner by the merchant.

Receipts for disputed transactions should be held until the dispute has been resolved.

If the purchase or credit does not appear on the statement within thirty days after the date of the purchase, the cardholder or proxy shall notify the PCA to assist in resolving the problem.

If the cardholder's monthly statement includes a transaction that the cardholder didn't make or some other discrepancy, the cardholder should attempt to resolve these items. Most discrepancies can be resolved between the cardholder and the merchant. If the discrepancy cannot be settled at this level, the cardholder should request assistance from the PCA.

CARD SECURITY

The Cardholder is charged with the responsibility of safeguarding their P-card to the same degree as their personal credit cards.

The Cardholder must not allow anyone to use their card. A violation of this trust will result in that Cardholder having their card revoked and disciplinary action taken per the cardholder agreement.

Lost or Stolen Card

If you assume or know that your card is lost or stolen, you should immediately notify the bank customer service center at the following number: 1-888-449-2273. Representatives are available 24 hours a day. Advise the representative that the call is regarding a Visa[®] Procurement Card. Cardholder's should keep the customer service phone number in a safe place separate from the card for quick reference in case of a lost card.

Secondly, immediately notify the PCA at 919-304-9276. The PCA will confirm that the card has been blocked and initiate a replacement card.

A new card will be issued to the Cardholder usually within 2 – 3 business days. If the original card is later found by the Cardholder after being reported lost, it should be forwarded to the PCA for destruction.

CARDHOLDER TRANSFERS

Prior to a transfer to another CITY Department, division or termination from the CITY, the cardholder shall surrender their P-card and receipts to the proxy or Department liaison. The proxy should immediately review the transactions and receipts for compliance and submit the receipts for the cycle-end reconciliation. The proxy must forward the card to the PCA for card cancellation.


EMPLOYEE TERMINATIONS

The department head, liaison and proxy are responsible for obtaining a terminated employee's P-card. The PCA should be immediately notified to terminate the employees P-card.

QUESTIONS

Questions regarding issues not addressed in the procurement card policy and procedures manual should be addressed to your Department Liaison or to the Finance Director, 919-304-9223.

Appendix VII - Uniform Guidance Conflict of Interest Policy

POLICY STATEMENT	
SUBJECT: City of Mebane Uniform Guidance Conflict of Interest Policy 	PAGE 1 OF 2
	EFFECTIVE DATE: September 13, 2021
	SUPERSEDES: N/A
	PREPARED BY: Daphna Schwartz
	ADOPTED BY COUNCIL DATE: September 13, 2021

I. Purpose

The purpose of this policy is to establish conflicts of interest guidelines that meet or exceed the requirements under state law and local policy when procuring goods (apparatus, supplies, materials, and equipment), services, and construction or repair projects paid for in part or whole by federal funds and required under 2 C.F.R. § 200.318(c)(1).

II. Policy

This policy applies when procuring goods (apparatus, supplies, materials, and equipment), services, and construction or repair projects funded in part or whole with federal financial assistance (direct or reimbursed). This policy also applies to any subrecipient of the funds.

The employee responsible for managing the federal financial assistance award shall review the notice of award to identify any additional conflicts of interest prohibitions or requirements associated with the award, and shall notify all employees, officers, and agents, including subrecipients, of the requirements of this policy and any additional prohibitions or requirements.

A. Conflicts of Interest. In addition to the prohibition against self-benefiting from a public contract under G.S. 14-234, no officer, employee, or agent of the City of Mebane may participate directly or indirectly in the selection, award, or administration of a contract supported by a federal award if he or she has a real or apparent conflict of interest. A real or apparent conflict exists when any of the following parties has a financial or other interest in or receives a tangible personal benefit from a firm considered for award of a contract:

1. the employee, officer, or agent involved in the selection, award, or administration of a contract;
2. any member of his or her immediate family;
3. his or her partner; or
4. an organization which employs or is about to employ any of these parties.

Any officer, employee, or agent with an actual, apparent, or potential conflict of interest as defined in this policy shall report the conflict to his or her immediate supervisor. Any such conflict shall be disclosed in writing to the federal award agency or pass-through entity in accordance with applicable Federal awarding agency policy.

B. Gifts. In addition to the prohibition against accepting gifts and favors from vendors and contractors under G.S. 133-32, officers, employees, and agents of the City of Mebane are prohibited from accepting or soliciting gifts, gratuities, favors, or anything of monetary value from contractors, suppliers, or parties to subcontracts. Items of nominal value valued at less than \$25 which fall into one of the following categories may be accepted:

1. promotional items;
2. honorariums for participation in meetings; or
3. meals furnished at banquets.

Any officer, employee or agent who knowingly accepts an item of nominal value allowed under this policy shall report the item to his or her immediate supervisor.

III. Violation

Employees violating this policy will be subject to discipline up to and including termination. Contractors violating this policy will result in termination of the contract and may not be eligible for future contract awards.

Appendix VIII - MicroPurchase Resolution



**RESOLUTION
OF
CITY COUNCIL
OF CITY OF MEBANE
AUTHORIZING INCREASE IN MICRO-PURCHASE THRESHOLD**

* * * * *

WHEREAS, from time to time, the City of Mebane purchases goods and services using federal funding subject to the procurement standards in 2 C.F.R. Part 200, Subpart D; and

WHEREAS, the City’s procurement of such goods and services is subject to The City of Mebane Purchasing & Requisitions Policy, and the Uniform Guidance Purchasing Policy as most recently amended in December 2013 and October 4, 2021 respectively; and

WHEREAS, the City is a non-Federal entity under the definition set forth in 2 C.F.R. § 200.1; and

WHEREAS, pursuant to 2 C.F.R. 200.320(a)(1)(ii), a non-Federal entity may award micro-purchases without soliciting competitive price or rate quotations if the non-Federal entity considers the price to be reasonable based on research, experience, purchase history or other information and documents that the non-Federal entity files accordingly; and

WHEREAS, pursuant to 2 C.F.R. 200.320(a)(1)(iii), a non-Federal entity is responsible for determining and documenting an appropriate micro-purchase threshold based on internal controls, an evaluation of risk, and its documented procurement procedures; and

WHEREAS, pursuant to 2 C.F.R. § 200.320(a)(1)(iv), a non-Federal entity may self-certify on an annual basis a micro-purchase threshold not to exceed \$50,000 and maintain documentation to be made available to a Federal awarding agency and auditors in accordance with 2 C.F.R. § 200.334; and

WHEREAS, pursuant to 2 C.F.R. § 200.320(a)(1)(iv), such self-certification must include (1) a justification for the threshold, (2) a clear identification of the threshold, and (3) supporting documentation, which, for public institutions, may be a “higher threshold consistent with State law”; and

WHEREAS, G.S. 143-129(a) and G.S. 143-131(a) require the [Unit] to conduct a competitive bidding process for the purchase of (1) “apparatus, supplies, materials, or equipment” where the cost of such purchase is equal to or greater than \$30,000, and (2) “construction or repair work” where the cost of such purchase is greater than or equal to \$30,000; and

WHEREAS, North Carolina law does not require a unit of local government to competitively bid for purchase of services other than services subject to the qualifications-based selection process set forth in Article 3D of Chapter 143 of the North Carolina General Statutes (the “Mini-Brooks Act”); and

WHEREAS, G.S. 143-64.32 permits units of local government to exercise, in writing, an exemption to the qualifications-based selection process for services subject to the Mini-Brooks Act for particular projects where the aggregate cost of such services do not exceed \$50,000; and

WHEREAS, pursuant to 2 C.F.R. 200.320(a)(1)(iv), the City Council of the City of Mebane now desires to adopt higher micro-purchase thresholds than those identified in 48 C.F.R. § 2.101.

NOW THEREFORE, BE IT RESOLVED BY CITY COUNCIL OF THE CITY OF MEBANE:

1. In accordance with 2 C.F.R. § 200.320(a)(1)(iv) and the applicable provisions of North Carolina law, the City of Mebane hereby self-certifies the following micro-purchase thresholds, each of which is a “higher threshold consistent with State law” under 2 C.F.R. § 200.320(a)(1)(iv)(C) for the reasons set forth in the recitals to this resolution:

- A. \$30,000, for the purchase of “apparatus, supplies, materials, or equipment”; and
- B. \$30,000, for the purchase of “construction or repair work”; and
- C. \$50,000, for the purchase of services not subject to competitive bidding under North Carolina law; and
- D. \$50,000, for the purchase of services subject to the qualifications-based selection process in the Mini-Brooks Act; provided that such threshold shall apply to a contract only if the Unit has exercised an exemption to the Mini-Brooks Act, in writing, for a particular project pursuant to G.S. 143-64.32. If the exemption is not authorized, the micro-purchase threshold shall be \$0.]

2. The self-certification made herein shall be effective as of the date hereof and shall be applicable until June 30, 2022, the end of the fiscal year of the City, but shall not be applicable to Federal financial assistance awards issued prior to November 12, 2020, including financial assistance awards issued prior to that date under the Coronavirus Aid, Relief, and Economic Support (CARES) Act of 2020 (Pub. L. 116-136).

3. In the event that the City of Mebane receives funding from a federal grantor agency that adopts a threshold more restrictive than those contained herein, the Unit shall comply with the more restrictive threshold when expending such funds.

The Unit shall maintain documentation to be made available to a Federal awarding agency, any pass-through entity, and auditors in accordance with 2 C.F.R. § 200.334.

5. The Finance Director of the City of Mebane is hereby authorized, individually and collectively, to revise the purchasing policies of the City to reflect the increased micro-purchase thresholds specified herein, and to take all such actions, individually and collectively, to carry into effect the purpose and intent of the foregoing resolution.

* * * * *

Adopted this the 2nd day of May 2022

Appendix A - City of Mebane Contractor Agreement, Risk Assessment

CITY OF MEBANE CONTRACTOR AGREEMENT

INSTRUCTIONS

Any authorized manager of the City of Mebane who is considering entering into or renewing a contractual agreement with an outside contractor must advise the contractor prior to awarding of a contract exactly what documentation is required by the City as a condition for consideration of the contractor's application to perform work or services for the City.

The extent of documentation required is directly proportionate to the recognized safety hazards inherent in the job or service to be performed. The City of Mebane manager who is letting the contract is responsible for ensuring that the contractor has submitted documentation appropriate to the requirements of Appendix A.

Contractors who employ subcontractors are responsible for ensuring that the subcontractor's safe work practices comply with applicable requirements of performing work or services affecting the City of Mebane.

Required Contractual Documentation

1. Locate the job or service to be performed in Appendix A.
2. Determine the degree of risk assigned to the job.

APPENDIX A

Work or service to be performed has been assigned an injury risk value from 1 to 5. 1 is the least amount of risk (of being injured) inherent in the job and 5 is the greatest. For each risk level, specific liability documentation must be factored into the application. Without sufficient documentation to offset the City's liability, the contract application will not be considered.

As a political subdivision of the State of North Carolina, the City of Mebane bidding process is subject to requirements as stipulated in General Statutes 143-129 and 143-131. GS 143-129 establishes formal contracts as those in excess of \$300,000 for construction or repair work and in excess of \$90,000 for purchase of apparatus, supplies, materials or equipment. GS 143-131 establishes informal contracts as those in excess of \$30,000 for either construction or repair work or purchase of apparatus, supplies, materials or equipment, but less than \$300,000 for construction or repair work and less than \$90,000 for purchase of apparatus, supplies, materials or equipment. Dollar amounts for formal and informal contracts are subject to revisions in applicable North Carolina General Statutes. G.S. 143-64.31 through 143-64.34 establishes procedures for procurement of engineering architectural and surveying services. Obtain approval from City Management prior to soliciting professional services.

NOTE: Elements of Appendix A will be revised as new jobs/services are discovered, and risk assignments will be made at that time.

Job or Service To Be Performed	Degree of Risk
Awards (Plaques, trophies, certificates, etc.)	1
Athletic field lights, installation & maintenance, above 6' elevation	4
Athletic field lights, installation & maintenance, under 6' elevation	2
Carpet installation	1
Catering	1

CITY OF MEBANE CONTRACTOR AGREEMENT

Chiller maintenance & repair	3
Confined Space Entry (Permit Required)	4
Construction with any traffic impediment	4
Construction, ceramic tile installation and repair	3
Construction, concrete finishing	3
Construction, crack sealing or milling	3
Construction, electrical installation	4
Construction, general	4
Construction, road	4
Construction, using backhoe	4
Construction, utility	4
Consultants, on site	2
Copier maintenance	1
Crane service (in neutral environment)	3
Crane service (involving people, electrical, utilities, traffic)	4
Curb & gutter	2
Dam repair and/or underwater inspection	4
Deliveries (all <u>except</u> gases [flammables, combustibles, compressed], chemicals, explosives)	1
Deliveries, compressed gas (including welding supplies) and explosives	4
Deliveries, gasoline and other flammables or combustibles	2
Delivery, chemical (hazardous)	4
Delivery, chemical (non-hazardous)	2
Delivery, welding supplies (other than compressed gas)	3
Demolition	4
Drywall installation / finishing	1
Electrical, with exposure to energized parts (<50 volts), >5 volts	4
Electrical, with NO exposure to energized parts	2
Elevator maintenance / inspections	4
Emergency generator preventive maintenance	2
Equipment rental where equipment presents no recognized hazard	1
Fence (barricade) installation at or above 10' elevation (rooftop, etc.)	4
Fence installation/repair at ground level	2
Fiber optic installation & maintenance, above 6' elevation	4
Fiber optic installation & maintenance, under 6' elevation	2
Fire alarm systems & pneumatic controls, above 6' elevation	4
Fire alarm systems & pneumatic controls, under 6' elevation	2
Fire extinguisher services	1
Fluorescent tube disposal	2
General radio maintenance of de-energized, non-transmitting equipment	1
Hayrides	1
HVAC, above 6' elevation	4
HVAC, under 6' elevation	3
Instrumentation calibration, repair, replacement	2
Laboratory repair/service	2
Lake (or other water source) environmental sampling	4
Lock repair and installation	2
Manhole (sewer) rehabilitation	4
Mowing	3
Overhead door repair	2

CITY OF MEBANE CONTRACTOR AGREEMENT

Painting (exterior), 1 st story level	1
Painting (exterior), 2 nd story	3
Painting (exterior), 3 rd story or higher	4
Pest control	3
Pressure wash vehicles and other structures when operator is under 6' elevation	2
Pressure wash vehicles and other structures when operator is above 6' elevation but operating from a scissor lift	3
Pressure wash vehicles and other structures when operator is above 6' elevation but is NOT operating from a scissor lift	4
Printing	1
Professional services	1
Radio	2
Radio tower maintenance	4
Recycling	2
Road striping	4
Roofing (shingles)	2
Roofing inspection	4
Roofing, built-up	4
Service contracts	2
Sewer pipe rehabilitation	4
Sidewalk repair/construction	4*
Snack deliveries	1
Souvenir sales	1
Telephone services, below 6' elevation	1
Telephone services, above 6' elevation when operating from a scissors lift	3
Telephone services, above 6' elevation, when NOT operating from scissors lift	4
Towing services	3
Transmission repair	2
Tree trimming, from ground or elevated level	4
Trucking	4
Uniform rental or services	1
Used oil disposal	2
Vehicle services	1
Water tower construction/maintenance	4
Welding (confined spaces; flammable/explosive environment)	4
Welding (non-inflammable/non-explosive environment)	2
Window & glass installation, above 10' elevation, requiring fall protection	4
Window & glass installation, under 10' elevation, not requiring fall protection	2

<p>Any activity requiring permitted confined space entry, fall protection, exposure to vehicular traffic including signs, signals and flagging, trenching and shoring, all use of articulated arm vehicles, all use of power tools, or other work activities universally recognized as inherently or potentially hazardous carry a risk factor of at least 4. Jobs and services not listed above may be submitted to the City of Mebane Safety Director by the authorized manager for determination of risk to be assigned to the task prior to awarding of any contract to a vendor or contractor.</p>	4
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CITY OF MEBANE CONTRACTOR AGREEMENT

3. Advise the potential contractor what documentation is required as specified in the table below.

Documentation Required	Degree of Risk
Purchase Order if over \$1,000 W-9	1
Certificate of Liability and Worker's Compensation Insurance (or waiver) Purchase Order if over \$1,000 W-9	2
Certificate of Liability and Worker's Compensation Insurance (or waiver) Purchase Order if over \$1,000 W-9 Service/Independent Contractor Agreement	3
Certificate of Liability and Worker's Compensation Insurance Contract generated by City Management Written Safety Information Checklist Copies of OSHA 300 Logs for past 5 years	4
Certificate of Liability and Worker's Compensation Insurance Contract generated by City Management Written Safety Information Checklist Copies of OSHA 300 Logs for past 5 years Any special requirements incorporated into the bid package	5 Special Projects



AGENDA ITEM #4H

Contract for 2021-22 Audit

Meeting Date

June 6, 2022

Presenter

Daphna Schwartz

Public Hearing

Yes No

Summary

Stout, Stuart, McGowen & King, LLP has presented an engagement contract for an audit of the financial records of the City for the fiscal year ending June 30, 2022. Approval of this contract is requested, subject to approval by the Local Government Commission of the State Treasurer's Office.

Background

North Carolina General Statute §159-34 requires an annual audit of governmental units at the conclusion of each fiscal year by an independent audit firm. For the past five years, in keeping with best practice recommendations, the City has engaged with one firm, Cobb, Ezekiel Loy & Co, for assistance in preparation of the financial statements, and with another, Stout, Stuart, McGowen & King, for the audit itself. The cost for last year's audit was \$23,600. The proposed fee for FY21-22 is \$28,200. A Single Audit is required for FY21-22 due to the expenditure of over \$750,000 of American Rescue Plan funds, thus resulting in a fee increase. Actual cost will depend on the work required for the audit.

Financial Impact

The amount needed for the contract is included in the proposed 2022-23 budget.

Recommendation

Staff recommends approval of the contract as presented.

Suggested Motion

I make a motion to approve the contract as presented.

Attachments

1. Contract to audit accounts
2. Engagement Letter and Peer Review

The	Governing Board City Council
of	Primary Government Unit City of Mebane
and	Discretely Presented Component Unit (DPCU) (if applicable)

Primary Government Unit, together with DPCU (if applicable), hereinafter referred to as Governmental Unit(s)

and	Auditor Name STOUT STUART MCGOWEN & KING, LLP
	Auditor Address P.O. Box 1440, Burlington, NC 27216-1440

Hereinafter referred to as Auditor

for	Fiscal Year Ending 06/30/22	Audit Report Due Date 10/31/22
-----	--------------------------------	-----------------------------------

Must be within four months of FYE

hereby agree as follows:

1. The Auditor shall audit all statements and disclosures required by U.S. generally accepted auditing standards (GAAS) and additional required legal statements and disclosures of all funds and/or divisions of the Governmental Unit(s). The non-major combining, and individual fund statements and schedules shall be subjected to the auditing procedures applied in the audit of the basic financial statements and an opinion shall be rendered in relation to (as applicable) the governmental activities, the business- type activities, the aggregate DPCUs, each major governmental and enterprise fund, and the aggregate remaining fund information (non-major government and enterprise funds, the internal service fund type, and the fiduciary fund types). The basic financial statements shall include budgetary comparison information in a budgetary comparison statement, rather than as RSI, for the General Fund and any annually budgeted Special Revenue funds.
2. At a minimum, the Auditor shall conduct the audit and render the report in accordance with GAAS. The Auditor shall perform the audit in accordance with *Government Auditing Standards* if the Governmental Unit expended \$100,000 or more in combined Federal and State financial assistance during the reporting period. The auditor shall perform a Single Audit if required by Title 2 US Code of Federal Regulations Part 200 *Uniform Administration Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance) or the State Single Audit Implementation Act. This audit and all associated audit documentation may be subject to review by Federal and State agencies in accordance with Federal and State laws, including the staffs of the Office of State Auditor (OSA) and the Local Government Commission (LGC). If the audit requires a federal single audit in accordance with the Uniform Guidance (§200.501), it is recommended that the Auditor and Governmental Unit(s) jointly agree, in advance of the execution of this contract, which party is responsible for submission of the audit and the accompanying data collection form to the Federal Audit Clearinghouse as required under the Uniform Guidance (§200.512).

If the audit and Auditor communication are found in this review to be substandard, the results of the review may be forwarded to the North Carolina State Board of CPA Examiners (NC State Board).

3. If an entity is determined to be a component of another government as defined by the group audit standards, the entity's auditor shall make a good faith effort to comply in a timely manner with the requests of the group auditor in accordance with AU-6 §600.41 - §600.42.
4. This contract contemplates an unmodified opinion being rendered. If during the process of conducting the audit, the Auditor determines that it will not be possible to render an unmodified opinion on the financial statements of the unit, the Auditor shall contact the LGC Staff to discuss the circumstances leading to that conclusion as soon as is practical and before the final report is issued. The audit shall include such tests of the accounting records and such other auditing procedures as are considered by the Auditor to be necessary in the circumstances. Any limitations or restrictions in scope which would lead to a qualification should be fully explained in an attachment to this contract.
5. If this audit engagement is subject to the standards for audit as defined in *Government Auditing Standards*, 2018 revision, issued by the Comptroller General of the United States, then by accepting this engagement, the Auditor warrants that he/she has met the requirements for a peer review and continuing education as specified in *Government Auditing Standards*. The Auditor agrees to provide a copy of the most recent peer review report to the Governmental Unit(s) and the Secretary of the LGC prior to the execution of an audit contract. Subsequent submissions of the report are required only upon report expiration or upon auditor's receipt of an updated peer review report. If the audit firm received a peer review rating other than pass, the Auditor shall not contract with the Governmental Unit(s) without first contacting the Secretary of the LGC for a peer review analysis that may result in additional contractual requirements.

If the audit engagement is not subject to *Government Accounting Standards* or if financial statements are not prepared in accordance with U.S. generally accepted accounting principles (GAAP) and fail to include all disclosures required by GAAP, the Auditor shall provide an explanation as to why in an attachment to this contract or in an amendment.

6. It is agreed that time is of the essence in this contract. All audits are to be performed and the report of audit submitted to LGC Staff within four months of fiscal year end. If it becomes necessary to amend the audit fee or the date that the audit report will be submitted to the LGC, an amended contract along with a written explanation of the change shall be submitted to the Secretary of the LGC for approval.
7. It is agreed that GAAS include a review of the Governmental Unit's (Units') systems of internal control and accounting as same relate to accountability of funds and adherence to budget and law requirements applicable thereto; that the Auditor shall make a written report, which may or may not be a part of the written report of audit, to the Governing Board setting forth his/her findings, together with his recommendations for improvement. That written report shall include all matters defined as "significant deficiencies and material weaknesses" in AU-C 265 of the *AICPA Professional Standards (Clarified)*. The Auditor shall file a copy of that report with the Secretary of the LGC.
8. All local government and public authority contracts for audit or audit-related work require the approval of the Secretary of the LGC. This includes annual or special audits, agreed upon procedures related to internal controls, bookkeeping or other assistance necessary to prepare the Governmental Unit's (Units') records for audit, financial statement preparation, any finance-related investigations, or any other audit-related work in the State of North Carolina. Approval is not required on contracts and invoices for system improvements and similar services of a non-auditing nature.
9. Invoices for services rendered under these contracts shall not be paid by the Governmental Unit(s) until the invoice has been approved by the Secretary of the LGC. (This also includes any progress billings.)(G.S. 159-34 and 115C-447) All invoices for Audit work shall be submitted in PDF format to the Secretary of the LGC for approval. The invoice marked 'approved' with approval date shall be returned to

the Auditor to present to the Governmental Unit(s) for payment. This paragraph is not applicable to contracts for audits of hospitals.

10. In consideration of the satisfactory performance of the provisions of this contract, the Governmental Unit(s) shall pay to the Auditor, upon approval by the Secretary of the LGC if required, the fee, which includes any costs the Auditor may incur from work paper or peer reviews or any other quality assurance program required by third parties (federal and state grantor and oversight agencies or other organizations) as required under the Federal and State Single Audit Acts. This does not include fees for any pre-issuance reviews that may be required by the NC Association of CPAs (NCACPA) Peer Review Committee or NC State Board of CPA Examiners (see Item 13).

11. If the Governmental Unit(s) has/have outstanding revenue bonds, the Auditor shall submit to LGC Staff, either in the notes to the audited financial statements or as a separate report, a calculation demonstrating compliance with the revenue bond rate covenant. Additionally, the Auditor shall submit to LGC Staff simultaneously with the Governmental Unit's (Units') audited financial statements any other bond compliance statements or additional reports required by the authorizing bond documents, unless otherwise specified in the bond documents.

12. After completing the audit, the Auditor shall submit to the Governing Board a written report of audit. This report shall include, but not be limited to, the following information: (a) Management's Discussion and Analysis, (b) the financial statements and notes of the Governmental Unit(s) and all of its component units prepared in accordance with GAAP, (c) supplementary information requested by the Governmental Unit(s) or required for full disclosure under the law, and (d) the Auditor's opinion on the material presented. The Auditor shall furnish the required number of copies of the report of audit to the Governing Board upon completion.

13. If the audit firm is required by the NC State Board, the NCACPA Peer Review Committee, or the Secretary of the LGC to have a pre-issuance review of its audit work, there shall be a statement in the engagement letter indicating the pre-issuance review requirement. There also shall be a statement that the Governmental Unit(s) shall not be billed for the pre-issuance review. The pre-issuance review shall be performed prior to the completed audit being submitted to LGC Staff. The pre-issuance review report shall accompany the audit report upon submission to LGC Staff.

14. The Auditor shall submit the report of audit in PDF format to LGC Staff. For audits of units other than hospitals, the audit report should be submitted when (or prior to) submitting the final invoice for services rendered. The report of audit, as filed with the Secretary of the LGC, becomes a matter of public record for inspection, review and copy in the offices of the LGC by any interested parties. Any subsequent revisions to these reports shall be sent to the Secretary of the LGC. These audited financial statements, excluding the Auditors' opinion, may be used in the preparation of official statements for debt offerings by municipal bond rating services to fulfill secondary market disclosure requirements of the Securities and Exchange Commission and for other lawful purposes of the Governmental Unit(s) without requiring consent of the Auditor. If the LGC Staff determines that corrections need to be made to the Governmental Unit's (Units') financial statements, those corrections shall be provided within three business days of notification unless another deadline is agreed to by LGC Staff.

15. Should circumstances disclosed by the audit call for a more detailed investigation by the Auditor than necessary under ordinary circumstances, the Auditor shall inform the Governing Board in writing of the need for such additional investigation and the additional compensation required therefore. Upon approval by the

Secretary of the LGC, this contract may be modified or amended to include the increased time, compensation, or both as may be agreed upon by the Governing Board and the Auditor.

16. If an approved contract needs to be modified or amended for any reason, the change shall be made in writing and pre-audited if the change includes a change in audit fee (pre-audit requirement does not apply to hospitals). This amended contract shall be completed in full, including a written explanation of the change, signed and dated by all original parties to the contract. It shall then be submitted to the Secretary of the LGC for approval. No change to the audit contract shall be effective unless approved by the Secretary of the LGC, the Governing Board, and the Auditor.

17. A copy of the engagement letter, issued by the Auditor and signed by both the Auditor and the Governmental Unit(s), shall be attached to this contract, and except for fees, work, and terms not related to audit services, shall be incorporated by reference as if fully set forth herein as part of this contract. In case of conflict between the terms of the engagement letter and the terms of this contract, the terms of this contract shall take precedence. Engagement letter terms that conflict with the contract are deemed to be void unless the conflicting terms of this contract are specifically deleted in Item 30 of this contract. Engagement letters containing indemnification clauses shall not be accepted by LGC Staff.

18. Special provisions should be limited. Please list any special provisions in an attachment.

19. A separate contract should not be made for each division to be audited or report to be submitted. If a DPCU is subject to the audit requirements detailed in the Local Government Budget and Fiscal Control Act and a separate audit report is issued, a separate audit contract is required. If a separate report is not to be issued and the DPCU is included in the primary government audit, the DPCU shall be named along with the primary government on this audit contract. DPCU Board approval date, signatures from the DPCU Board chairman and finance officer also shall be included on this contract.

20. The contract shall be executed, pre-audited (pre-audit requirement does not apply to hospitals), and physically signed by all parties including Governmental Unit(s) and the Auditor, then submitted in PDF format to the Secretary of the LGC.

21. The contract is not valid until it is approved by the Secretary of the LGC. The staff of the LGC shall notify the Governmental Unit and Auditor of contract approval by email. The audit should not be started before the contract is approved.

22. Retention of Client Records: Auditors are subject to the NC State Board of CPA Examiners' Retention of Client Records Rule 21 NCAC 08N .0305 as it relates to the provision of audit and other attest services, as well as non-attest services. Clients and former clients should be familiar with the requirements of this rule prior to requesting the return of records.

23. This contract may be terminated at any time by mutual consent and agreement of the Governmental Unit(s) and the Auditor, provided that (a) the consent to terminate is in writing and signed by both parties, (b) the parties have agreed on the fee amount which shall be paid to the Auditor (if applicable), and (c) no termination shall be effective until approved in writing by the Secretary of the LGC.

24. The Governmental Unit's (Units') failure or forbearance to enforce, or waiver of, any right or an event of breach or default on one occasion or instance shall not constitute the waiver of such right, breach or default on any subsequent occasion or instance.

25. There are no other agreements between the parties hereto and no other agreements relative hereto that shall be enforceable unless entered into in accordance with the procedure set out herein and approved by the Secretary of the LGC.

26. E-Verify. Auditor shall comply with the requirements of NCGS Chapter 64 Article 2. Further, if Auditor utilizes any subcontractor(s), Auditor shall require such subcontractor(s) to comply with the requirements of NCGS Chapter 64, Article 2.

27. **Applicable to audits with fiscal year ends of June 30, 2020 and later.** For all non-attest services, the Auditor shall adhere to the independence rules of the AICPA Professional Code of Conduct and Governmental Auditing Standards, 2018 Revision (as applicable). Financial statement preparation assistance shall be deemed a "significant threat" requiring the Auditor to apply safeguards sufficient to reduce the threat to an acceptable level. If the Auditor cannot reduce the threats to an acceptable level, the Auditor cannot complete the audit. If the Auditor is able to reduce the threats to an acceptable level, the documentation of this determination, including the safeguards applied, must be included in the audit workpapers.

All non-attest service(s) being performed by the Auditor that are necessary to perform the audit must be identified and included in this contract. The Governmental Unit shall designate an individual with the suitable skills, knowledge, and/or experience (SKE) necessary to oversee the services and accept responsibility for the results of the services performed. If the Auditor is able to identify an individual with the appropriate SKE, s/he must document and include in the audit workpapers how he/she reached that conclusion. If the Auditor determines that an individual with the appropriate SKE cannot be identified, the Auditor cannot perform both the non-attest service(s) and the audit. See "Fees for Audit Services" page of this contract to disclose the person identified as having the appropriate SKE for the Governmental Unit.

28. **Applicable to audits with fiscal year ends of June 30, 2021 and later.** The auditor shall present the audited financial statements including any compliance reports to the government unit's governing body or audit committee in an official meeting in open session as soon as the audited financial statements are available but not later than 45 days after the submission of the audit report to the Secretary. The auditor's presentation to the government unit's governing body or audit committee shall include:

- a) the description of each finding, including all material weaknesses and significant deficiencies, as found by the auditor, and any other issues related to the internal controls or fiscal health of the government unit as disclosed in the management letter, the Single Audit or Yellow Book reports, or any other communications from the auditor regarding internal controls as required by current auditing standards set by the Accounting Standards Board or its successor;
- b) the status of the prior year audit findings;
- c) the values of Financial Performance Indicators based on information presented in the audited financial statements; and
- d) notification to the governing body that the governing body shall develop a "Response to the Auditor's Findings, Recommendations, and Fiscal Matters," if required under 20 NCAC 03 .0508.

29. Information based on the audited financial statements shall be submitted to the Secretary for the purpose of identifying Financial Performance Indicators and Financial Performance Indicators of Concern. See 20 NCAC 03 .0502(c)(6).

30. All of the above paragraphs are understood and shall apply to this contract, except the following numbered paragraphs shall be deleted (See Item 17 for clarification).

31. The process for submitting contracts, audit reports and invoices is subject to change. Auditors and units should use the submission process and instructions in effect at the time of submission. Refer to the N.C. Department of State Treasurer website at <https://www.nctreasurer.com/state-and-local-government-finance-division/local-government-commission/submitting-your-audit>

32. All communications regarding audit contract requests for modification or official approvals will be sent to the email addresses provided on the signature pages that follow.

33. Modifications to the language and terms contained in this contract form (LGC-205) are not allowed.

FEEES FOR AUDIT SERVICES

1. For all non-attest services, the Auditor shall adhere to the independence rules of the AICPA Professional Code of Conduct (as applicable) and *Governmental Auditing Standards, 2018 Revision*. Refer to Item 27 of this contract for specific requirements. The following information must be provided by the Auditor; contracts presented to the LGC without this information will be not be approved.

Financial statements were prepared by: Auditor Governmental Unit Third Party

If applicable: Individual at Governmental Unit designated to have the suitable skills, knowledge, and/or experience (SKE) necessary to oversee the non-attest services and accept responsibility for the results of these services:

Name:	Title and Unit / Company:	Email Address:

OR Not Applicable (Identification of SKE Individual not applicable for GAAS-only audit or audits with FYEs prior to June 30, 2020.)

2. Fees may not be included in this contract for work performed on Annual Financial Information Reports (AFIRs), Form 990s, or other services not associated with audit fees and costs. Such fees may be included in the engagement letter but may not be included in this contract or in any invoices requiring approval of the LGC. See Items 8 and 13 for details on other allowable and excluded fees.

3. Prior to the submission of the completed audited financial report and applicable compliance reports subject to this contract, or to an amendment to this contract (if required) the Auditor may submit interim invoices for approval for services rendered under this contract to the Secretary of the LGC, not to exceed 75% of the billings for the unit's last annual audit that was submitted to the Secretary of the LGC. Should the 75% cap provided below conflict with the cap calculated by LGC Staff based on the billings on file with the LGC, the LGC calculation prevails. All invoices for services rendered in an audit engagement as defined in 20 NCAC .0503 shall be submitted to the Commission for approval before any payment is made. Payment before approval is a violation of law. (This paragraph not applicable to contracts and invoices associated with audits of hospitals).

PRIMARY GOVERNMENT FEES

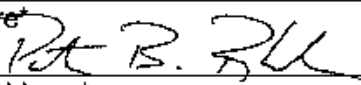
Primary Government Unit	City of Mebane
Audit Fee	\$ 28,200.00
Additional Fees Not Included in Audit Fee:	
Fee per Major Program	\$
Writing Financial Statements	\$
All Other Non-Attest Services	\$
75% Cap for Interim Invoice Approval <i>(not applicable to hospital contracts)</i>	\$ 21,150.00

DPCU FEES (if applicable)

Discretely Presented Component Unit	
Audit Fee	\$
Additional Fees Not Included in Audit Fee:	
Fee per Major Program	\$
Writing Financial Statements	\$
All Other Non-Attest Services	\$
75% Cap for Interim Invoice Approval <i>(not applicable to hospital contracts)</i>	\$

SIGNATURE PAGE

AUDIT FIRM

Audit Firm* STOUT STUART MCGOWEN & KING, LLP	
Authorized Firm Representative (typed or printed)* Patricia B. Rhodes	Signature* 
Date* 05/04/22	Email Address* pbrhodes@ssmklp.com

GOVERNMENTAL UNIT

Governmental Unit* City of Mebane	
Date Primary Government Unit Governing Board Approved Audit Contract* (G.S. 159-34(a) or G.S. 115C-447(a))	
Mayor/Chairperson (typed or printed)* Ed Hooks	Signature*
Date	Email Address

Chair of Audit Committee (typed or printed, or "NA") NA	Signature
Date	Email Address

GOVERNMENTAL UNIT – PRE-AUDIT CERTIFICATE

Required by G.S. 159-28(a1) or G.S. 115C-441(a1).
 Not applicable to hospital contracts.

This instrument has been pre-audited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act.

Primary Governmental Unit Finance Officer* (typed or printed) Daphna Schwartz	Signature*
Date of Pre-Audit Certificate*	Email Address* dschwartz@cityofmebane.com

**SIGNATURE PAGE – DPCU
(complete only if applicable)**

DISCRETELY PRESENTED COMPONENT UNIT

DPCU*	
Date DPCU Governing Board Approved Audit Contract* (Ref: G.S. 159-34(a) or G.S. 115C-447(a))	
DPCU Chairperson (typed or printed)*	Signature*
Date*	Email Address*

Chair of Audit Committee (typed or printed, or "NA")	Signature
Date	Email Address

DPCU – PRE-AUDIT CERTIFICATE

Required by G.S. 159-28(a1) or G.S. 115C-441(a1).
Not applicable to hospital contracts.

This instrument has been pre-audited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act.

DPCU Finance Officer (typed or printed)*	Signature*
Date of Pre-Audit Certificate*	Email Address*

Remember to print this form, and obtain all required signatures prior to submission.

PRINT



**STOUT
STUART
MCGOWEN
& KING LLP**

*Certified
Public
Accountants*

*Advisors to
Management*

May 4, 2022

Mr. Ed Hooks, Mayor
City of Mebane
Mebane, North Carolina

Dear Mayor Hooks:

We are pleased to confirm our understanding of the services we are to provide for City of Mebane for the year ended June 30, 2022.

Audit Scope and Objectives

We will audit the financial statements of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information, including the disclosures, which collectively comprise the basic financial statements, of City of Mebane as of and for the year ended June 30, 2022. Accounting standards generally accepted in the United States of America (GAAP) provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to supplement City of Mebane's basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to City of Mebane's RSI in accordance with auditing standards generally accepted in the United States of America (GAAS). These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient appropriate evidence to express an opinion or provide any assurance. The following RSI is required by GAAP and will be subjected to certain limited procedures, but will not be audited:

- 1) Management's Discussion and Analysis.
- 2) Law Enforcement Officers' Special Separation Allowance Schedule of Changes in Total Pension Liability
- 3) Law Enforcement Officers' Special Separation Allowance Schedule of Total Pension Liability as a Percentage of Covered Payroll
- 4) Firefighters' Special Separation Allowance Schedule of Changes in Total Pension Liability

*Mailing Address:
P.O. Box 1440
Burlington, NC 27216-1440*

*Street Address:
1233 South Church Street
Burlington, NC 27215*

*336-226-7343
fax 336-229-4204*

*www.ssmkllp.com
e-mail: ssmk@ssmkllp.com*

*Member of PCPS,
the AICPA Alliance
For CPA Firms*

- 5) Firefighters' Special Separation Allowance Schedule of Total Pension Liability as a Percentage of Covered Payroll
- 6) Other Postemployment Benefits Schedule of Changes in the Total OPEB Liability and Related Ratios
- 7) Local Government Employees' Retirement System Schedule of Proportionate Share of Net Pension Liability
- 8) Local Government Employees' Retirement System Schedule of Contributions
- 9) Firefighters' and Rescue Squad Workers' Pension Plan Schedule of Proportionate Share of Net Pension Liability

We have also been engaged to report on supplementary information other than RSI that accompanies City of Mebane's financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with GAAS, and we will provide an opinion on it in relation to the financial statements as a whole [in a separate written report accompanying our auditor's report on the financial statements OR in a report combined with our auditor's report on the financial statements].

- 1) Schedule of expenditures of federal and State awards.
- 2) Combining and individual fund financial statements and schedules.

The following other information accompanying the financial statements will not be subjected to the auditing procedures applied in our audit of the financial statements, and our auditor's report will not provide an opinion or any assurance on that other information.

- 1) Introductory information.
- 2) Statistical tables.

The objectives of our audit are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and issue an auditor's report that includes our opinions about whether your financial statements are fairly presented, in all material respects, in conformity with GAAP, and report on the fairness of the supplementary information referred to in the second paragraph when considered in relation to the financial statements as a whole. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS and *Government Auditing Standards* will always detect a material misstatement when it exists. Misstatements, including omissions, can arise from fraud or error and are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment of a reasonable user made based on the financial statements. The objectives also include reporting on:

- Internal control over financial reporting and compliance with provisions of laws, regulations, contracts, and award agreements, noncompliance with which could have a material effect on the financial statements in accordance with *Government Auditing Standards*.
- Internal control over compliance related to major programs and an opinion (or disclaimer of opinion) on compliance with federal statutes, regulations, and the terms and conditions of federal awards that could have a direct and material effect on each major program in accordance with the Single Audit Act Amendments of 1996 and Title 2 U.S. *Code of Federal Regulations* (CFR) Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance).

Auditor's Responsibilities for the Audit of the Financial Statements and Single Audit

We will conduct our audit in accordance with GAAS; the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; the Single Audit Act Amendments of 1996; and the provisions of the Uniform Guidance, and will include tests of accounting records, a determination of major program(s) in accordance with Uniform Guidance, and other procedures we consider necessary to enable us to express such opinions. As part of an audit in accordance with GAAS and *Government Auditing Standards*, we exercise professional judgment and maintain professional skepticism throughout the audit.

We will evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management. We will also evaluate the overall presentation of the financial statements, including the disclosures, and determine whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation. We will plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the government or to acts by management or employees acting on behalf of the government. Because the determination of waste and abuse is subjective, *Government Auditing Standards* do not expect auditors to perform specific procedures to detect waste or abuse in financial audits nor do they expect auditors to provide reasonable assurance of detecting waste or abuse.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because we will not perform a detailed examination of all transactions, there is an unavoidable risk that some material misstatements or noncompliance may not be detected by us, even though the audit is properly planned and performed in accordance with GAAS and *Government Auditing Standards*. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements or on major programs. However, we will inform the appropriate level of management of any material errors, any fraudulent financial reporting, or misappropriation of assets that come to our attention. We will also inform the appropriate level of management of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential. We will include such matters in the reports required for a Single Audit. Our responsibility as auditors is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

We will also conclude, based on the audit evidence obtained, whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the government's ability to continue as a going concern for a reasonable period of time.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, tests of the physical existence of inventories, and direct confirmation of receivables and certain assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. We will also request written representations from your attorneys as part of the engagement.

We may, from time to time and depending on the circumstances, use third-party service providers in serving your account. We may share confidential information about you with these service providers but remain committed to maintaining the confidentiality and security of your information. Accordingly, we maintain internal policies, procedures, and safeguards to protect the confidentiality of your personal information. In addition, we will secure confidentiality agreements with all service providers to maintain the confidentiality of your information and we will take reasonable precautions to determine that they have appropriate procedures in place to prevent the unauthorized release of your confidential information to others. In the event that we are unable to secure an appropriate confidentiality agreement, you will be asked to provide your consent prior to the sharing of your confidential information with the third-party

service provider. Furthermore, we will remain responsible for the work provided by any such third-party service providers.

Our audit of financial statements does not relieve you of your responsibilities.

Audit Procedures—Internal Control

We will obtain an understanding of the government and its environment, including internal control relevant to the audit, sufficient to identify and assess the risks of material misstatement of the financial statements, whether due to error or fraud, and to design and perform audit procedures responsive to those risks and obtain evidence that is sufficient and appropriate to provide a basis for our opinions. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentation, or the override of internal control. Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting errors and fraud that are material to the financial statements and to preventing and detecting misstatements resulting from illegal acts and other noncompliance matters that have a direct and material effect on the financial statements. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to *Government Auditing Standards*.

As required by the Uniform Guidance, we will perform tests of controls over compliance to evaluate the effectiveness of the design and operation of controls that we consider relevant to preventing or detecting material noncompliance with compliance requirements applicable to each major federal award program. However, our tests will be less in scope than would be necessary to render an opinion on those controls and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to the Uniform Guidance.

An audit is not designed to provide assurance on internal control or to identify significant deficiencies or material weaknesses. Accordingly, we will express no such opinion. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards, *Government Auditing Standards*, and the Uniform Guidance.

Audit Procedures—Compliance

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of City of Mebane's compliance with provisions of applicable laws, regulations, contracts, and agreements, including grant agreements. However, the objective of those procedures will not be to provide an opinion on overall compliance, and we will not express such an opinion in our report on compliance issued pursuant to *Government Auditing Standards*.

The Uniform Guidance requires that we also plan and perform the audit to obtain reasonable assurance about whether the auditee has complied with federal statutes, regulations, and the terms and conditions of federal awards applicable to major programs. Our procedures will consist of tests of transactions and other applicable procedures described in the *OMB Compliance Supplement* for the types of compliance requirements that could have a direct and material effect on each of City of Mebane's major programs. For federal programs that are included in the Compliance Supplement, our compliance and internal control procedures will relate to the compliance requirements that the Compliance Supplement identifies as being subject to audit. The purpose of these procedures will be to express an opinion on City of Mebane's compliance with requirements applicable to each of its major programs in our report on compliance issued pursuant to the Uniform Guidance.

Responsibilities of Management for the Financial Statements and Single Audit

Our audit will be conducted on the basis that you acknowledge and understand your responsibility for (1) designing, implementing, establishing, and maintaining effective internal controls relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error, including internal controls over federal awards, and for evaluating and monitoring ongoing activities to help ensure that appropriate goals and objectives are met; (2) following laws and regulations; (3) ensuring that there is reasonable assurance that government programs are administered in compliance with compliance requirements; and (4) ensuring that management and financial information is reliable and properly reported. Management is also responsible for implementing systems designed to achieve compliance with applicable laws, regulations, contracts, and grant agreements. You are also responsible for the selection and application of accounting principles; for the preparation and fair presentation of the financial statements, schedule of expenditures of federal awards, and all accompanying information in conformity with accounting principles generally accepted in the United States of America; and for compliance with applicable laws and regulations (including federal statutes), rules, and the provisions of contracts and grant agreements (including award agreements). Your responsibilities also include identifying significant contractor relationships in which the contractor has responsibility for program compliance and for the accuracy and completeness of that information.

You are also responsible for making drafts of financial statements, schedule of expenditures of federal awards, all financial records, and related information available to us and for the accuracy and completeness of that information (including information from outside of the general and subsidiary ledgers). You are also responsible for providing us with (1) access to all information of which you are aware that is relevant to the preparation and fair presentation of the financial statements, such as records, documentation, identification of all related parties and all related-party relationships and transactions, and other matters; (2) access to personnel, accounts, books, records, supporting documentation, and other information as needed to perform an audit under the Uniform Guidance; (3) additional information that we may request for the purpose of the audit; and (4) unrestricted access to persons within the government from whom we determine it necessary to obtain audit evidence. At the conclusion of our audit, we will require certain written representations from you about the financial statements; schedule of expenditures of federal awards; federal award programs; compliance with laws, regulations, contracts, and grant agreements; and related matters.

Your responsibilities include adjusting the financial statements to correct material misstatements and confirming to us in the management representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements of each opinion unit taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, grantors, regulators, or others. In addition, you are responsible for identifying and ensuring that the government complies with applicable laws, regulations, contracts, agreements, and grants. You are also responsible for taking timely and appropriate steps to remedy fraud and noncompliance with provisions of laws, regulations, contracts, and grant agreements that we report. Additionally, as required by the Uniform Guidance, it is management's responsibility to evaluate and monitor noncompliance with federal statutes, regulations, and the terms and conditions of federal awards; take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings; promptly follow up and take corrective action on reported

audit findings; and prepare a summary schedule of prior audit findings and a separate corrective action plan. The summary schedule of prior audit findings should be available for our review on October 15, 2022.

You are responsible for identifying all federal awards received and understanding and complying with the compliance requirements and for the preparation of the schedule of expenditures of federal awards (including notes and noncash assistance received, and COVID-19-related concepts, such as lost revenues, if applicable) in conformity with the Uniform Guidance. You agree to include our report on the schedule of expenditures of federal awards in any document that contains, and indicates that we have reported on, the schedule of expenditures of federal awards. You also agree to include the audited financial statements with any presentation of the schedule of expenditures of federal awards that includes our report thereon. Your responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the schedule of expenditures of federal awards in accordance with the Uniform Guidance; (2) you believe the schedule of expenditures of federal awards, including its form and content, is stated fairly in accordance with the Uniform Guidance; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the schedule of expenditures of federal awards.

You are also responsible for the preparation of the other supplementary information, which we have been engaged to report on, in conformity with U.S. generally accepted accounting principles (GAAP). You agree to include our report on the supplementary information in any document that contains, and indicates that we have reported on, the supplementary information. You also agree to [include the audited financial statements with any presentation of the supplementary information that includes our report thereon OR make the audited financial statements readily available to users of the supplementary information no later than the date the supplementary information is issued with our report thereon]. Your responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the supplementary information in accordance with GAAP; (2) you believe the supplementary information, including its form and content, is fairly presented in accordance with GAAP; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

Management is responsible for establishing and maintaining a process for tracking the status of audit findings and recommendations. Management is also responsible for identifying and providing report copies of previous financial audits, attestation engagements, performance audits, or other studies related to the objectives discussed in the Audit Scope and Objectives section of this letter. This responsibility includes relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits, attestation engagements, performance audits, or studies. You are also responsible for providing management's views on our current findings, conclusions, and recommendations, as well as your planned corrective actions for the report, and for the timing and format for providing that information.

Engagement Administration, Fees, and Other

We understand that your employees will prepare all cash, accounts receivable, or other confirmations we request and will locate any documents selected by us for testing.

At the conclusion of the engagement, we will complete the appropriate sections of the Data Collection Form that summarizes our audit findings. It is management's responsibility to electronically submit the reporting package (including financial statements, schedule of expenditures of federal awards, summary schedule of prior audit findings, auditor's reports, and corrective action plan) along with the Data Collection Form to the federal audit clearinghouse. We will coordinate with you the electronic submission and certification. The Data Collection Form and the reporting package must be submitted within the earlier of 30 calendar days after receipt of the auditor's reports or nine months after the end of the audit period.

We will provide copies of our reports to the City Council; however, management is responsible for distribution of the reports and the financial statements. Unless restricted by law or regulation, or containing privileged and confidential information, copies of our reports are to be made available for public inspection.

The audit documentation for this engagement is the property of STOUT STUART McGOWEN & KING LLP and constitutes confidential information. However, subject to applicable laws and regulations, audit documentation and appropriate individuals will be made available upon request and in a timely manner to grantor agencies or its designee, a federal agency providing direct or indirect funding, or the U.S. Government Accountability Office for purposes of a quality review of the audit, to resolve audit findings, or to carry out oversight responsibilities. We will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of STOUT STUART McGOWEN & KING LLP's personnel. Furthermore, upon request, we may provide copies of selected audit documentation to the aforementioned parties. These parties may intend, or decide, to distribute the copies or information contained therein to others, including other governmental agencies.

The audit documentation for this engagement will be retained for a minimum of five years after the report release date or for any additional period requested by the grantor agencies. If we are aware that a federal awarding agency, pass-through entity, or auditee is contesting an audit finding, we will contact the party(ies) contesting the audit finding for guidance prior to destroying the audit documentation.

Patricia B. Rhodes is the engagement partner and is responsible for supervising the engagement and signing the reports or authorizing another individual to sign them. We expect to begin our audit on approximately June 15, 2022. Our fee for these services will be at \$28,200 in accordance with our audit contract dated May 4, 2022.

Reporting

We will issue written reports upon completion of our Single Audit. Our reports will be addressed to the City Council of the City of Mebane. Circumstances may arise in which our report may differ from its expected form and content based on the results of our audit. Depending on the nature of these circumstances, it may be necessary for us to modify our opinions, add a separate section, or add an emphasis-of-matter or other-matter paragraph to our auditor's report, or if necessary, withdraw from this engagement. If our opinions are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or issue reports, or we may withdraw from this engagement.

The *Government Auditing Standards* report on internal control over financial reporting and on compliance and other matters will state that (1) the purpose of the report is solely to describe the scope of testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance, and (2) the report is an integral part of an

audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. The Uniform Guidance report on internal control over compliance will state that the purpose of the report on internal control over compliance is solely to describe the scope of testing of internal control over compliance and the results of that testing based on the requirements of the Uniform Guidance. Both reports will state that the report is not suitable for any other purpose.

We appreciate the opportunity to be of service to City of Mebane and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the attached copy and return it to us.

Very truly yours,

STOUT STUART MCGOWEN & KINGS LLP

RESPONSE:

This letter correctly sets forth the understanding of City of Mebane.

Management signature: _____

Title: _____

Date: _____

Governance signature: _____

Title: _____

Date: _____

Report on the Firm's System of Quality Control

December 29, 2020

To the Partners
Stout Stuart McGowen & King, LLP
and the Peer Review Committee of the North Carolina Association of Certified Public Accountants

We have reviewed the system of quality control for the accounting and auditing practice of Stout Stuart McGowen & King, LLP ("the firm") in effect for the year ended June 30, 2020. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants (Standards).

A summary of the nature, objectives, scope, limitations of, and the procedures performed in a System Review as described in the standards may be found at www.aicpa.org/prsummary. The summary also includes an explanation of how engagements identified as not performed or reported in conformity with applicable professional standards, if any, are evaluated by a peer reviewer to determine a peer review rating.

Firm's Responsibility

The firm is responsible for designing a system of quality control and complying with it to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. The firm is also responsible for evaluating actions to promptly remediate engagements deemed as not performed or reported in conformity with professional standards, when appropriate, and for remediating weaknesses in its system of quality control, if any.

Peer Reviewer's Responsibility

Our responsibility is to express an opinion on the design of the system of quality control and the firm's compliance therewith based on our review.

Required Selections and Considerations

Engagements selected for review included an engagement performed under *Government Auditing Standards*, including a compliance audit under the Single Audit Act, and an audit of an employee benefit plan.

As part of our peer review, we considered reviews by regulatory entities, if applicable, in determining the nature and extent of our procedures.

Opinion

In our opinion, the system of quality control for the accounting and auditing practice of Stout Stuart McGowen & King, LLP in effect for the year ended June 30, 2020, has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass*, *pass with deficiency(ies)* or *fail*. Stout Stuart McGowen & King, LLP has received a peer review rating of *pass*.

Duncan Ashe, P.A.

Duncan Ashe, P.A.



AGENDA ITEM #5A

Economic Incentive Agreement for Lotus Bakeries

Presenter

Chris Rollins, City Manager
Reagan Gural, Alamance Chamber President

Public Hearing

Yes No

Summary

The City Council will consider a performance agreement with Lotus Bakeries US LLC a US and Lotus Bakeries US MFG, LLC. The company is considering the third expansion at its existing facility in the North Carolina Industrial Center (NCIC) in the City of Mebane. The Company is evaluating whether it should increase its investment at the Mebane, North Carolina facility to support the increased demand for its product instead of investing in one of its other global facilities.

Background

The Company has completed the original project and hired 63 full-time employees and their building and equipment are on the Alamance County tax scrolls for \$63,332,624. The Company's second expansion is presently underway with a new investment in real property and personal property investment for a total investment of \$60,000,000 and will add 86 new jobs with a competitive average wage of \$43,510.

The Company is considering additional new investment in real property and personal property investment for a total investment of \$84,769,779. The project will add 62 new jobs with a competitive average wage of \$47,837. The City of Mebane's proposed incentive package for Lotus Bakeries amounts to \$423,850 included in cash grants and a maximum waiver of our building permit and inspections ion fees of \$100,000. The first payment will be made one year after a final certificate of occupancy has been issued for a maximum of \$84,770 and additional payments made on subsequent one-year anniversaries in accordance with the performance agreement.

The economic development project has been a cooperative effort between the City of Mebane, the Alamance Chamber, and the State of North Carolina. Alamance County is not offering an incentive grant for this expansion. The City of Mebane is also applying for a Rural Building Reuse Program grant, as one part of the overall incentive package, which amounts to \$350,000 with a local match of 5% if approved. The local match will be met by the proposed local incentives within this incentive package.

The Council approved the original agreement with Lotus at the October 3, 2016 meeting. The original investment proposed by the company totaled \$55,300,000 with 60 jobs. In September 2018, the original agreement was amended to add a building addition with more equipment totaling a new investment of \$17,400,000 and no additional jobs are proposed. The Company has completed the original projects and hired 63 full-time employees and their building and equipment is on the Alamance County tax scrolls for

\$63,332,624 as of January 1, 2022. The Council approved the second expansion agreement with Lotus at the May 5, 2021 meeting. It is presently under construction, with additional new investment in real property and personal property investment for a total investment of \$60,000,000 and will add 86 new jobs with a competitive average wage of \$43,510.

Financial Impact

This economic development project is estimated to generate a net positive cash flow of \$3.46 million in property taxes over the next ten years. The City will also receive sales tax from the construction and the indirect benefits of 62 new jobs with an estimated annual full-time payroll of over \$2.9 million. The maximum total incentive payout, including cash grants and waived fees, amounts to \$523,850.

Recommendation

Staff recommends approval of the agreement.

Suggested Motion

I move for approval of the performance agreement based upon findings that the company will be expanding and add \$84,769,779 to the tax base, create 62 new jobs, and generally benefit the City's taxpayers.

Attachments

1. Economic Incentive Agreement

STATE OF NORTH CAROLINA

COUNTY OF ALAMANCE

AGREEMENT

This AGREEMENT, made and entered into this ____ day of _____, 2022 by and between LOTUS BAKERIES US, LLC and LOTUS BAKERIES US MANUFACTURING, LLC, each corporation authorized to do business in North Carolina, (hereinafter sometimes referred to as the “Company”), and the CITY OF MEBANE, a North Carolina municipal corporation (hereinafter sometimes referred to as “Mebane”).

RECITALS:

- A. The Company has a manufacturing facility in Mebane, Alamance County, and is considering expansion of its manufacturing facility (hereinafter “Facility”) in the North Carolina Industrial Center (hereinafter sometimes referred to as “NCIC”), and will construct an expansion of its building and install machinery and equipment with said Facility to be in service no later than December 31, 2025 (“Completion Date”), and to be located within the corporate limits of Mebane, Alamance County, North Carolina.
- B. The Company has previously received economic incentives from Alamance County and Mebane as evidenced by an agreement dated September 13, 2019 and with Mebane by a second Agreement on May 3, 2021. As before, the Company was considering expanding its facility in either Belgium or Mebane, prior to this Agreement.
- C. The Facility will involve new capital investment (including, building, machinery and equipment) of y Eighty-Four Million Seven Hundred Sixty-Nine Thousand Seven Hundred Seventy-Nine Dollars (\$84,769,779.00), over and above the existing Mebane facility.
- D. The Facility will create Sixty-two (62) full-time employment positions with average salaries of Forty-Seven Thousand Eight Hundred Thirty-Seven Dollars (\$47,837.00).
- E. Some elements of said job creation and investment may be made by an affiliated entity or successors to the Company, but for the purposes of this Agreement, shall be deemed to have been made by the Company.
- F. It is contemplated that the Facility will be located upon property upon which or through which Mebane may need to construct, install, maintain and operate water and sewer utilities and transportation routes to serve other properties.
- G. Mebane finds that in order to aid and encourage the construction of the Facility and installation of the machinery and equipment in the NCIC, it is necessary and desirable to

assist and reimburse the Company for a portion of its facility, construction costs and new equipment costs.

- H. Pursuant to G.S. Section 160A-20.1, 158-7.1, and 158-7.2, as construed by the North Carolina Supreme Court in its opinion in Maready v. The City of Winston-Salem, et al, 342 N.C. 708 (1996), Mebane may enter into an agreement with the Company in connection therewith.
- I. Mebane finds that reimbursing the Company for a portion of its construction and equipment costs serves a public purpose and will increase the taxable property base for Mebane and help create not less than Sixty-Two (62) new New Positions by the Completion Date, all of which will result in an added and valued benefit to the taxpayers of Mebane.
- J. The City is granting to the Company the grant described herein, to be used by the Company to defray capital expenditures by the Company in connection with the Facility and in that way (1) contribution will become a permanent part of the Company's working capital (in the form of the capital assets acquired or received by the Company), (2) the capital assets acquired or received by the Company with the proceeds of the grant will be employed by the Company to generate additional income, and (3) it is foreseeable that the Company will benefit from the incentives in an amount commensurate with their value.

NOW, THEREFORE, in consideration of the mutual provisions and covenants herein, and other good and valuable consideration which the parties hereby acknowledge, The Company and Mebane agree as follows:

- 1. To assist the Company in its site acquisition, Facility construction, and machinery and equipment installations, and subject to the requirements hereinafter set forth, Mebane agrees to award an Incentive Grant to the Company for a portion of said construction and installation costs up to an amount of Five Hundred Twenty-Three Thousand Eight Hundred Fifty Dollars (\$523,850.00), the ("Incentive Funds"). In performance of all activities involved in this site acquisition and Facility construction, as well as in the machinery installation, the Company shall have full discretion to make all decisions regarding such improvements and contracting and purchasing without the joinder or approval of Mebane except for the requirements set forth in Paragraph 8 below. These payments of cash grants from Mebane to the Company shall be made as follows:
 - a. The waiver of inspection fees up to One Hundred Thousand Dollars (\$100,000.00).
 - b. Cash incentives of up to Four Hundred Twenty Three Thousand Eight Hundred Fifty Dollars (\$423,850.00), A first payment of Eighty Four Thousand Seven Hundred Seventy Dollars (\$84,770.00) shall be paid by Mebane to the Company one year after the Facility has received its final certificate of occupancy, and the Company has certified to Mebane in writing that Sixty-two (62) New Positions have been

filled at the Facility at the agreed salary, provided, however, that all property tax liabilities on the above referenced Facility and machinery and equipment (in the above agreed amount) shall have been paid by the Company for the fiscal year the payment is to be made. In the event that there are any outstanding property tax liabilities on the above referenced Facility and machinery and equipment at the time such payment contemplated herein is due, such payment shall be delayed until the date that is ten (10) days after such outstanding property tax liabilities have been paid.

- c. Four (4) additional payments of Eighty-Four Thousand Seven Hundred Seventy Dollars (\$84,770.00) shall be paid by Mebane, annually to the Company on the anniversary date of the first payment in (b) above provided that there are no outstanding property tax liabilities on the above referenced Facility and machinery and equipment. In the event that there are any outstanding property tax liabilities on the above referenced Facility and machinery and equipment at the time such payment contemplated herein is due, such payment shall be delayed until the date that is thirty (30) days after such outstanding property tax liabilities have been paid.
- d. All payments provided for in subparagraphs (a) and (b) shall be made no later than Thirty (30) calendar days after satisfaction of the requirements described in the subparagraphs. Any payment due hereunder shall be adjusted so that the total payments to the Company shall not exceed one half of one percent (0.5%) times the annual taxable value of the property (excluding land, but expressly including all improvements located thereon) maintained by the Company for ad valorem tax purposes during the year period beginning at the one-year anniversary of the issuance of Certificate of Occupancy. All payments are subject to the requirement that not less than eighty percent (80%) of the New Positions (“**Agreed Minimum Number of New Positions**”) shall be maintained by the Company at the Facility during the period of four (4) years from the first payment.
- e. In the event of the Company's failure to create Sixty-two (62) New Positions and/or invest Eighty Four Million Seven Hundred Sixty Nine Thousand Seven Hundred Seventy-Nine Dollars (\$84,769,779.00) by the Completion Date (measured by the increase in ad valorem tax value from the present ad valorem tax value), Mebane shall grant a reasonable extension of time to the Company to meet the job and investment criteria in this Agreement or otherwise agree to such other performance criteria that equate to a similar economic and fiscal return to Mebane. In such case, the cash grant payments shall be pro-rated, using the actual number of New Positions as the numerator and the Sixty-two (62) New Positions as the denominator. Provided however, no inventive grant payments will be made if the total number of New Positions do not equal the Agreed Minimum Number of New Positions. Any extension up to twelve months may be administratively approved by the City Manager. Any extension for a longer period of time must be granted by the City Council.

- f. In the event that the Company fails to make the full investment of Eighty-Four Million Seven Hundred Sixty Nine Thousand Seven Hundred Seventy-Nine Dollars (\$84,769,779.00) by the Completion Date as it may be extended, the cash grant payments will be pro-rated using the \$84,769,779.00 as the denominator and the taxable value as the numerator, however, the denominator may be modified pursuant to the terms of this Agreement.
- g. In the case of the facts in “e” or “f” above, necessitating a prorating, the New Positions required and the capital investment shall each count for Fifty percent (50%) of the incentive grant amounts. By way of example, assume the following:

Actual New Positions	55
Projected New Positions	62
Percentage of Total	88.71%
Times Fifty Percent	44.355%
Actual Investment	\$60,000,000.00
Projected Investment	\$75,000,000.00
Percentage of Total	0.75%
Times Fifty Percent	37.5%

Addition of New Positions percentage and investment percentage equals Eighty-one and Eight Hundred Fifty-Five Percent (81.855%) times the Incentive Grants provided for herein.

- h. The “**New Positions**” are those persons employed by the Company or by one or more Company affiliate(s) at the Facility on a full-time basis; i.e., at least thirty-five (35) hours per week, who as a group have an average salary at least equal to Forty-Seven Thousand Eight Hundred Thirty-Seven Dollars (\$47,837.00) as determined by reference to the North Carolina withholding tax forms (NCUI-101) filed with respect to such persons.
 - i. Notwithstanding anything to the contrary set forth in this Agreement, Mebane’s obligation to pay incentives after December 31, 2030, shall expire, without regard to any remaining amounts that would otherwise be payable hereunder.
2. Notwithstanding anything contained herein to the contrary, the parties hereto covenant and agree that the City fee waivers and the Incentive Funds (collectively, "Incentives") are a material consideration in the Company's decision to expand the Facility in Mebane, Alamance County, North Carolina, that the Company would not have expanded its Facility in Mebane, Alamance County, North Carolina without the Incentives and that the Company

will be substantially harmed in the event that Mebane's obligations are not satisfied as provided herein.

3. During the performance of the Agreement, the Company agrees to allow representatives of Mebane to enter upon its property during normal business hours upon forty-eight hours prior notice for the purpose of confirming the new construction and the purchase of new equipment has occurred. To the extent allowed by applicable law, Mebane covenants and agrees to protect, and not use or disclose, any of the Company's confidential or proprietary information.
4. If prior to Mebane expending monies, for any reason whatsoever the Company chooses not to make the above referenced investments and to cancel this Agreement, it may do so by providing written notice. Upon such notification, this Agreement shall be cancelled and all of its terms and conditions shall become void. If, however, the Company chooses not to make the above referenced investment and Mebane has expended funds, the Company shall be liable for a return or pay-back of the government funds expended.
5. The Company agrees, upon request of Mebane, to make full and accurate accounting to Mebane of all expenditures and construction and acquisition of equipment referenced above as required by this Agreement upon completion of total investment and the granting of the Final Certificate of Occupancy. The Company shall make such accounting as is necessary to verify construction and purchase of equipment and after such construction and purchase of equipment has been verified, the Company shall have no further obligations to account to the City for any other expenses incurred. The parties understand that the Incentive Grant amounts are based upon the taxable value of the invested amounts as determined by law.
6. The Company shall observe all federal, state and local laws, rules and regulations governing labor and employment and shall not discriminate against any person on the grounds of race, color, national origin, sex, age, or disability in the administration of this Agreement nor shall any person be excluded from participation in, or be denied the benefits of, any project constructed under this Agreement on the grounds of race, color, national origin, sex, age, or disability.
7. Mebane binds itself, its successors, assigns, and legal representatives to other parties hereto and those parties' successors, assigns, and legal representatives, in respect to covenants, agreements, and obligations contained herein. No party to this Agreement shall assign the Agreement or any of the obligations or rights described herein without written consent of the other. If either party attempts to make such an assignment without such consent, that party shall nevertheless remain legally responsible for all obligations under the Agreement. The Company may assign this Agreement to a subsidiary, parent or affiliated company, with the written consent of the Mebane which shall not be unreasonably conditioned, delayed or withheld.

8. This Agreement may be modified only by a written agreement executed which must be approved by all parties hereto with the exception of the possible extension as provided in Section 1 (e) and (f) (which decision Council grants to the City Manager for a period of up to twelve months). The contractual commitments provided for herein and made by the parties hereto shall be deemed to continue into the future, survive and remain binding upon future elected and appointed officials to the full extent permitted under applicable law. This Agreement may be executed in counterparts separately with the resultant executed counterparts forming a single Agreement.
9. In the event of such cancellation of the Agreement described above, Mebane shall have no further obligations to make any further payments as called for in this Agreement.
10. The parties and each person executing this Agreement on behalf thereof represent and warrant that they have the full right and authority to enter into this Agreement, which is binding, and to sign on behalf of the party indicated, and are acting on behalf of themselves, the constituent members and the successors and assigns of each of them. The parties agree to reasonably assist one another and cooperate in the defense (should any defense ever be necessary) of this Agreement and/or the incentives granted hereunder, so as to support and in no way undercut the same. In the event that any of the incentives or other assignments of Mebane are determined to be invalid, Mebane agrees that it will, to the fullest extent permitted by law, provide the Company with any permitted incentives of substantial equal value pursuant to one more or more replacement incentive grant programs.
11. No provision of this Agreement may be invalidated, except by the Superior Court of Alamance County which shall have sole jurisdiction over any disputes which arise under this Agreement or otherwise regarding the parties hereto, and further, venue shall be proper and shall lie exclusively in the Superior Court of Alamance County, North Carolina.

If any such court holds any provision of this Agreement, invalid or unenforceable, then:
 - a. Such holdings shall not invalidate or render unenforceable any other provision of this Agreement;
 - b. Such provision shall be construed as closely as possible to the Party's Original intent in order to render such provision valid or enforceable, as applicable; and
 - c. The remaining terms here, together with such reconstructive provision, shall constitute the parties' entire agreement hereof.
12. This Agreement sets forth the entire agreement between Mebane and the Company and supersedes any and all other agreements on this subject between parties.
13. In the event that, prior to completion of the Facility, Mebane expends funds for any of the incentives provided for in this Agreement whether for fee waivers or cash grants, and the Company elects to cancel the Agreement or does not comply with its obligations to construct the Facility, the Company agrees to fully reimburse Mebane for any amounts

expended by them through the date of such cancellation the Company shall reimburse Mebane within thirty (30) days of written demand. In the event that Company fails to repay such amounts, Mebane may recover the funds advanced under this Agreement plus all the costs of collection, including without limitation reasonable attorney fees.

14. Company acknowledges that Mebane is a governmental entity, and validity of this Agreement is based upon the availability of public funding under the authority of its statutory mandate. Subject to the provisions of Section 10, in the event that public funds are unavailable for the performance of Mebane's obligations under this Agreement, then this Agreement shall remain in full effect, provided, however, that the payment obligations of Mebane shall be temporarily suspended, without penalty to Mebane, immediately upon written notice to Company of the unavailability of public funds. At such time as such public funds are again available, the payment obligations of Mebane hereunder shall be deemed reinstated without necessity of further written agreement. It is expressly agreed that Mebane shall not activate this "unavailability" provision for their convenience or to circumvent the requirements of this Agreement, but only as an emergency fiscal measure during a substantial financial crisis. In either event, Mebane agrees that it will use best efforts to replace, through other sources available to them under law, funds due to the Company, as soon as practical. In the event of a change in a Mebane's statutory authority, mandate and/or mandated functions by State and/or Federal legislative or regulatory action, which adversely affects Mebane's authority to continue its obligations under this Agreement, then this Agreement shall be suspended without penalty to Mebane upon written notice to Company of such limitations or change in Mebane's legal authority.
15. Company agrees that upon written request of Mebane that Company will grant to Mebane, free of charge, easements that are, in the Company's sole discretion, reasonable and necessary for water and/or sewer utilities and for transportation services (including without limitation temporary construction and/or drainage easements) that serve the Facility and its property. The easements shall be in mutually agreeable form and substance consistent with Mebane's standard form agreements. Any such easements shall be located in areas of Company's property which will not unreasonably interfere with Company's intended use of Company's Facility. The Company commits that it will favorably consider, on a case-by-case basis, any requests from Mebane for similar easements to serve adjoining properties provided that such requested easements will not have a detrimental impact upon the Company's property or Facility operations.
16. At or prior to the execution of this agreement, Company shall provide to Mebane a current certificate of incumbency, a resolution of the Company evidencing the Company's authority to execute this Agreement, the Certificates of Good Standing from the appropriate government offices and such other documents as Mebane may reasonably request.
17. As required by G.S. Section 158-7.1 (d2) (2), if the Company elects to assign its rights in whole or in part, to a third-party purchaser of the real or personal property which is the

basis of this Agreement, the third party shall be bound by this Agreement and shall execute an assignment confirming that it is a bound by the terms of this Agreement, including without limitation, the obligations if a default occurs. No such assignment shall relieve Company of any of its obligations hereunder.

18. Company agrees to maintain the Agreed Minimum Number of New Positions at the Facility for the term during which the Company may receive Mebane's payments of Incentive Grant Funds as referred to in section 1 of this Agreement. Failure of the Company to do so, is a default and breach of this Agreement, requiring the Company to return the Incentive Grant Funds paid and relieving Mebane of making any additional Incentive Grant Fund payments.
19. Notwithstanding anything to the contrary stated herein the obligations of Mebane shall cease and terminate on , December 31, 2030 regardless of the status of the Company's investment or employment.
20. Any notices required by this Agreement shall be mailed to the following persons:

If to Mebane:

City of Mebane
Attn: Chris Rollins, City Manager
106 E. Washington Street
Mebane, 27302

With Copy to:

The Vernon Law Firm
Attn: E. Lawson Brown, Jr.
P.O. Drawer 2958
Burlington, NC 27216-2958

If to Company:

Lotus Bakeries US LLC
Attn: Plant Director
2010 Park Center Drive
NC 27302 Mebane, United States

(Signatures on Next Page)

IN WITNESS WHEREOF, the parties hereto have made and executed this agreement as of the day and year first above written.

“MEBANE”
CITY OF MEBANE
A municipal corporation of the State of North Carolina

By: _____
Ed Hooks,
Mayor, City of Mebane

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

Daphna Schwartz, Mebane Finance Director

Date

Approved as to Legal Form and Sufficiency

E. Lawson Brown, Jr., Mebane City Attorney

(Signatures appear on Next Page)

IN WITNESS WHEREOF, the parties hereto have made and executed this agreement as of the day and year first above written.

LOTUS BAKERIES US, LLC

By: _____ (SEAL)

Name: _____

Title: _____

LOTUS BAKERIES MANUFACTURING US, LLC

By: _____ (SEAL)

Name: _____

Title: _____

DRAFT



AGENDA ITEM #5B

State North Carolina Rural Building Reuse Program Local Government Resolution

Meeting Date

June 6, 2022

Presenter

Preston Mitchell, Assistant City Manager
Kevin Szostak, Alamance Chamber of Commerce
Director of Economic Development Projects

Public Hearing

Yes No

Summary

The City Council will consider a resolution for the submission of a Rural Building Reuse program grant to the State of NC for Lotus Bakeries US LLC a US and Lotus Bakeries US MFG, LLC. The building reuse program is part of the overall State and Local incentive package and requires a local match of 5%. The Company is considering new investment in real property and personal property investment for a total investment of \$84,769,779. The project will add 62 new jobs with a competitive average wage of \$47,837.

Background

The economic development project has been a cooperative effort between the City of Mebane and the Alamance Chamber. Lotus Bakeries US LLC is considering an expansion of their facility with an investment of \$84,769,779. The City of Mebane's application for Rural Building Reuse Program grant, as one part of the overall incentive package, amounts to \$350,000 with a local match of 5%. The local match will be met by the additional local incentives within the overall incentive package. (The State program would fund \$332,500 and the City's 5% local match would be \$17,500).

Financial Impact

This program grant will require a 5% local match to the \$350,000 grant amount requested. The local match will be met by the additional local incentives within the overall incentive package.

Recommendation

Staff recommends approval of the resolution.

Suggested Motion

I move for approval of the resolution to be adopted by the governing board to apply for the State of NC Building Reuse Program grant for Lotus Bakeries US LLC.

Attachments

1. Rural Building Reuse Program Resolution



City of Mebane Resolution
Application for NC Department of Commerce
Lotus Bakeries US, LLC and Lotus Bakeries US Manufacturing, LLC

WHEREAS, Mebane City Council has indicated its desire to assist in economic development efforts for business and industry within Mebane; and,

WHEREAS, the Council fully supports the proposed project by Lotus Bakeries US, LLC and Lotus Bakeries US Manufacturing, LLC which will result in the expansion of an existing facility located in Mebane's North Carolina Industrial Center and will create a minimum of (62) new positions for Mebane; and,

WHEREAS, the Council desires to pursue a formal application for Building Reuse funds in the amount of \$350,000 from the NC Department of Commerce; and,

WHEREAS, the Council certifies it will provide the 5% match required through Mebane's additional local incentives package and will meet all other requirements of the North Carolina Department of Commerce,

NOW, THEREFORE BE IT RESOLVED, by the Mebane City Council, that the City of Mebane is authorized to submit a formal application to the North Carolina Department of Commerce in order to provide assistance to benefit Lotus Bakeries US, LLC and Lotus Bakeries US Manufacturing, LLC.

That this Resolution shall take effect immediately upon its adoption.

Adopted this the 6th day of June, 2022 in Mebane, North Carolina.

Ed Hook, Mayor

ATTEST:

Stephanie W. Shaw, City Clerk

AGENDA ITEM #5C

Ordinance to Extend the Corporate Limits-
Leoterra Mebane, LLC- Hawfields Landing

Continued from the May 2, 2022 meeting

Meeting Date

June 6, 2022

Presenter

Lawson Brown, City Attorney

Public Hearing

Yes No

Summary

The Council will consider the approval of an Ordinance to Extend the Corporate Limits as the next step in the annexation process. This is a non-contiguous annexation containing approximately +/- 148.960 acres located S. NC 119 Hwy in Alamance County.

Background

At the April 4, 2022 Council Meeting, Council accepted the petitions for annexation and the Clerk's certificate of sufficiency and adopted a Resolution setting a date of Public Hearing for May 2, 2022 to consider approval of extending Mebane's corporate limits. The Public Hearing Notice was properly advertised. At the May 2, 2022 meeting Council voted unanimously to continue the public hearing until the June 6, 2022 meeting per the applicant's request.

Financial Impact

The property and improvements will be added to the ad valorem tax base for the City once the property is annexed as determined by the state statute.

Recommendation

Staff recommends adoption of an Ordinance to Extend the Corporate Limits of the City of Mebane, North Carolina.

Suggested Motion

I make a motion to adopt of an Ordinance to Extend the Corporate Limits of the City of Mebane, North Carolina to include the 148.960 acres.

Attachments

1. Ordinance
2. Map

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS
OF THE CITY OF MEBANE, NORTH CAROLINA

Mail after recording to: City of Mebane, Attn: City Clerk, 106 E. Washington Street, Mebane, NC 27302

Ordinance No. 152

WHEREAS, the City Council has been petitioned under G.S. 160A-58.1 to annex the area described below; and

WHEREAS, the City Council has by resolution directed the City Clerk to investigate the sufficiency of the petition; and

WHEREAS, the City Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at the Glendel Stephenson Municipal Building at 6:00 p.m. on June 6, 2022 at 6:00 p.m. after due notice by the Mebane Enterprise on April 20, 2022; and

WHEREAS, the City Council finds that the area described therein meets the standards of G.S. 160A-58.1 (b), to wit:

- a. The nearest point on the proposed satellite corporate limits is not more than three (3) miles from the corporate limits of the City;
- b. No point on the proposed satellite corporate limits is closer to another municipality than to the City;
- c. The area described is so situated that the City will be able to provide the same services within the proposed satellite corporate limits that it provides within the primary corporate limits;
- d. No subdivision, as defined in G.S. 160A-376, will be fragmented by this proposed annexation;

WHEREAS, the City Council further finds that the petition has been signed by all the owners of real property in the area who are required by law to sign; and

WHEREAS, the City Council further finds that the petition is otherwise valid, and that the public health, safety and welfare of the City and of the area proposed for annexation will be best served by annexing the area described:

COMMENCING at an existing iron, said iron being located on the Southern Right-of-Way of S. NC 119 Hwy, said iron being the Northeastern common corner of Compass Realty Hawfields, LLC Property (9803677687, D.B. 3982, Pg. 238; Lot 1 P.B. 78, Pg. 312) and the Gilda Scott Property (9803782167, D.B. 350, Pg. 613); Thence, following a common line with said Scott Property S 16°38'47" W a total distance of 942.63 feet to an existing iron, said iron being a common corner with said Scott property and the **POINT OF BEGINNING**; Thence, following common lines with said Scott property the following

calls: S 32°59'11" E a distance of 1,251.07 feet to an existing rock; Thence S 22°03'26" E a distance of 1,087.76 feet to an existing iron; Thence, S 68°04'45" E a distance of 358.03 feet to an existing rock; Thence, S 51°59'30" E a distance of 165.28 feet to an existing rock; Thence, S 63°51'08" E a distance of 350.22 feet to an existing iron, said iron being located in the Northern right of way of Farrell Road (S.R. 2134) and a common corner with said Scott property; Thence, following said Right-of-Way of said Farrell Road the following calls: a curve to the left having a radius of 2414.09 feet and a chord bearing and distance of S 29°39'33" W a distance of 288.83 feet to an existing iron; S 26°47'57" W a distance of 614.05 feet to an existing iron; S 26°36'39" W a distance of 919.16 feet to an existing iron, said iron being located in the Northern right of way of Farrell Road and a common corner with James E Farrell Heirs (9803735678, D.B. 481 Pg. 269); Thence, following the common line with said James E Farrell property, S 72°02'10" W a distance of 637.98 feet to an existing pinch top post, said post being a common corner with said James E Farrell Property and James M Farrell property (9803720779, D.B. 2123, Pg. 385); Thence, following the common property line with said James M Farrell property, S 72°10'02" W a distance of 912.40 feet to an existing iron, said iron being a common corner with said James M Farrell property and Desco Summerhaven, LLC property (9803630476, D.B. 4042, Pg. 818); Thence, following the common line with said Desco property, N 00°23'42" W a distance of 436.02 feet to an existing iron, said iron being a common corner with said Desco property and Janet Ecklebarger property (9803642756, D.B. 3411, Pg. 968); Thence, following a common line with said Ecklebarger property, N 24°05'26" E a distance of 824.98 feet to an existing iron, said iron being a common corner with said Ecklebarger property and Walter & William McAdams property (9803657182, D.B. 4149, Pg. 361); Thence, following a common line with said McAdams property, N 20°57'20" E a distance of 757.49 feet to an existing iron; Thence, following another common line with said McAdams property, S 81°02'42" W a distance of 346.93 feet to an existing iron, said iron be a common corner with said McAdams & Ecklebarger property; Thence, following a common line with said Ecklebarger property, N 38°25'45" W a distance of 543.50 feet to an existing iron, said iron being a common corner with said Ecklebarger property and Jay & Melanie Tufts property (9803652931, D.B. 3726, Pg. 797); Thence, following a common line with said Tufts property, N 15°53'09" E a distance of 277.65 feet to an existing iron, Thence, following another common line with said Tuft property, N 58°45'54" W a distance of 163.41 feet to an existing iron, said iron being a common corner with said Tuft property and Desco Summerhaven, LLC property (9803578217, D.B. 4042, Pg. 807); Thence, following common property line with said Desco property the following calls: N 02°42'16" W a distance of 631.01 feet to an existing iron; N 49°08'57" E a distance of 361.73 feet to an existing iron; Thence, following a common line with said Desco property and The Christian Education Society of Mebane, Inc. property (9803578931, D.B. 4260, Pg. 852), N 18°34'00" W a distance of 1,696.10 feet to a point; Thence following a common line with said Education property, N 39°04'32" W a distance of 141.67 feet to a point, said point being located on the Southern right of way of S. NC Hwy 119; Thence following said right of way the following calls; N 50°55'28" E a distance of 52.99 feet to an existing iron; a curve to the right having a radius of 951.90 feet and a chord bearing and distance of N 62°15'57" E a distance of 303.93 feet to an existing iron; a curve to the right having a radius of 951.90 feet and a chord bearing and distance of N 73°00'07" E a distance of 51.49 feet to an existing iron, said iron being located on right of way of said Hwy 119 and a common corner with Compass Realty Hawfields, LLC property (9803677687, D.B. 3982, Pg. 223); Thence, leaving said right of way and following common lines with said Hawfields property the following calls: S 25°05'30" E a distance of 225.15 feet to a point; S 18°11'39" W a distance of 128.89 feet to a point; S 18°33'10" E a distance of 75.82 feet to a point; S 61°47'50" E a distance of 138.74 feet to a point; N 89°32'42" E a distance of 348.35 feet to a point; S 43°55'57" E a distance of 58.95 feet to a point; S 24°06'25" E a distance of 174.79 feet to a point, said point being a common corner with said Hawfields property and Gilda Scott Property; Thence, following a common line with said Scott Property, S 16°38'47" W a distance of 160.30 feet to an existing iron, said iron being a common corner with said Scott property; Thence, continuing with common line, S 16°38'47" W

a distance of 35.16 feet to an existing iron, said iron being a common corner with said Scott Property and being the **POINT AND PLACE OF BEGINNING**, containing 148.960 ac +/-.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Mebane, North Carolina that:

Section 1. By virtue of the authority granted by G.S. 160A-58.2, the following described non-contiguous territory is hereby annexed and made part of the City of Mebane, as of June 6, 2022:

Section 2. Upon and after June 6, 2022 the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Mebane and shall be entitled to the same privileges and benefits as other parts of the City of Mebane. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the City of Mebane shall cause to be recorded in the office of the Register of Deeds of Alamance County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Alamance County Board of Elections, as required by G.S. 163-288.1.

Adopted this 6th day of June, 2022.

CITY OF MEBANE

Ed Hooks, Mayor

ATTEST:

APPROVED AS TO FORM:

Stephanie W. Shaw, City Clerk

Lawson Brown, City Attorney

GENERAL NOTES:

AREA COMPUTED BY COORDINATE METHOD.

RATIO OF PRECISION IS 1:30,000+.

THIS MAP WAS PREPARED WITHOUT THE BENEFIT OF A TITLE INVESTIGATION, THEREFORE, THIS MAP IS SUBJECT TO ANY AND ALL FACTS AN ACCURATE TITLE INVESTIGATION MAY DISCLOSE.

THIS MAP IS SUBJECT TO ANY AND ALL EASEMENTS, AGREEMENTS AND RIGHTS OF WAY OF RECORD BUT NOT VISIBLE OR APPARENT AT THE TIME OF INSPECTION.

PLANNING DIRECTOR CERTIFICATION

THIS TRACT OF LAND IS WITHIN THE CITY OF MEBANE'S JURISDICTION. NO APPROVAL IS REQUIRED OF THE PLANNING BOARD OR CITY COUNCIL UNDER SECTION 50.2(C) OF THE CODE OF ORDINANCES.

SIGNED: _____
PLANNING DIRECTOR

DATE: _____

CERTIFICATE OF SURVEY ACCURACY

I, JEFFREY T. ALLRED, PLS, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK AS PAGE SHOWN ETC.); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK (AS SHOWN) PAGE (AS SHOWN); THAT THE RATIO OF PRECISION AS CALCULATED IS 1:30,000; THIS PLAT WAS PREPARED IN ACCORDANCE WITH N.C.G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 28th DAY OF MARCH, 2022 A.D.

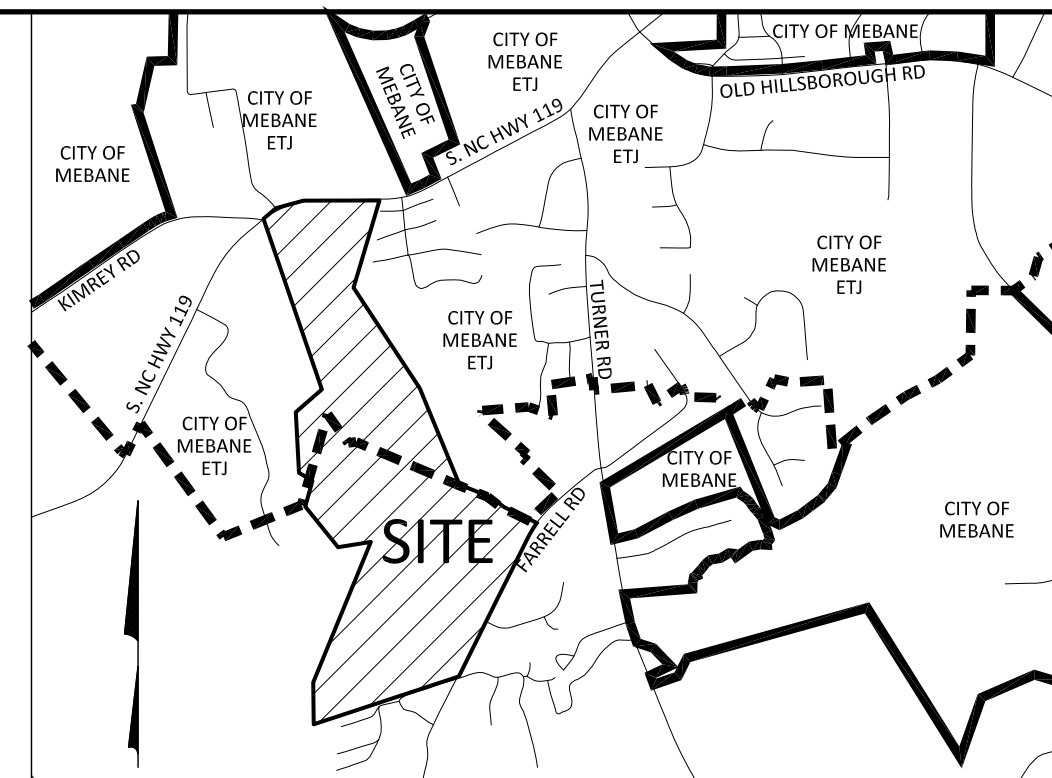
THIS SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND OR ONE OR MORE EXISTING EASEMENTS AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET. FOR THE PURPOSES OF THIS SUBSECTION, AN "EXISTING PARCEL" OR "EXISTING EASEMENT" IS AN AREA OF LAND DESCRIBED IN A SINGLE, LEGAL DESCRIPTION OR LEGALLY RECORDED SUBDIVISION THAT HAS BEEN OR MAY BE LEGALLY CONVEYED TO A NEW OWNER BY DEED IN ITS EXISTING CONFIGURATION.

THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO BOUNDARY PLATS OF STATE LINES, COUNTY LINES, AREAS ANNEXED BY MUNICIPALITIES, NOR TO PLATS OF MUNICIPAL BOUNDARIES, WHETHER OR NOT REQUIRED BY LAW TO BE RECORDED.

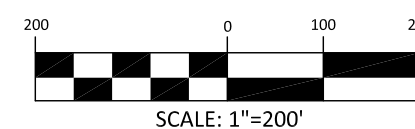
LEGEND

- ⊙ = FOUND IRON PIN
- ⊙ = SET IRON PIN
- = COMPUTED POINT
- △ = STONE/ROCK
- CH = CHORD
- R/W = RIGHT OF WAY
- P.B. = PLAT BOOK
- D.B. = DEED BOOK
- PG. = PAGE
- OS. = OFFSET
- DR. = DRIVE
- EX. = EXISTING

— — — — — = NEW CORPORATE LIMITS



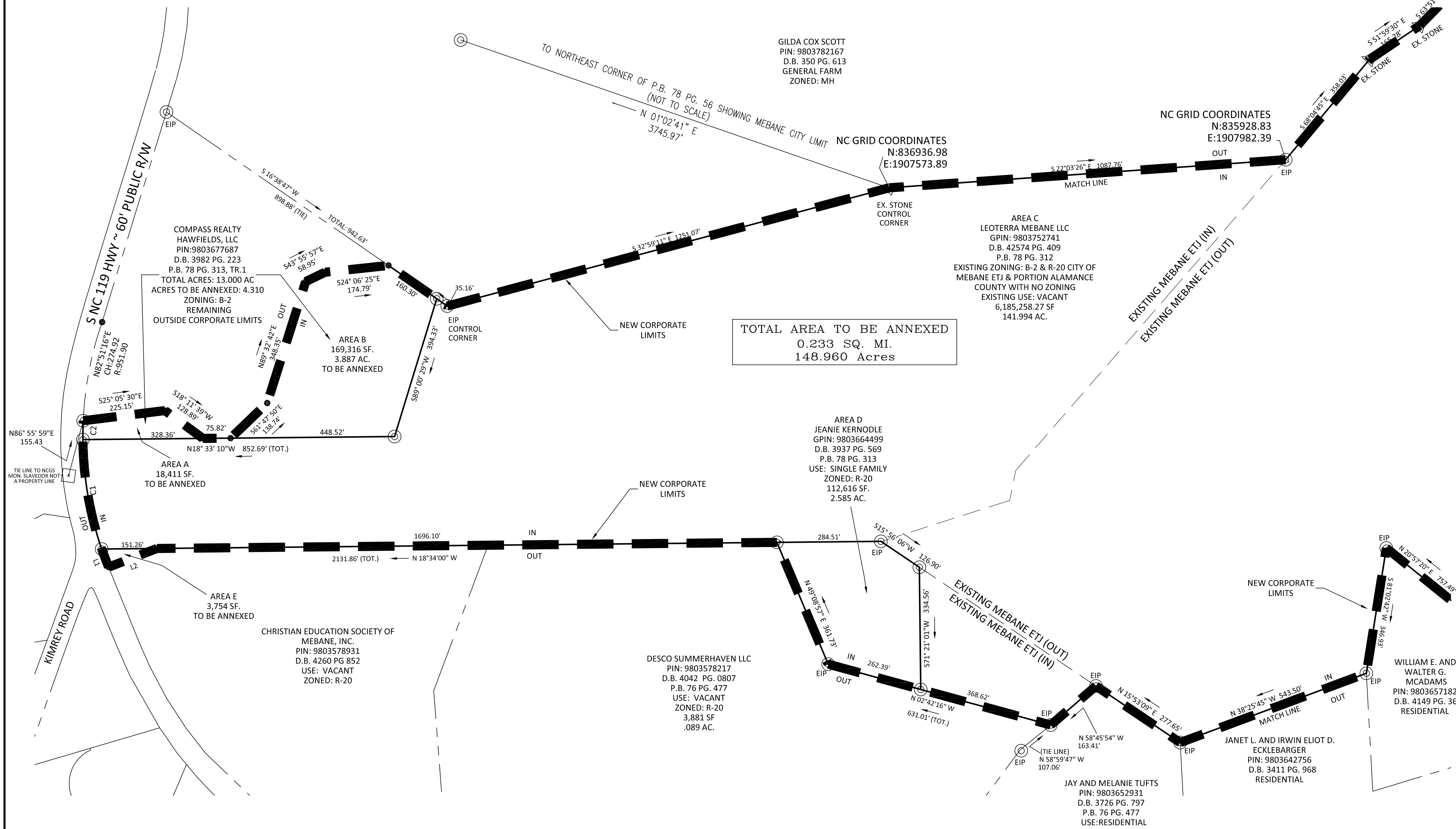
VICINITY MAP
1" = 2000'



Jeffrey T. Allred
PROFESSIONAL LAND SURVEYOR
L-4500
REGISTRATION NUMBER

Curve Table			
Curve #	Direction	Chord	Radius
C1	N62° 15' 57"E	303.93'	951.90'
C2	N73° 00' 07"E	51.49'	951.90'

Line Table		
Line #	Length	Direction
L1	52.99'	N50° 55' 28"E
L2	141.67'	N39° 04' 32"W



**FINAL PLAT: CITY OF MEBANE
CORPORATE LIMITS EXTENSION &
VOLUNTARY NON-CONTIGUOUS SATELLIET ANNEXATION**

DEVELOPER INFORMATION:
LEOTERRA MEBANE, LLC
110-A SHIELDS PARK DRIVE
KERNERSVILLE, NC, 27284

PROJECT LOCATION:
STATE: NORTH CAROLINA
COUNTY: ALAMANCE
TOWNSHIP: MELVILLE

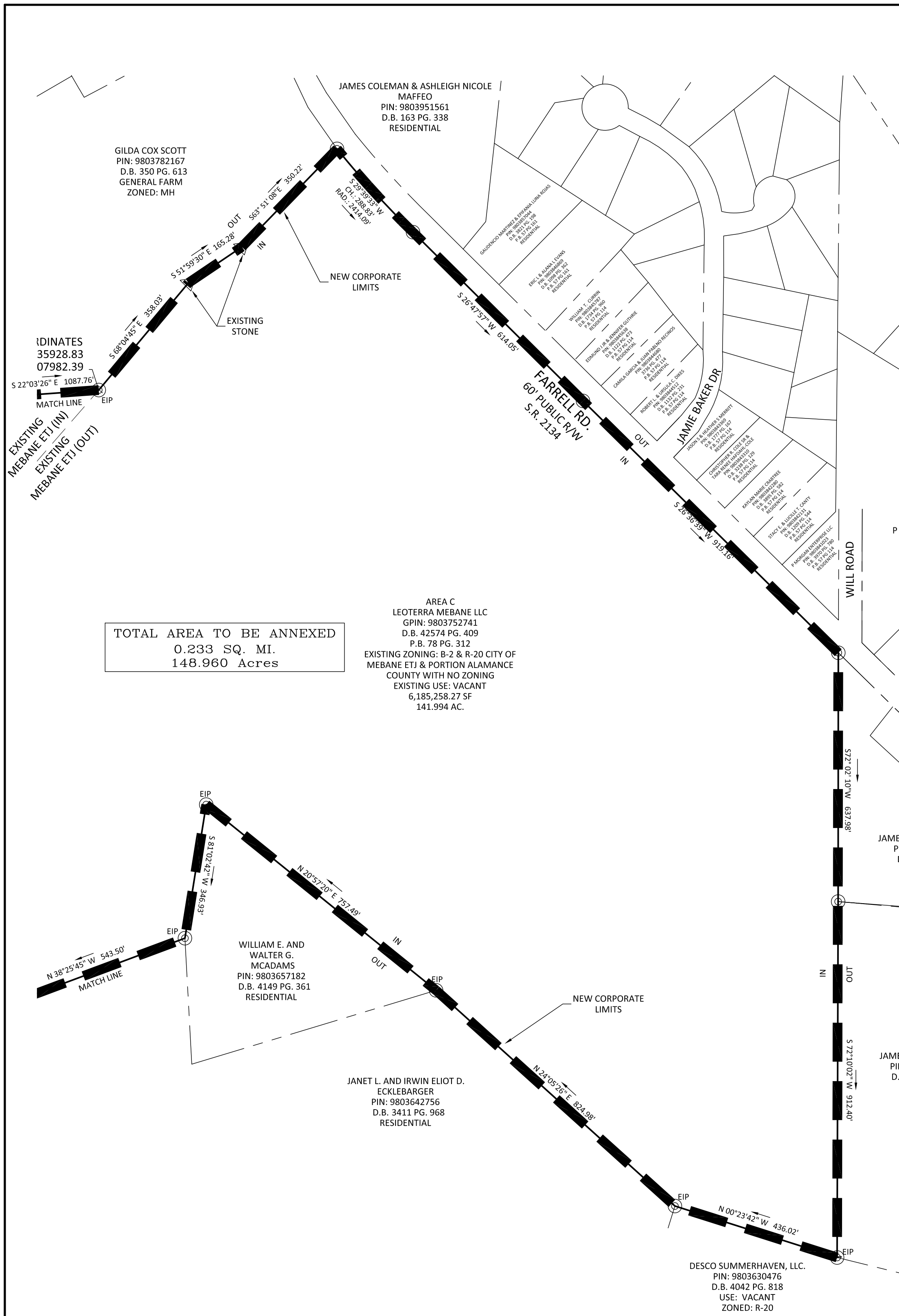
NO.	DATE	REVISION NOTE

DRAWN BY: AGB
CHECKED BY: JTA
DATE: 2022-03-28
PROJECT NO.: 2017-08
REF. NO.:
SCALE: 1" = 200'

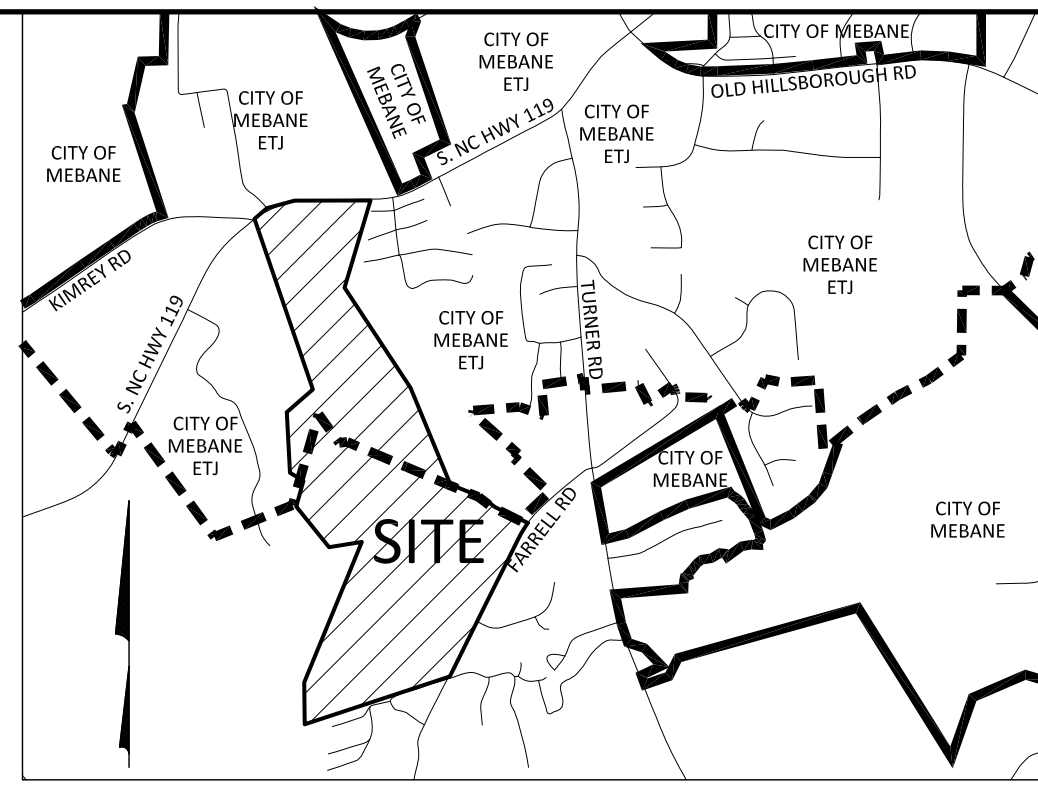
SHEET
1 OF 2



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Line Table		
Line #	Length	Direction
L1	52.99'	N50° 55' 28"E
L2	141.67'	N39° 04' 32"W



TOTAL AREA TO BE ANNEXED
0.233 SQ. MI.
148.960 Acres

AREA C
LEOTERRA MEBANE LLC
GPIN: 9803752741
D.B. 42574 PG. 409
P.B. 78 PG. 312
EXISTING ZONING: B-2 & R-20 CITY OF MEBANE ETJ & PORTION ALAMANCE COUNTY WITH NO ZONING
EXISTING USE: VACANT
6,185,258.27 SF
141.994 AC.

P MORGAN ENTERPRISE
PIN: 980385512
D.B. 3833 PG. 273
P.B. 81 PG. 343
SINGLE FAMILY

JAMES E FARRELL HEIRS
PIN: 9803735678
D.B. 481 PG. 269
RESIDENTIAL

JAMES MARK FARRELL
PIN: 9803720779
D.B. 2123 PG. 385
RESIDENTIAL

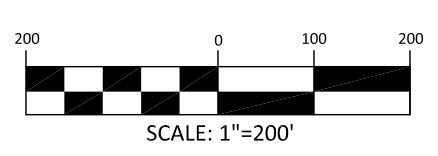
DESCO SUMMERHAVEN, LLC.
PIN: 9803630476
D.B. 4042 PG. 818
USE: VACANT
ZONED: R-20

THIS SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND OR ONE OR MORE EXISTING EASEMENTS AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET. FOR THE PURPOSES OF THIS SUBSECTION, AN "EXISTING PARCEL" OR "EXISTING EASEMENT" IS AN AREA OF LAND DESCRIBED IN A SINGLE LEGAL DESCRIPTION OR LEGALLY RECORDED SUBDIVISION THAT HAS BEEN OR MAY BE LEGALLY CONVEYED TO A NEW OWNER BY DEED IN ITS EXISTING CONFIGURATION.

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Jeffrey T. Allred
PROFESSIONAL LAND SURVEYOR
L-4500
REGISTRATION NUMBER

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 - EX. = EXISTING
 - = NEW CORPORATE LIMITS



FINAL PLAT: CITY OF MEBANE CORPORATE LIMITS EXTENSION & VOLUNTARY NON-CONTIGUOUS SATELLIET ANNEXATION

DEVELOPER INFORMATION:
LEOTERRA MEBANE, LLC
110-A SHIELDS PARK DRIVE
KERNERSVILLE, NC 27284

PROJECT LOCATION:
STATE: NORTH CAROLINA
COUNTY: ALAMANCE
TOWNSHIP: MELVILLE

ALLRED LAND SURVEYING, PLLC

JEFF ALLRED, PLS ~ L-4500
8065 COBLE MILL ROAD
SNOW CAMP, NC 27349
PHONE: 336-684-8202

NO.	DATE	REVISION NOTE

DRAWN BY: AGB
CHECKED BY: JTA
DATE: 2022-03-28
PROJECT NO.: 2017-08
REF. NO.:
SCALE: 1" = 200'



SHEET
2 OF 2

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AGENDA ITEM #5D

RZ 22-03

Conditional Rezoning Request to R-12(CD) to Allow the Planned Unit Development "Hawfields Landing"

Presenters

Cy Stober, Development Director
Ashley Ownbey, Interim Development Director

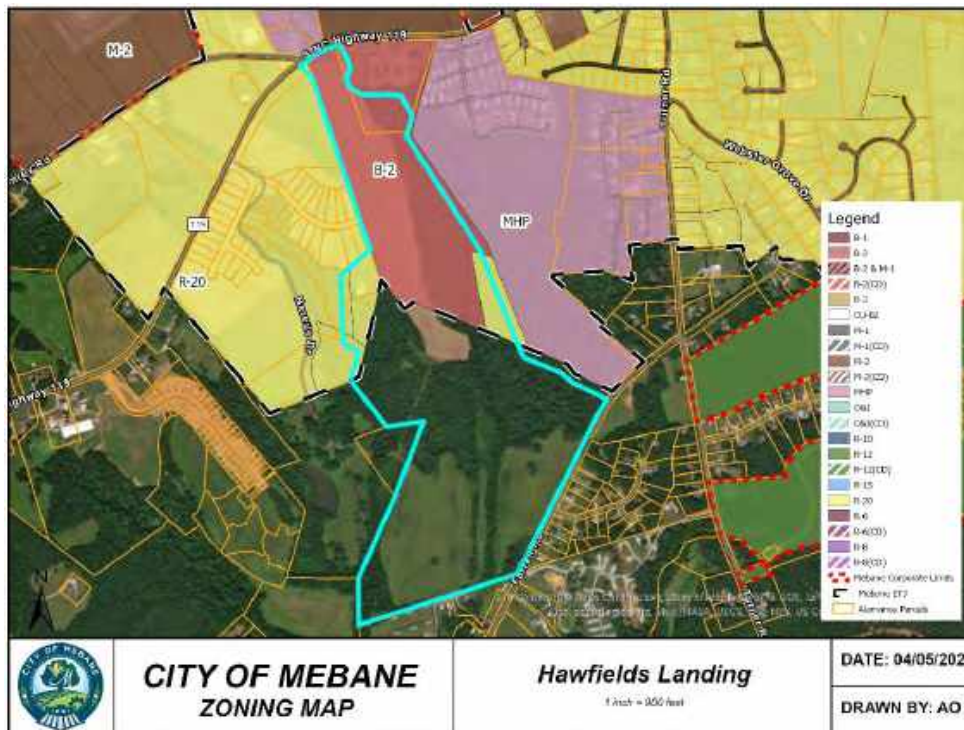
Applicant

Leoterra Mebane, LLC
110-A Shields Park Drive
Kernersville, NC 27284

Public Hearing

Yes No

Zoning Map



Property

Unaddressed
2502 S NC 119
2570-K S NC 119
GPINs: 9803752741;
9803578931;
9803677687;
9803664499

Proposed Zoning

R-12(CD)

Current Zoning

R-20, B-2, No Zoning

Size

+/-148.98 acres

Surrounding Zoning

R-20, MHP, M-2, R-12

Adjacent Land Uses

Healthcare Facility,
Single-Family Residential,
Manufactured Home/RV
Park, Warehouse

Utilities

To be extended at
developer's expense

Floodplain

No

Watershed

No

City Limits

No

Summary

Leoterra Mebane, LLC, is requesting approval to conditionally rezone four (4) properties totaling +/- 148.98 acres located at S NC 119 and Farrell Road. Two of the properties are currently zoned R-20 (Residential District); one property is zoned B-2 (General Business District); and, the largest property is split-zoned R-20 (Residential District) and B-2 (General Business District), with an additional portion of this property outside of the Mebane ETJ and therefore not zoned by Mebane. Annexation of the property is required prior to action on the rezoning request. The red text provided herein is to highlight changes volunteered by the applicant since the May 9 Planning Board meeting. All changes have been determined by staff to be less intensive yet consistent in character the plans originally approved by the City Technical Review Committee.

The proposed request is to rezone the properties to R-12(CD) (Residential Conditional District) to allow for a Planned Unit Development of 184 townhomes and ~~288~~ 252 single-family homes, **with the 31 lots along Farrell Road being a minimum lot area of 15,000 square feet.** The properties are in Alamance County outside of the City limits. Leoterra Mebane, LLC, owns the largest property and has all portions of the other properties under contract for purchase, contingent upon approval of the conditional rezoning.

The proposed onsite amenities & dedications include the following:

- The construction of all internal roads with 5' sidewalks;
- The construction of a 10'-wide public, multi-use path along the NC 119 frontage and for a certain distance on Street "A";
- The construction of a +/-2,188 linear foot, 8'-wide paved, public walking path behind Lots 288-259;
- The construction of a swimming pool, cabana, playground, paved walking path, multi-purpose field, dog park, grill areas, picnic shelter with fire pit, and recreational games, including permanent cornhole stations and pickle ball courts, to exclusively serve development residents.
- Per Item 5e, the construction of a 400-gallons per minute public sewer pump station on a special purpose lot to be dedicated to the City of Mebane that will serve the development and the surrounding area's utility needs. Per municipal utility policy, petition for annexation is required to access City water or sewer services. The pump station shall be screened and fenced as required by the City's Unified Development Ordinance (UDO).

Requested waivers:

- The development standards for Planned Unit Developments (PUDs) require side yards of 10' for "individual and unattached buildings". ~~The applicant is requesting a minimum side setback of 5'-7' for single family, detached homes.~~
- The development standards for PUDs specify the front setback should be "similar to the underlying zoning district." The R-12 Zoning District front setback is 30'. The applicant is requesting 20' front setbacks for the townhome buildings and single-family, detached homes.
- The development standards for PUDs specify periphery lots adjacent to single-family homes should meet minimum standards for the zoning district. The applicant is not showing any deviation in lot sizes for those on the periphery of the property adjoining residential properties to the west or properties along Farrell Road. Common elements do separate the proposed homes from the existing single-family homes.

- The UDO calculates that the applicant should provide 13.49 acres of public recreation area, and the applicant is requesting to provide 1.52 acres in a 10' multi-use path and 8' paved walking path, along with a payment *in lieu* of \$115,466.

Furthermore, consistent with the Traffic Impact Analysis (TIA) conducted by Ramey Kemp Associates and reviewed by the NCDOT and the City's consulting traffic engineer with VHB, the applicant will be providing the following transportation improvements:

NC 119 and Kimrey Road/Site Driveway

- Install a traffic signal at the intersection of NC 119 & Kimrey Road.
- Provide a right-turn lane on northbound NC 119 with 100' of storage and appropriate taper.
- Provide a left-turn lane on southbound NC 119 with 100' of storage and appropriate taper.
- Construct the site driveway with one ingress lane and two egress lanes, consisting of a shared left/through lane and an exclusive right-turn lane.

NC 119 and Trollingwood-Hawfields Road/Old Hillsborough Road

- Subject to available right-of-way and environmental/cultural constraints, provide a right-turn lane on eastbound Trollingwood-Hawfields Road with 100' of storage and appropriate taper.

NC 119 and Turner Road

- Upon the construction of the 215th home, contribution of \$600,000 towards a NCDOT project for intersection improvements, including a traffic signal. NCDOT is currently preparing a conceptual design and related cost estimate for signal and turn lane improvements at Turner Road/119.

The Technical Review Committee (TRC) has reviewed the site plan five (5) times and the applicant has revised the plan and TIA to reflect the comments.

The initial request was presented to the Mebane Planning Board on April 11, 2022, and, per the applicant's request, the meeting was continued and the plans revised based on comments and presented at the May 9 meeting. Based upon feedback at this second Planning Board meeting, the request has since been revised to reflect the following changes:

- All lots now comply with the 10' side setback (20' building separation) required by R-12 zoning.
- The 31 lots (Lots 179 – 201 & 216 – 223) along Farrell Road have been increased in size to a 15,000-square foot lot area minimum.
- Commitment to dedicate \$600,000 to intersection improvements at NC 119 and Turner Road upon construction of the 215th home.

Financial Impact

The developer will be required to make all of the improvements at his own expense.

Recommendation

At their April 11 meeting, the Mebane Planning Board voted unanimously to continue the meeting to allow for the project's traffic engineer to be present to speak to their concerns. At their May 9 meeting, the Planning Board voted 5 – 3 to recommend denial of the rezoning request due to safety concerns.

The Planning staff has reviewed the request for harmony with the zoning of the surrounding area and consistency with the City's adopted plans and recommends approval of the rezoning.

Suggested Motion

Note the combined motions to approve or deny Item 5e as well

1. Motion to approve the R-12(CD) zoning as presented. It is consistent with the objectives and goals in the City's Comprehensive Land Development Plan *Mebane By Design*. Specifically, the request:
 - Is for a property within the City's G-2 Residential Growth Area (Jones Drive and Mebane Oaks Residential) and is "...seen as an area where future residential growth is likely..." (Mebane CLP, p.78);
 - Provides a greenway and open space in a developing area and promotes connections to other locations, consistent with Open Space and Natural Resource Protection Goal 4.3 (p. 17, 89, & 90).
2. Motion to approve the Special Use request for a Special Purpose Lot for a public sewer pump station as presented; and
3. Motion to find that the request is both reasonable and in the public interest because it finds that it:
 - a. Will not materially endanger the public health or safety;
 - b. Will not substantially injure the value of adjoining or abutting property;
 - c. Will be in harmony with the area in which it is located; and
 - d. Will be consistent with the objectives and goals in the City's 2017 Comprehensive Land Development Plan *Mebane By Design*.

OR

4. Motion to deny the R-12(CD) rezoning as presented due to a lack of
 - a. Harmony with the surrounding zoning

OR

 - b. Consistency with the objectives and goals in the City's 2017 Comprehensive Land Development Plan *Mebane By Design* or any of the City's other adopted plans.

OR

5. Motion to deny the Special Use Permit as presented due to a failure to satisfy any one of the four criteria required for approval (**NOTE: criterion for failure must be specified**)

Attachments

1. Zoning Amendment Application
2. Zoning Map
3. Site Plan

4. Planning Project Report
5. Preliminary Water and Sewer System Approval Letter
6. Technical Memorandum – City Engineering Review
7. Traffic Impact Analysis Recommendations
 - a. Traffic Impact Analysis (TIA)
 - b. NCDOT Review of TIA
 - c. VHB Review of TIA



RECEIVED
12/09/2021

APPLICATION FOR A ZONING AMENDMENT

Application is hereby made for an amendment to the Mebane Zoning Ordinance as follows:

Name of Applicant: Leoterra Development, Inc.

Address of Applicant: 110-A Shields Park Dr. Kernersville, NC 27284

Address and brief description of property to be rezoned: Undeveloped land in county at parcels 174153, 159686, and portoin of 159687. And 177865. ^u

Applicant's interest in property: (Owned, leased or otherwise) Contract for purchase


*Do you have any conflicts of interest with: Elected/Appointed Officials, Staff, etc.?

Yes Explain: _____ No

Type of re-zoning requested: R-12 CD

Sketch attached: Yes No

Reason for the requested re-zoning: Develop single family and townhome community

Signed: 
Date: _____

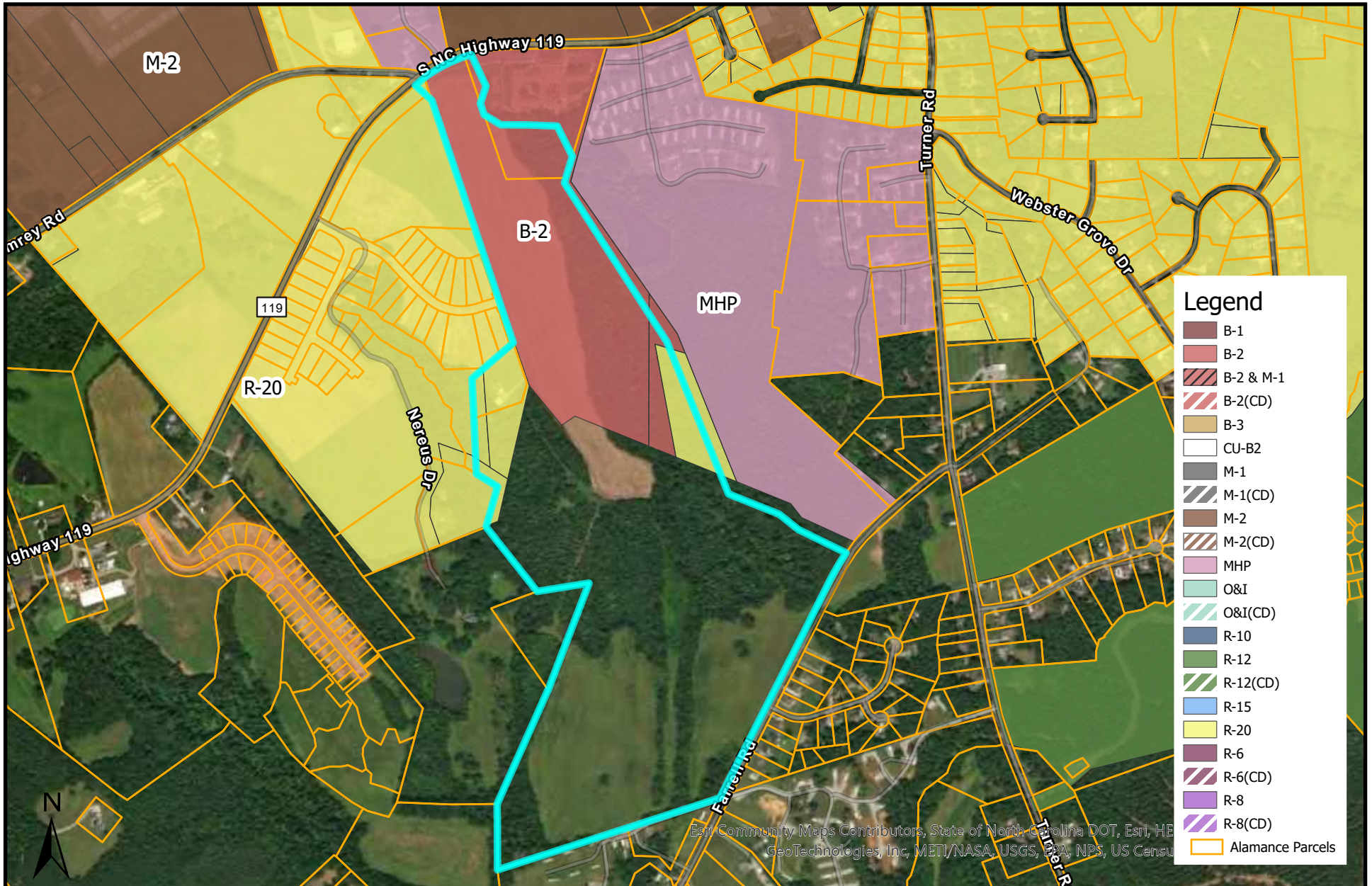
Action by Planning Board: _____

Public Hearing Date: _____ Action: _____

Zoning Map Corrected: _____

The following items should be included with the application for rezoning when it is returned:

1. Tax Map showing the area that is to be considered for rezoning.
2. Names and addresses of all adjoining property owners within a 300' radius (Include those that are across the street).
3. \$300.00 Fee to cover administrative costs.
4. The information is due 15 working days prior to the Planning Board meeting. The Planning Board meets the 2nd Monday of each month at 6:30 p.m. Then the request goes to the City Council for a Public Hearing the following month. The City Council meets the 1st Monday of each month at 6:00 p.m.



Legend	
	B-1
	B-2
	B-2 & M-1
	B-2(CD)
	B-3
	CU-B2
	M-1
	M-1(CD)
	M-2
	M-2(CD)
	MHP
	O&I
	O&I(CD)
	R-10
	R-12
	R-12(CD)
	R-15
	R-20
	R-6
	R-6(CD)
	R-8
	R-8(CD)
	Alamance Parcels

Esri Community Maps Contributors, State of North Carolina DOT, Esri, HERE, DeLorme, Intermap, Inc., SwireHightech, SwissVO, Aerogeotitles, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census



CITY OF MEBANE

ZONING MAP

Hawfields Landing

1 inch = 900 feet

DATE: 04/05/2022

DRAWN BY: AO

PARCEL DATA:
 PIN # 980375274, 980366499, 980367768(PORION) & 980357893(PORION)
 TOTAL ACREAGE: 148.98 AC +/-
 DEED REF: D.B. 4257 PG. 409
 D.B. 3982 PG. 238 (PORION)
 D.B. 4260 PG. 852 (PORION)
 D.B. 2937 PG. 569
 PLAT REF: P.B. 78, PG. 312-313
 EXISTING ZONING: B-2 & R-20 CITY OF MEBANE ETJ & PORTION ALAMANCE COUNTY WITH NO ZONING
 EXISTING USE: VACANT & SINGLE FAMILY RESIDENTIAL (159686)
 PROPOSED USE: PLANNED UNIT DEVELOPMENT (PUD)
 ZONING: R-12(CD) WITH SINGLE-FAMILY DETACHED & TOWNHOME DWELLING UNITS

QUANTITY DATA:

A) TOTAL LF OF STREETS:	17,050 LF
B) TOTAL LF SIDEWALKS:	19,045 LF
PUBLIC STREETS:	2,188 LF
10' MULTI USE PATH:	1,760 LF
FARRELL ROAD:	22,960 LF
C) LF STORM DRAINAGE:	22,960 LF
D) LF WATER LINE:	6,118 LF
12" ONSITE:	5,986 LF
12" OFFSITE:	10,563 LF
6" & 8" ONSITE:	22,667 LF
E) LF GRAVITY SEWER:	18,985 LF
LF FORCEMAIN OFFSITE:	5,835 LF
LF FORCEMAIN OFFSITE:	2,185 LF
F) SERVICE CONNECTIONS:	
SINGLE FAMILY:	252
# OF WATER SERVICES:	252
# OF SEWER SERVICES:	184
TOWNHOMES:	184
# OF WATER SERVICES:	184
# OF SEWER SERVICES:	184
G) NUMBER OF DRIVEWAYS:	252
SINGLE FAMILY:	184
TOWNHOMES:	184
H) NUMBER OF ENGINEERED STORMWATER DEVICES:	9 DEVICES
TOTAL # OF BEDROOMS:	1536
TOWNHOMES:	552
(ASSUMED 3 BEDROOMS PER UNIT FOR TOWNHOMES)	
SINGLE FAMILY:	1008
(ASSUMED 4 BEDROOMS PER UNIT FOR SINGLE FAMILY)	
INTERSTATE INVESTMENTS OF ALAMANCE, LLC	
PIN: 9803694962	
D.B. 3569 PG. 208	
P.B. 76 PG. 102	
USE: VACANT	
MEBANE ZONING: M-2	
MASTER AMENITY AREA	
0.42 AC +/- TO BE PURCHASED FROM COMPASS REALTY HAWFIELDS, LLC	

AREA DATA:

TOTAL SINGLE FAMILY AREA:	116.22 AC						
AREA IN SPECIAL PURPOSE LOT (PUMP STATION):	0.21 AC						
AREA IN CEMETERY LOT:	0.54 AC						
AREA IN R/W:	14.38 AC						
TOTAL AREA OPEN SPACE:	45.80 AC						
(REC AREA INCLUDED):	(13.33 AC)						
(COMMON ELEMENTS, PASSIVE):	(34.17 AC)						
EX. AREA 15% OR GREATER SLOPE:	0.71 AC						
AREA IN PROP. LANDSCAPE BUFFERS:	4.26 AC						
EX. AREA IN STREAM BUFFERS:	14.61 AC						
COMMON ELEMENTS REQUIRED: (MIN SFT - AVG SQFT) LOTS (12,000 - 9,607) 252 LOTS =	13.84 AC						
PUBLIC REC AREA REQUIRED: 252 x 1/35 AC =	7.20 AC						
TOTAL AREA IN TOWNHOMES:	32.76 AC						
AREA IN LOTS:	8.00 AC						
AREA IN R/W:	5.60 AC						
TOTAL AREA OPEN SPACE:	19.16 AC						
(COMMON ELEMENTS, PASSIVE):	(15.40 AC)						
(REC AREA):	(3.76 AC)						
(EX. AREA FROM SINGLE FAMILY SECTION TO BE USED TO MEET REC AREA REQUIREMENT)							
COMMON ELEMENTS REQUIRED: (500 SQ FT/UNIT) 184 UNITS	92,800 SQ FT = 2.11 AC						
PUBLIC REC AREA REQUIRED: 184 x 1/35 AC =	5.26 AC						
A PAYMENT IN-LIEU WILL BE REQUIRED FOR PUBLIC RECREATION AREA.							
TOTAL PUBLIC RECREATION REQUIRED =	12.46 AC						
TOTAL PUBLIC RECREATION PROVIDED =	15.21 AC						
(10' MULTI-USE PATH)	0.51 AC						
(PAVED WALKING PATH)	1.01 AC						
REMAINING PUBLIC RECREATION REQUIRED =	10.94 AC						
PAYMENT IN-LIEU: 10.94 AC x \$9,646.32 =	\$105,530.74						
PROPERTY:							
Pin #	81-8	8182142	Ac. Size	1.00	Value	\$	7,900.00
Lot #	100	100	Ac. Size	1.14	Value	\$	24,427.50
Lot #	101	101	Ac. Size	0.91	Value	\$	618,077.91
Lot #	102	102	Ac. Size	0.09	Value	\$	506.79
Lot #	103	103	Ac. Size	1.00	Value	\$	964,832.41
Lot #	104	104	Ac. Size	0.09	Value	\$	9,096.31
TOTAL SUBDIVISION OPEN SPACE:	64.66 AC						
(COMMON ELEMENTS, PASSIVE):	49.57 AC						
(REC AREA):	15.09 AC						

DEVELOPMENT & UTILITY NOTES:

1. ALL NEW UTILITIES TO BE LOCATED UNDERGROUND.
2. ALL PUBLIC UTILITIES AND CONNECTIONS TO PUBLIC UTILITIES SHALL CONFORM TO THE CITY OF MEBANE STANDARDS AND SPECIFICATIONS.
3. FIRE HYDRANT AND VALVE LOCATIONS TO BE SHOWN ON CONSTRUCTION DRAWINGS UPON INPUT FROM THE CITY OF MEBANE FIRE AND ENGINEERING DEPT.
4. ALL UTILITIES AND BMP DEVICES SHOWN ARE PRELIMINARY AND ARE SUBJECT TO CHANGE DURING THE CONSTRUCTION DESIGN PROCESS.
5. EASEMENTS MEETING CITY OF MEBANE STANDARDS SHALL BE LOCATED ON ALL PUBLIC UTILITIES LOCATED OUTSIDE OF RIGHT-OF-WAY. NO FENCING OF PUBLIC UTILITY EASEMENTS WILL BE ALLOWED UNLESS OTHERWISE APPROVED BY THE CITY OF MEBANE. A NOTE SHALL BE ADDED TO THE HOA DOCUMENTS TO THIS EXTENT.
6. 10' UTILITY EASEMENT REQUIRED ALONG PUBLIC STREET RIGHT OF WAY.
7. AS A HIGH DENSITY SUBDIVISION THIS DEVELOPMENT SHALL COMPLY WITH NPDES PHASE II STORMWATER REGULATIONS, RIPARIAN BUFFER ORDINANCE AND THE CITY OF MEBANE STORM DRAINAGE DESIGN MANUAL.
8. ANY LANDSCAPE BUFFERS ON PRIVATE LOTS SHALL BE IN EASEMENTS MAINTAINED BY THE HOMEOWNERS ASSOCIATION.
9. PRESERVED TREE AREAS WILL BE FENCED OFF AND UNDISTURBED DURING CONSTRUCTION.
10. ALL COMMON ELEMENTS ARE THE RESPONSIBILITIES OF THE HOA.
11. OBTAIN NCDOT DRIVEWAY PERMIT FOR PROPOSED ACCESSES FOR NC 119 AND FARRELL ROAD PRIOR TO CONSTRUCTION.
12. OBTAIN NCDOT THREE-PARTY ENCROACHMENT AGREEMENT FOR PROPOSED/STIPULATED WATER AND SEWER CONSTRUCTION AND ANY SIDEWALK MULTI-USE PATHS AND UTILITIES.
13. PARCEL TO BE ANNEXED INTO THE CITY OF MEBANE CORPORATE LIMITS. ANY AREA OF PARCEL NOT LOCATED IN THE CITY OF MEBANE CORPORATE LIMITS (ETJ), WILL NEED TO BE ANNEXED BY THE CITY PRIOR TO ANY ZONING ACTION BY THE CITY COUNCIL.
14. FLOOD STUDY WILL BE REQUIRED AT THE CONSTRUCTION DRAWING PHASE.
15. OVERALL SUBDIVISION SPEED LIMIT TO BE 25 MPH.
16. UTILITIES TO BE SCREENED WITH EVERGREEN PLANTS (PUMP STATION, TRANSFORMERS, AC UNITS, ETC.).
17. THE CITY OF MEBANE WILL ONLY MAINTAIN ITEMS SUCH AS SIDEWALKS, WATER, SEWER, STREET, PUMP STATIONS AND STORM DRAINS THAT ARE IN PUBLIC RIGHT-OF-WAY OR SPECIFICALLY HAVE AN EASEMENT DEDICATED TO THE CITY OF MEBANE FOR OWNERSHIP AND MAINTENANCE ON A DEDICATED PARCEL OF LAND. HOWEVER, ALL LANDSCAPING IS WITH THE HOA TO MAINTAIN EXCEPT WHERE LOCATED ON PUMP STATION PARCEL.
18. LANDSCAPING AND LIGHTING PLANS TO BE PROVIDED WITH CONSTRUCTION DRAWINGS.

SINGLE FAMILY LOT DIMENSIONAL DATA PROPOSED:

FOR LOTS 1-178, 202-215 & 224-252
 MIN. LOT SIZE=6,000 S.F.
 MIN. LOT WIDTH AT BUILDING LINE = 60'
 MIN. LOT WIDTH AT STREET = 35' (CUL-DE-SAC)
 FRONT SETBACK: 21' GARAGE TO PROPERTY LINE
 MEBANE FIRE AND ENGINEERING DEPT.
 SIDE SETBACK: 10'
 SIDE STREET: 15'
 REAR SETBACK: 15'
 MAXIMUM BUILDING HEIGHT: 35'; TWO STORY MAX.
 MAXIMUM LOT BUILDING COVERAGE: 40%

FOR LOTS 179-201 & 216-223
 MIN. LOT SIZE=15,000 S.F.
 MIN. LOT WIDTH AT BUILDING LINE = 85'
 MIN. LOT WIDTH AT STREET = 35' (CUL-DE-SAC)
 FRONT SETBACK: 20' GARAGE TO PROPERTY LINE
 MEBANE FIRE AND ENGINEERING DEPT.
 SIDE SETBACK: 10'
 SIDE STREET: 15'
 REAR SETBACK: 15'
 MAXIMUM BUILDING HEIGHT: 35'; TWO STORY MAX.
 MAXIMUM LOT BUILDING COVERAGE: 30%

SINGLE FAMILY COMMON AREA

REC. AREA	COMMON ELEMENTS (PASSIVE)
4	4.81 AC. A
5	3.94 AC. B
6	2.58 AC. C
	D 1.31 AC.
	E 7.70 AC.
TOTAL	11.33 AC. TOTAL 34.17 AC.

TOWNHOME COMMON AREA

REC. AREA	COMMON ELEMENTS (PASSIVE)
1	2.28 AC. TH*
2*	0.88 AC.
3	0.60 AC.
TOTAL	3.76 AC. TOTAL 15.40 AC.

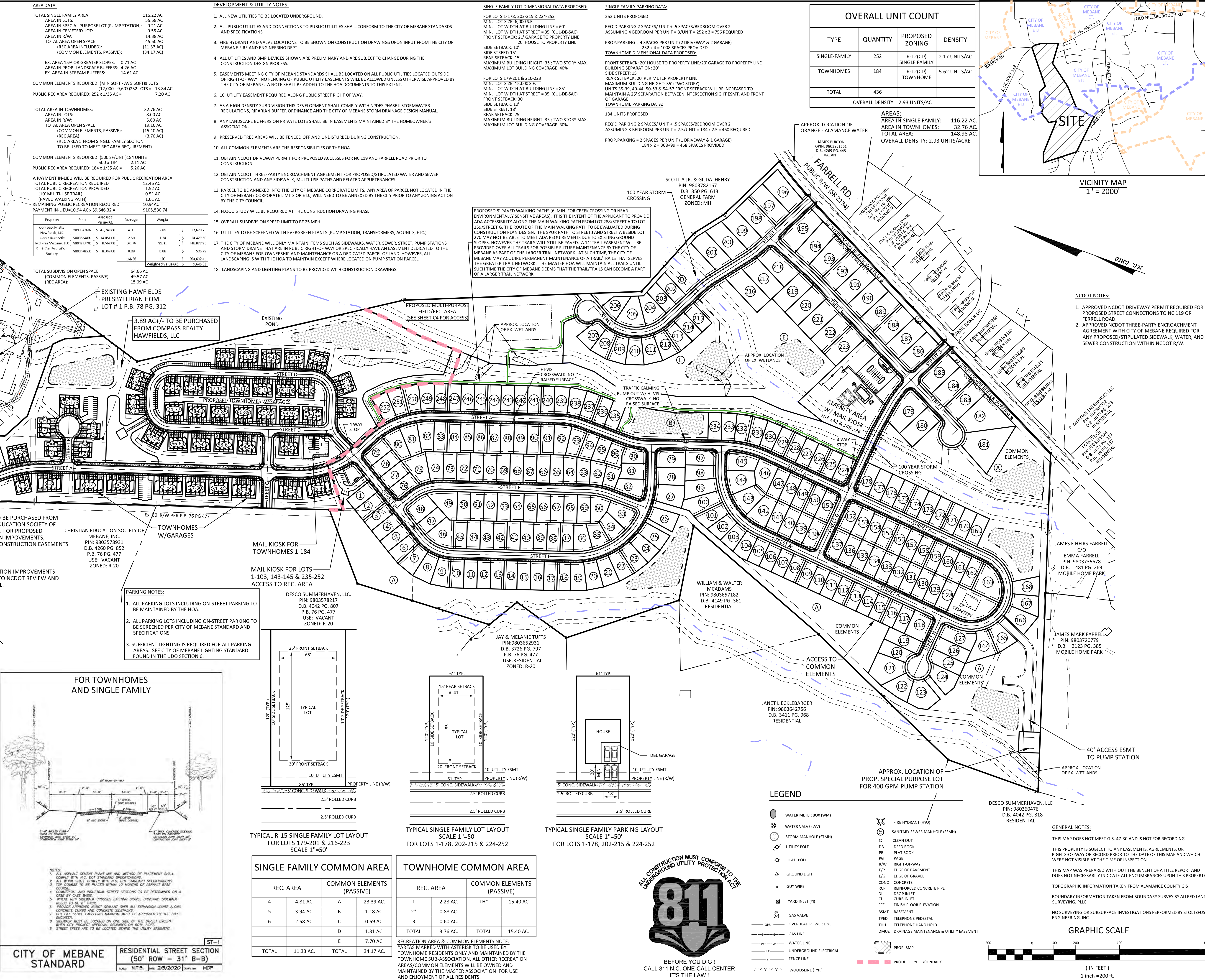
RECREATION AREA & COMMON ELEMENTS NOTE:
 *AREAS MARKED WITH ASTERISK TO BE USED BY TOWNHOME RESIDENTS ONLY AND MAINTAINED BY THE TOWNHOME SUB-ASSOCIATION. ALL OTHER RECREATION AREAS/Common Elements WILL BE OWNED AND MAINTAINED BY THE MASTER ASSOCIATION FOR USE AND ENJOYMENT OF ALL RESIDENTS.

OVERALL UNIT COUNT

TYPE	QUANTITY	PROPOSED ZONING	DENSITY
SINGLE-FAMILY	252	R-12(CD) SINGLE FAMILY	2.17 UNITS/AC
TOWNHOMES	184	R-12(CD) TOWNHOME	5.62 UNITS/AC
TOTAL	436		

OVERALL DENSITY = 2.93 UNITS/AC

AREAS:
 AREA IN SINGLE FAMILY: 116.22 AC.
 AREA IN TOWNHOMES: 32.76 AC.
 TOTAL AREA: 148.98 AC.
 OVERALL DENSITY: 2.93 UNITS/ACRE



CITY OF MEBANE STANDARD

RESIDENTIAL STREET SECTION (50' ROW - 31' B-B)

DATE: N.T.S. DATE: 2/23/2022 DRAWN BY: MDP

TYPICAL R-15 SINGLE FAMILY LOT LAYOUT
SCALE 1"=50'

TYPICAL SINGLE FAMILY LOT LAYOUT
SCALE 1"=50'

TYPICAL SINGLE FAMILY PARKING LAYOUT
SCALE 1"=50'

FOR TOWNHOMES AND SINGLE FAMILY

1. ALL ASPHALT CEMENT PLANT MIX AND METHOD OF PLACEMENT SHALL COMPLY WITH N.C. DOT STANDARD SPECIFICATIONS.

2. ALL WORK SHALL COMPLY WITH N.C. DOT STANDARD SPECIFICATIONS.

3. TOP COURSE TO BE PLACED WITHIN 12 MONTHS OF NORMAL BASE COURSE.

4. COMMERCIAL AND INDUSTRIAL STREET SECTIONS TO BE DETERMINED ON A CASE BY CASE BASIS.

5. WHERE NEW SIDEWALK CROSSES EXISTING GRAVEL, SIDEWALK SHALL BE CONCRETE AND CONCRETE SIDEWALK.

6. PROVIDE APPROVED NCDOT SEALANT OVER ALL EXPANSION JOINTS ALONG CONCRETE CURBS AND CONCRETE SIDEWALKS.

7. CUT-FILL SLOPE EXCEEDING MAXIMUM MUST BE APPROVED BY THE CITY ENGINEER.

8. SIDEWALK MUST BE LOCATED ON ONE SIDE OF THE STREET EXCEPT WHERE CITY PROJECT APPROVAL REQUIRED ON BOTH SIDES.

9. STREET TREES ARE TO BE LOCATED BEHIND THE UTILITY PARALLEL.

UTILITY JURISDICTION

UTILITY	PUBLIC	PRIVATE	JURISDICTION
WATER	YES		CITY OF MEBANE
SANITARY	YES		CITY OF MEBANE
ROADWAY	YES		CITY OF MEBANE

REVISION NOTE

NO.	DATE	REVISION
1	11/17/21	MEBANE COMMENTS
2	12/17/21	MEBANE COMMENTS
3	03/22/22	MEBANE COMMENTS
4	03/24/22	MEBANE COMMENTS
5	04/26/22	MEBANE COMMENTS
6	05/26/22	DEVELOPER REVISION

DRAWN BY: SDT
 CHECKED BY: ARS
 DATE: 11/09/2020
 PROJECT NO.: 2201.05
 REF. NO.:
 SCALE: 1"=200'

GRAPHIC SCALE
1 inch = 200 ft.

HAWFIELDS LANDING

OVERALL PRELIMINARY PLAN

Aden R. Stoltzfus, PE C-3812
 aden@seengineering.com
 336-904-0207
 683 Gralin Street
 Kernersville, NC 27284

Stoltzfus Engineering Inc.
 Civil Engineering Consultants

PROPERTY OWNER INFORMATION:
 C/O JAMES H. FARRELL
 110-A SHIELDS PARK DRIVE
 KERNERSVILLE, NC 27284

PROJECT LOCATION:
 C/O JAMES H. FARRELL
 110-A SHIELDS PARK DRIVE
 KERNERSVILLE, NC 27284

NO. DATE REVISION NOTE

11/17/21 MEBANE COMMENTS

12/17/21 MEBANE COMMENTS

03/22/22 MEBANE COMMENTS

03/24/22 MEBANE COMMENTS

04/26/22 MEBANE COMMENTS

05/26/22 DEVELOPER REVISION

DRAWN BY: SDT
 CHECKED BY: ARS
 DATE: 11/09/2020
 PROJECT NO.: 2201.05
 REF. NO.:
 SCALE: 1"=200'

THIS MAP DOES NOT MEET G.S. 47-30 AND IS NOT FOR RECORDING.

THIS PROPERTY IS SUBJECT TO ANY EASEMENTS, AGREEMENTS, OR RIGHTS-OF-WAY OF RECORD PRIOR TO THE DATE OF THIS MAP AND WHICH WERE NOT VISIBLE AT THE TIME OF INSPECTION.

THIS MAP WAS PREPARED WITH OUT THE BENEFIT OF A TITLE REPORT AND DOES NOT NECESSARILY INDICATE ALL ENCUMBRANCES UPON THIS PROPERTY.

TOPOGRAPHIC INFORMATION TAKEN FROM ALAMANCE COUNTY GIS

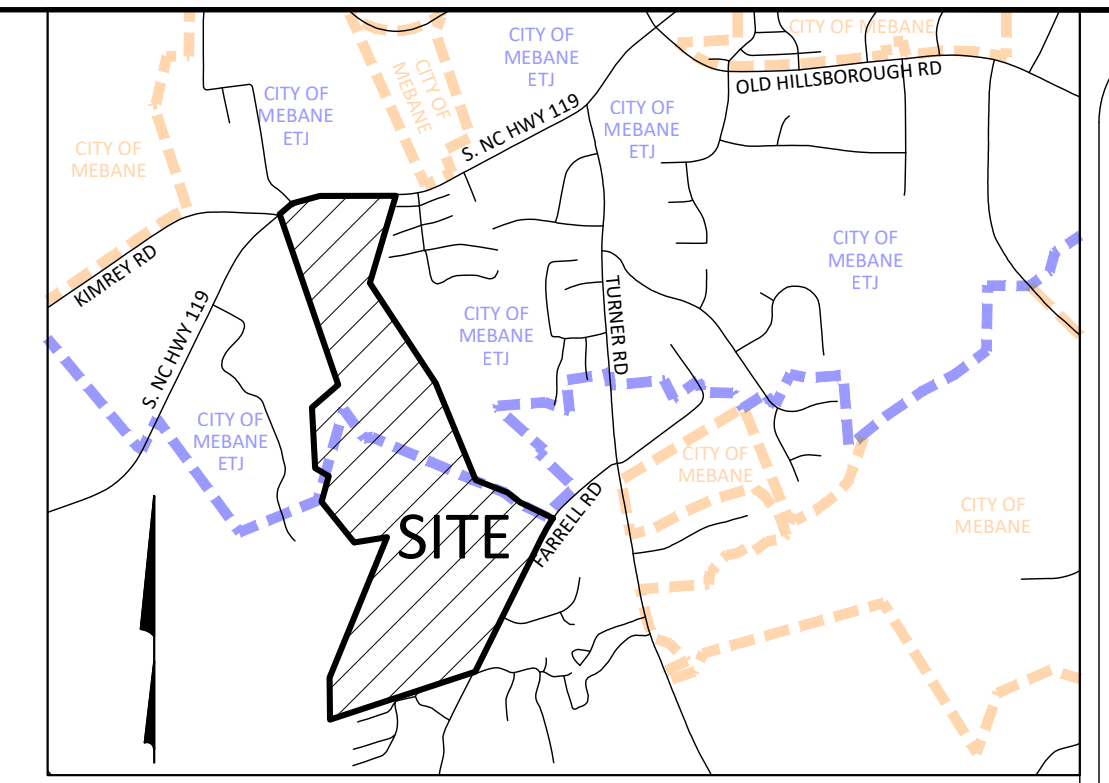
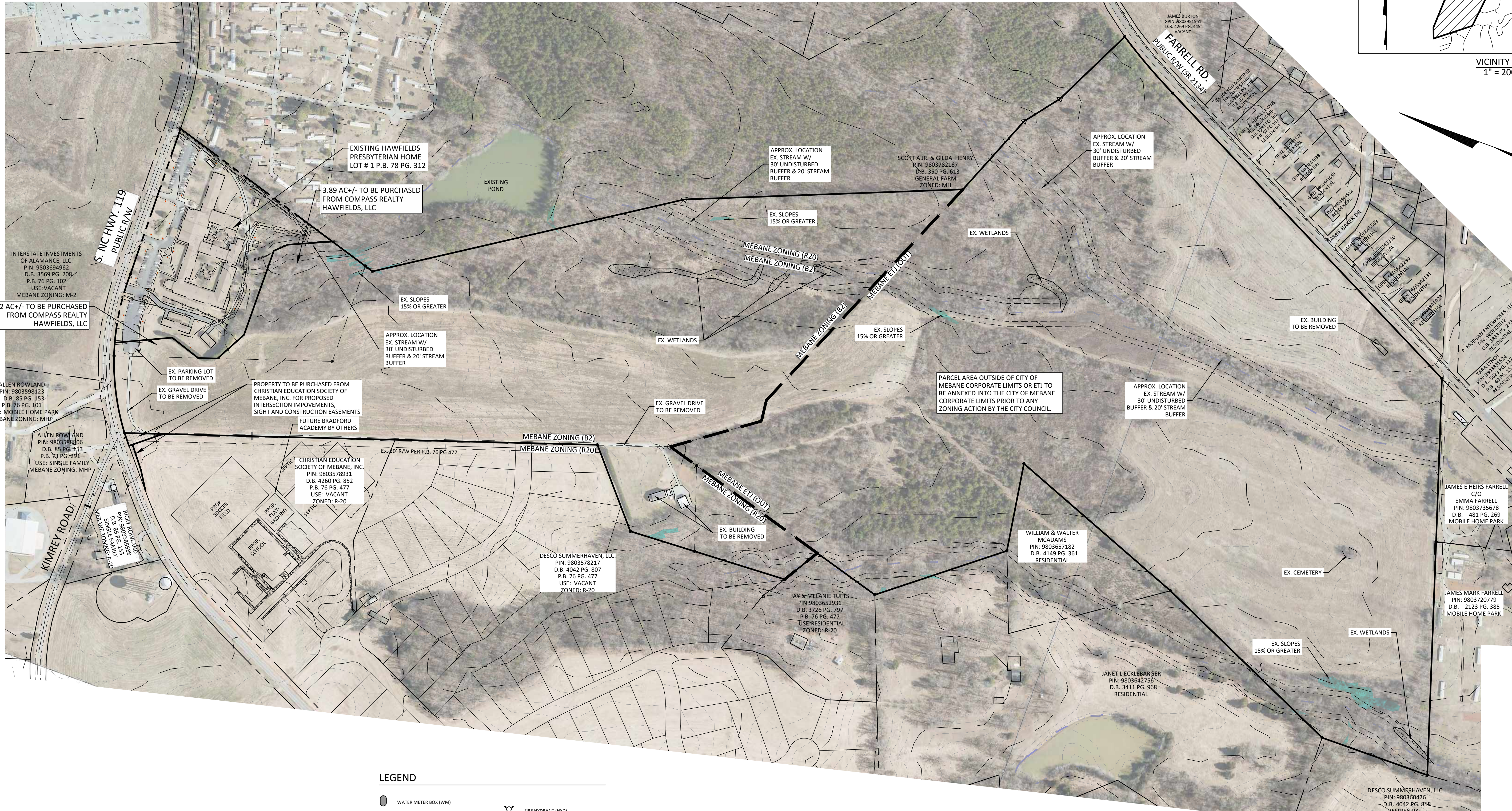
BOUNDARY INFORMATION TAKEN FROM BOUNDARY SURVEY BY ALLRED LAND SURVEYING, PLLC

NO SURVEYING OR SUBSURFACE INVESTIGATIONS PERFORMED BY STOLTZFUS ENGINEERING, INC.

811

BEFORE YOU DIG!
 CALL 811 N.C. ONE-CALL CENTER
 IT'S THE LAW!

1 OF 7



Aden R. Stoltzfus, PE C-3812
 aden@seengineering.com
 336-904-0207
 683 Gralin Street
 Kernersville, NC 27284

SEI
 Stoltzfus Engineering Inc.
 Civil Engineering Consultants

HAWFIELDS LANDING
 EXISTING CONDITIONS PLAN

PROPERTY OWNER INFORMATION:
 LEO TERRA MEBAHE, LLC
 110-A SHELDON PARK DRIVE
 KERNERSVILLE, NC 27284

PROJECT LOCATION:
 COUNTY: WAKE
 TOWNSHIP: MELVILLE

NO.	DATE	REVISION NOTE
1	11/17/21	MEBAHE COMMENTS
2	12/17/21	MEBAHE COMMENTS
3	03/22/22	MEBAHE COMMENTS
4	03/24/22	MEBAHE COMMENTS
5	04/22/22	MEBAHE COMMENTS
6	05/26/22	DEVELOPER REVISION

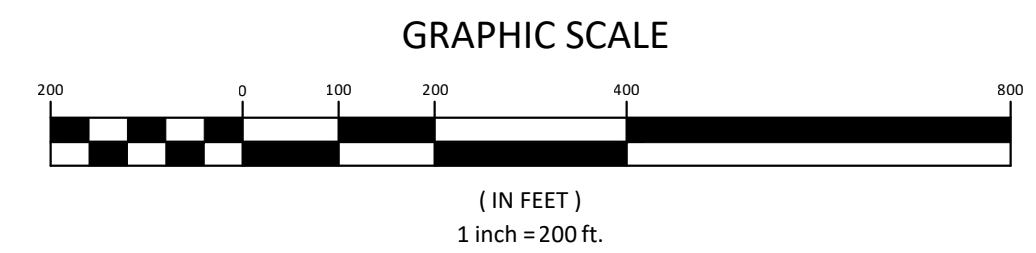
DRAWN BY: SDT
 CHECKED BY: ARS
 DATE: 11/09/2020
 PROJECT NO.: 2201.05
 REF. NO.:
 SCALE: 1"=200'

LEGEND

	WATER METER BOX (WM)		FIRE HYDRANT (HYD)
	WATER VALVE (WV)		SANITARY SEWER MANHOLE (SSMH)
	STORM MANHOLE (STMH)		CLEAN OUT
	UTILITY POLE		DRIED BOOK
	LIGHT POLE		PLAT BOOK
	GROUND LIGHT		PAGE
	GUY WIRE		RIGHT-OF-WAY
	YARD INLET (YI)		EDGE OF PAVEMENT
	GAS VALVE		EDGE OF GRAVEL
	OVERHEAD POWER LINE		CONCRETE
	GAS LINE		REINFORCED CONCRETE PIPE
	WATER LINE		DROP INLET
	UNDERGROUND ELECTRICAL		CURB INLET
	FENCE LINE		FINISH FLOOR ELEVATION
	WOODSLINE (TYP.)		BASEMENT
			TELEPHONE PEDESTAL
			TELEPHONE HAND HOLD
			DRAINAGE MAINTENANCE & UTILITY EASEMENT
			PROP. BMP
			15%+ SLOPES

ALL CONSTRUCTION MUST CONFORM TO THE UNDERGROUND UTILITY PROTECTION ACT

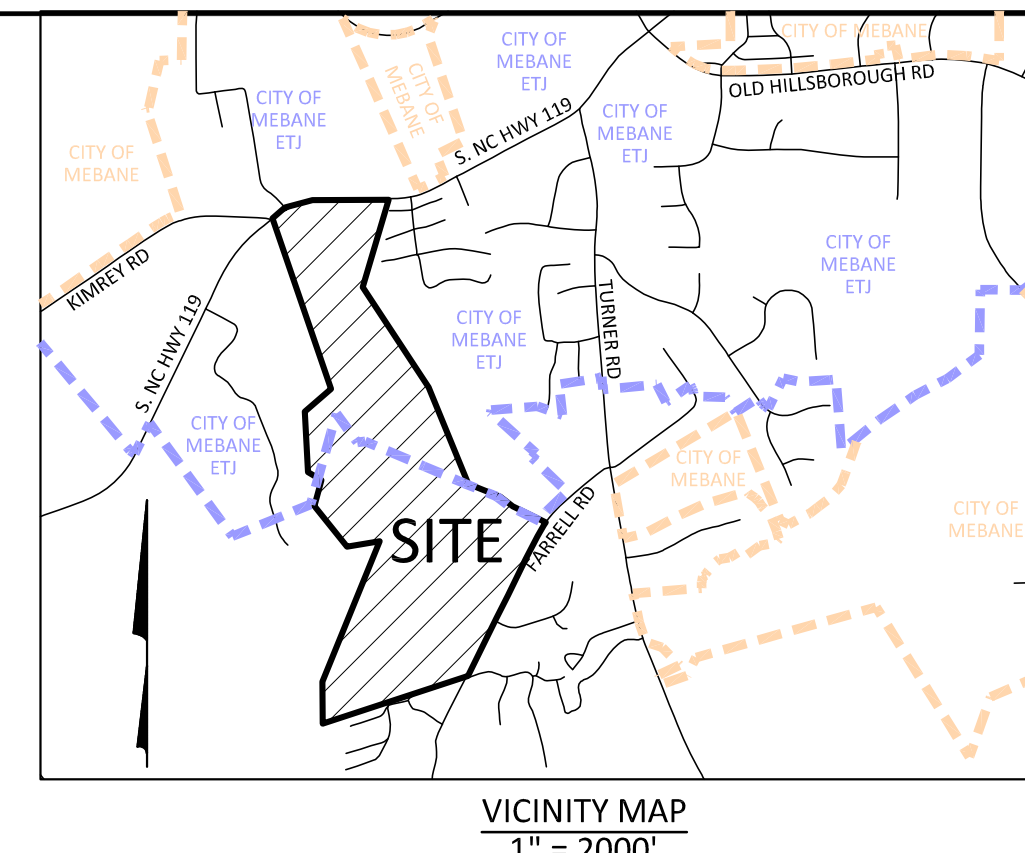
BEFORE YOU DIG!
 CALL 811 N.C. ONE-CALL CENTER
 IT'S THE LAW!



C2
2 OF 7

PHASED UNIT COUNT			
PHASE	SINGLE FAMILY LOTS	TOWNHOME UNITS	
1	53	70	
2	71	39	
3	51	75	
4	35		
5	42		

PHASING NOTE:
 DURING CONSTRUCTION PHASE OF PROJECT THE ABILITY FOR PUBLIC GARBAGE PICKUP AND EMERGENCY SERVICES WILL BE EXAMINED AND MEASURES WILL BE PUT INTO PLACE WITH TEMP. TURNAROUNDS AND OTHER MEASURES TO INSURE THAT THESE SERVICES ARE BEING PROVIDED DURING CONSTRUCTION OF ADJOINING PHASES).



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 336-904-0207
 683 Gralin Street
 Kernersville, NC 27284



HAWFIELDS LANDING

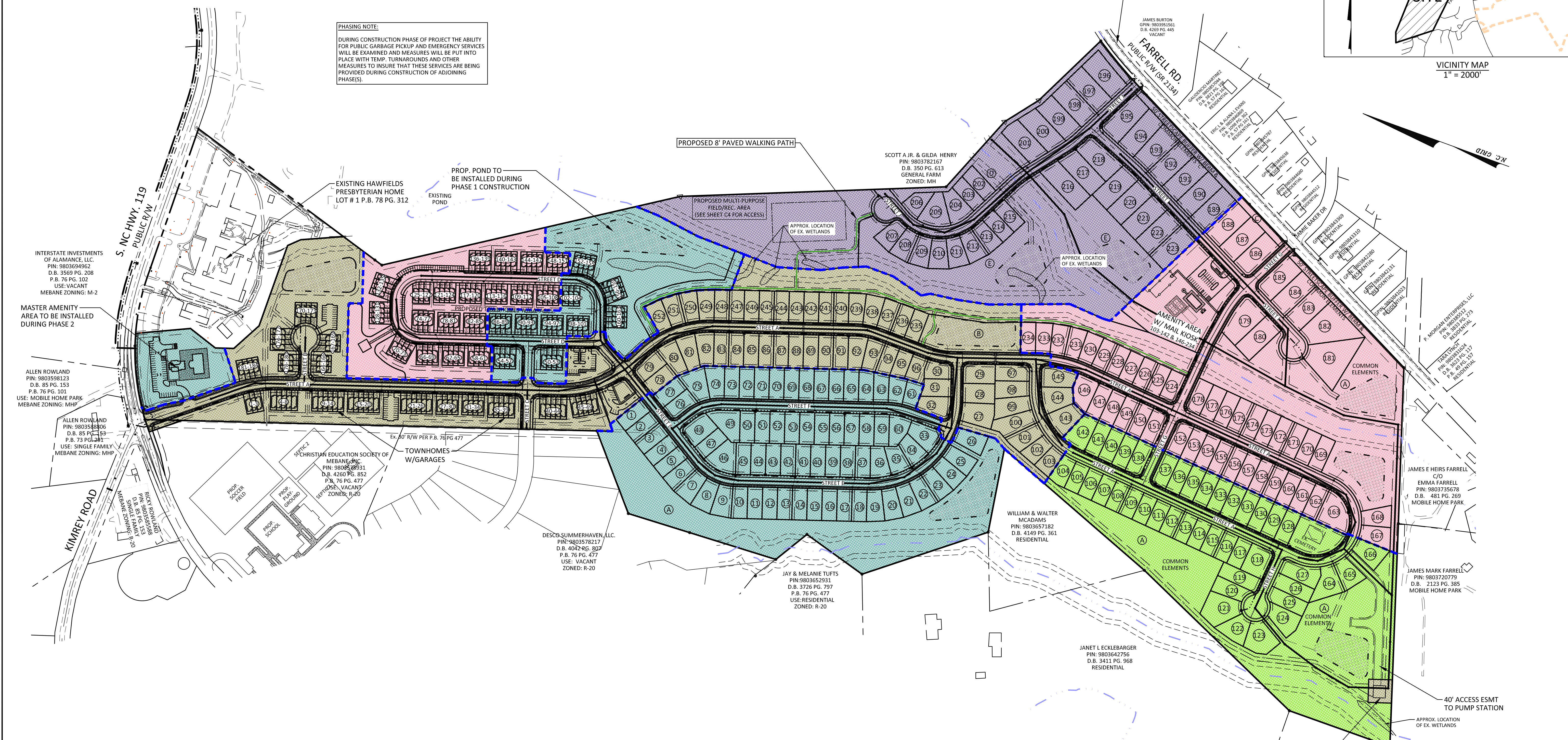
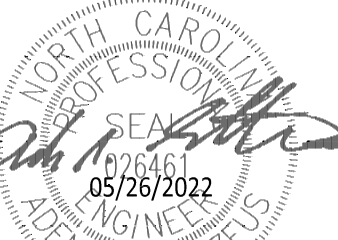
OVERALL PRELIMINARY PHASING PLAN

PROPERTY OWNER INFORMATION:
 LEOTERA, MEANE, LLC
 110-A SHIELDS PARK DRIVE
 KERNERSVILLE, NC 27284

PROJECT LOCATION:
 HAWFIELDS LANDING
 COUNTY: ALAMANCE
 TOWNSHIP: MELVILLE

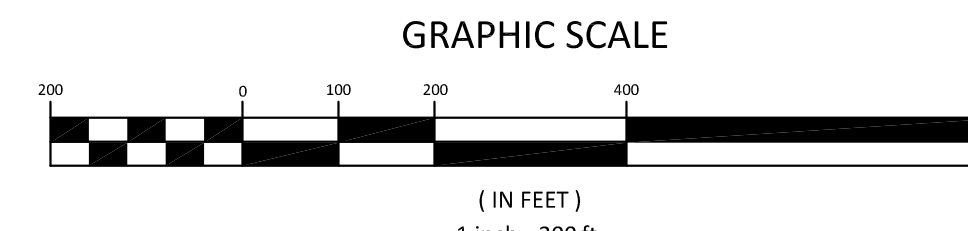
NO.	DATE	REVISION NOTE
1	11/17/21	MEBANE COMMENTS
2	12/17/21	MEBANE COMMENTS
3	03/22/22	MEBANE COMMENTS
4	03/24/22	MEBANE COMMENTS
5	04/22/22	MEBANE COMMENTS
6	05/26/22	DEVELOPER REVISION

DRAWN BY: SDT
 CHECKED BY: ARS
 DATE: 11/09/2020
 PROJECT NO.: 2201.05
 REF. NO.:
 SCALE: 1"=200'

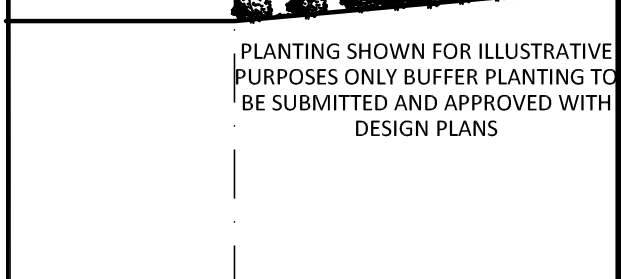
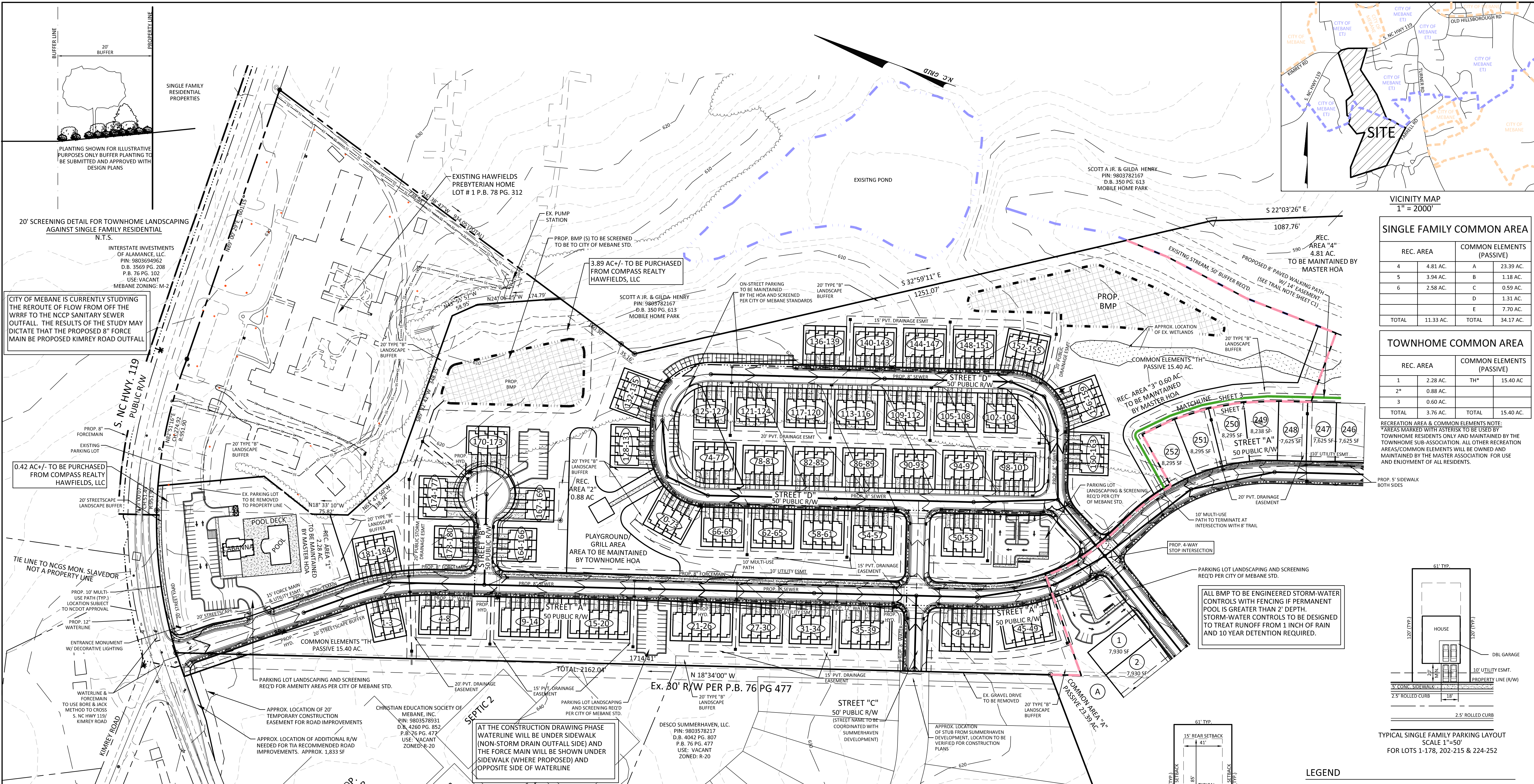


LEGEND

WATER METER BOX (WM)	FIRE HYDRANT (HYD)
WATER VALVE (WV)	SANITARY SEWER MANHOLE (SSMH)
STORM MANHOLE (STMH)	CLEAN OUT
UTILITY POLE	DEED BOOK
LIGHT POLE	FLAT BOOK
GROUND LIGHT	PAGE
GUY WIRE	RIGHT-OF-WAY
YARD INLET (YI)	EDGE OF PAVEMENT
GAS VALVE	EDGE OF GRAVEL
OVERHEAD POWER LINE	CONC. CONCRETE
GAS LINE	RCP. REINFORCED CONCRETE PIPE
WATER LINE	DI. DROP INLET
UNDERGROUND ELECTRICAL	CI. CURB INLET
FENCE LINE	FFE. FINISH FLOOR ELEVATION
WOODLINE (TYP.)	BSMT. BASEMENT
	TYPED. TELEPHONE PEDESTAL
	THRH. TELEPHONE HAND HOLD
	DMUE. DRAINAGE MAINTENANCE & UTILITY EASEMENT
	PROP. BMP



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20' SCREENING DETAIL FOR TOWNHOME LANDSCAPING AGAINST SINGLE FAMILY RESIDENTIAL N.T.S.

INTERSTATE INVESTMENTS OF ALAMANCE, LLC
 PIN: 9803694962
 D.B. 3569 PG. 208
 P.B. 76 PG. 102
 USE: VACANT
 MEBANE ZONING: M-2

CITY OF MEBANE IS CURRENTLY STUDYING THE REROUTE OF FLOW FROM OFF THE WRRF TO THE NCCP SANITARY SEWER OUTFALL. THE RESULTS OF THE STUDY MAY INDICATE THAT THE PROPOSED 8" FORCE MAIN BE PROPOSED KIMREY ROAD OUTFALL

0.42 AC +/- TO BE PURCHASED FROM COMPASS REALTY HAWFIELDS, LLC

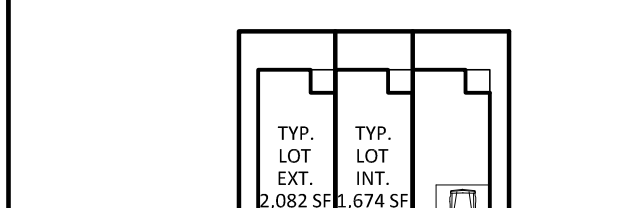
TIE LINE TO NCGS MON. SLAVEDOR NOT A PROPERTY LINE

PROP. 10' MULTI-USE PATH (TYP.) LOCATION SUBJECT TO NCDOT APPROVAL

PROP. 12" WATERLINE

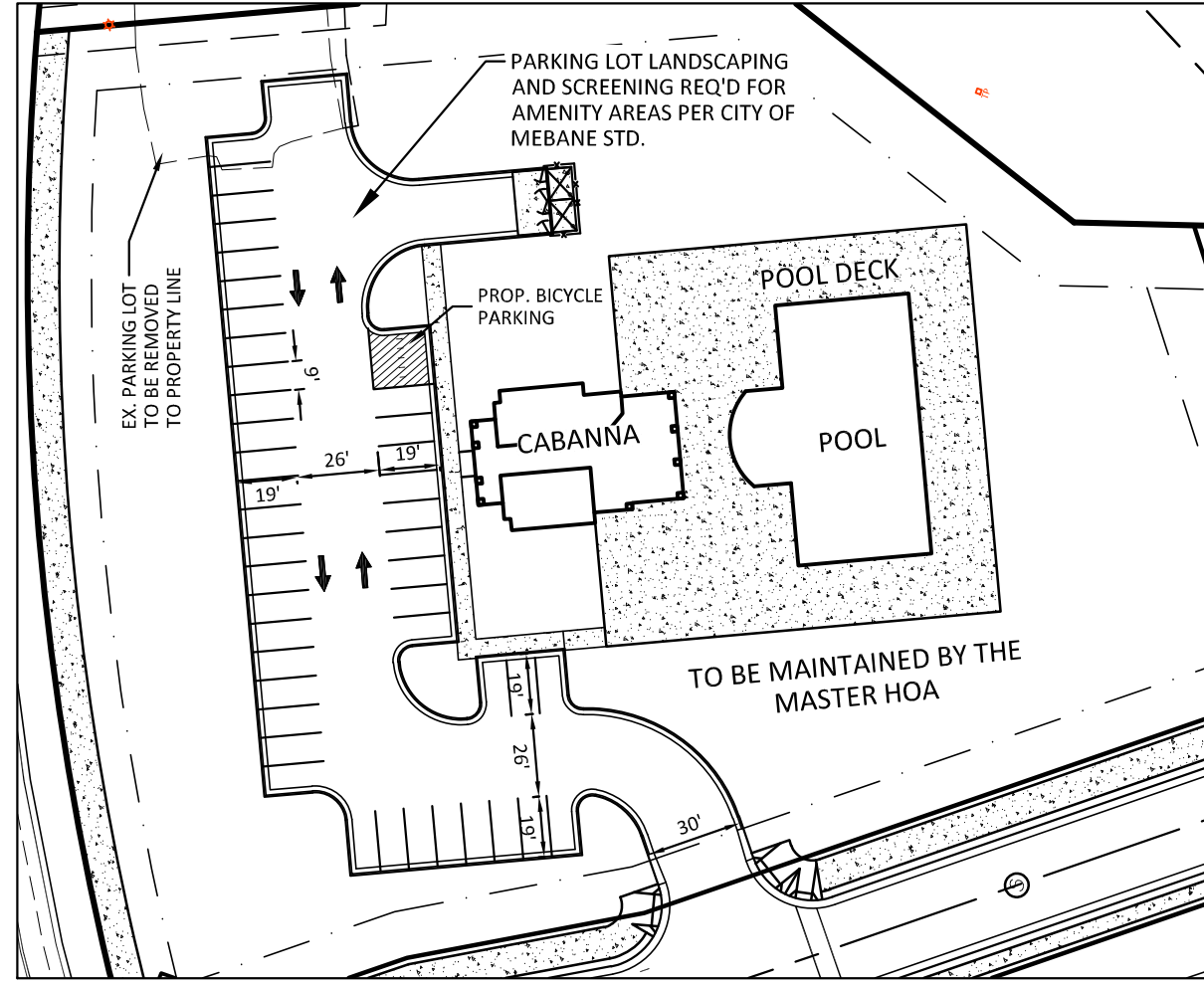
ENTRANCE MONUMENT W/ DECORATIVE LIGHTING

WATERLINE & FORCE MAIN TO USE BORE & JACK METHOD TO CROSS S. NC HWY 119/KIMREY ROAD

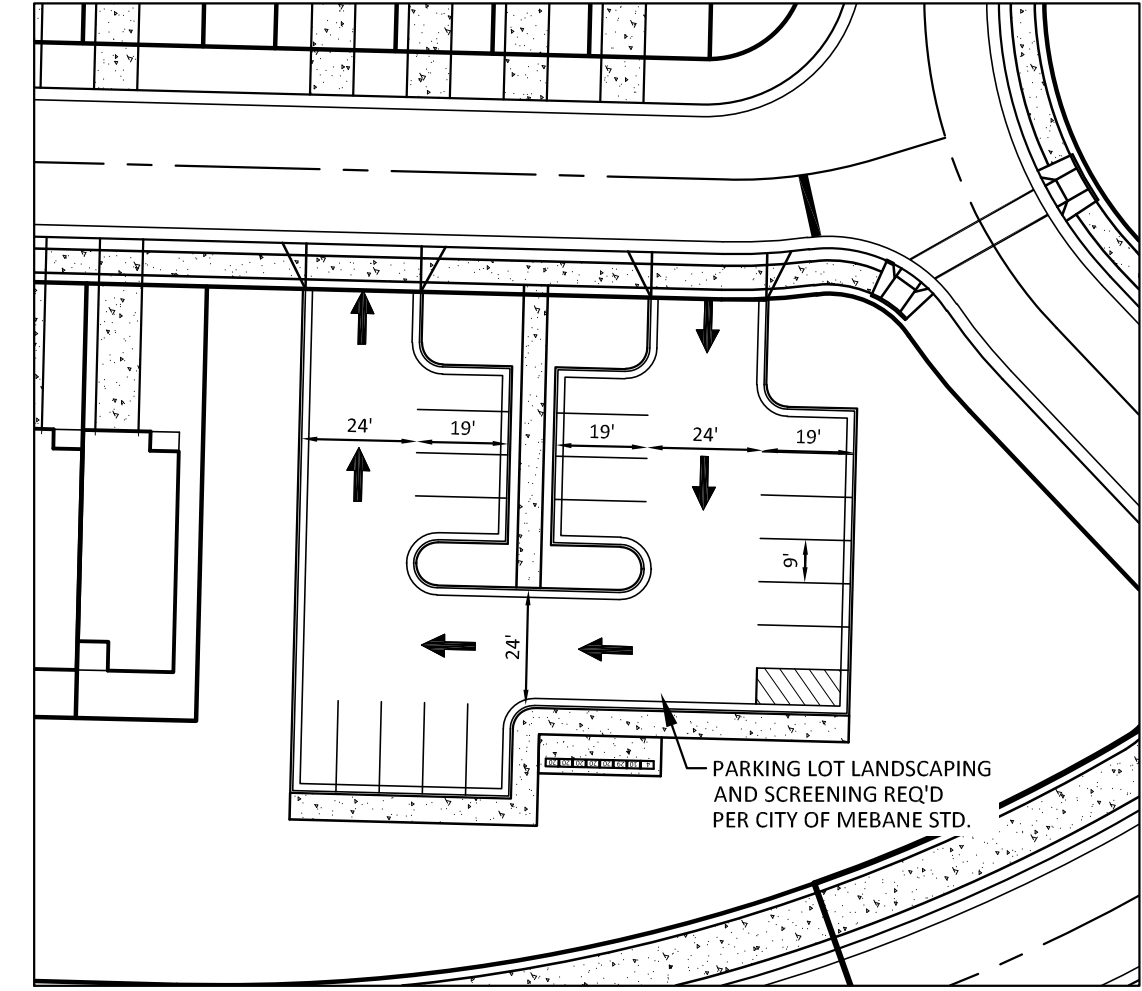


TYPICAL TOWNHOME LOT LAYOUT SCALE 1"=50'

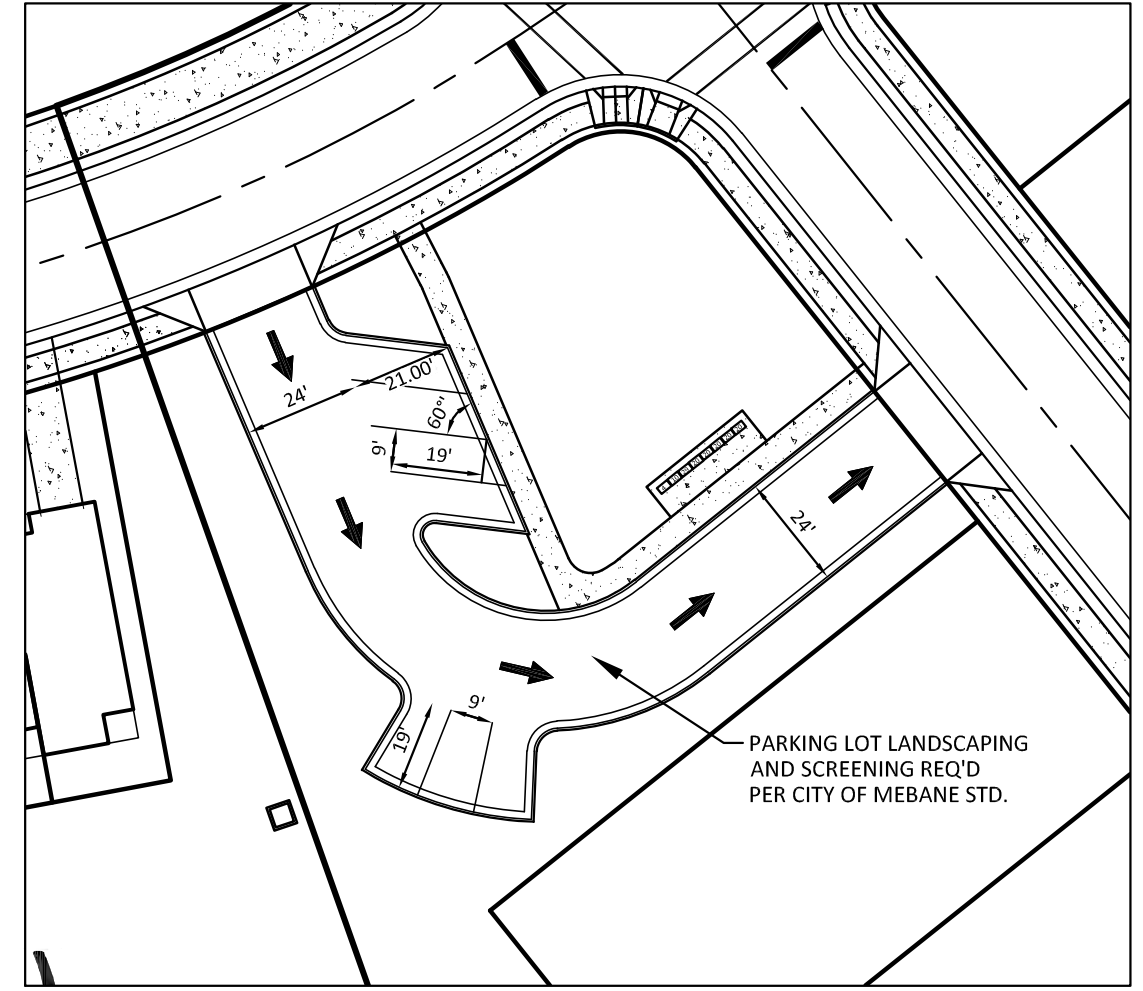
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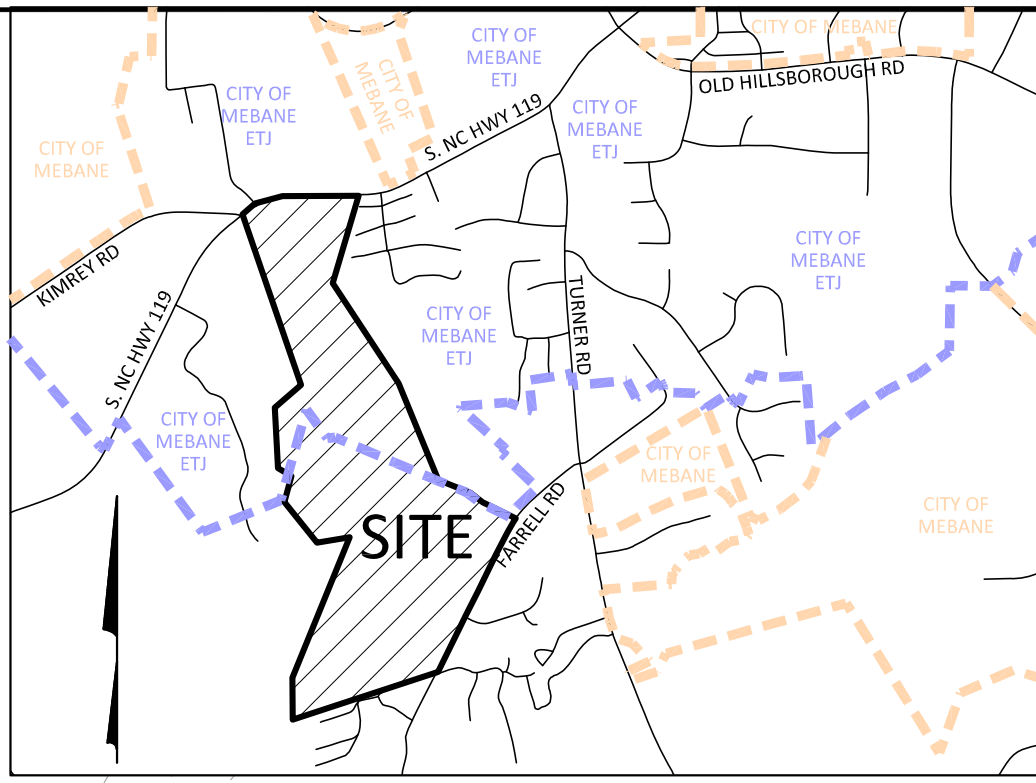
MASTER AMENITY AREA SCALE: 1"=60'



MAIL KIOSK AREA SCALE: 1"=40'



MAIL KIOSK AREA SCALE: 1"=40'



VICINITY MAP 1" = 2000'

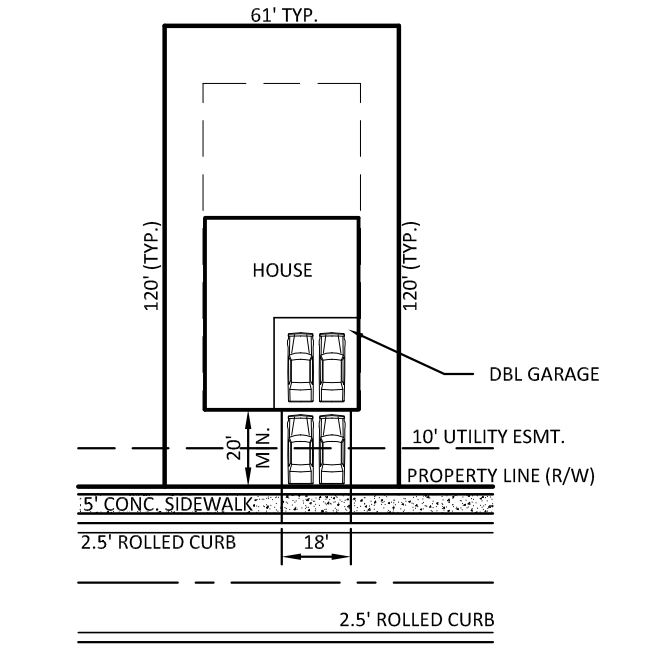
SINGLE FAMILY COMMON AREA

REC. AREA	COMMON ELEMENTS (PASSIVE)	
4	4.81 AC.	A
5	3.94 AC.	B
6	2.58 AC.	C
		D
		E
TOTAL	11.33 AC.	TOTAL 34.17 AC.

TOWNHOME COMMON AREA

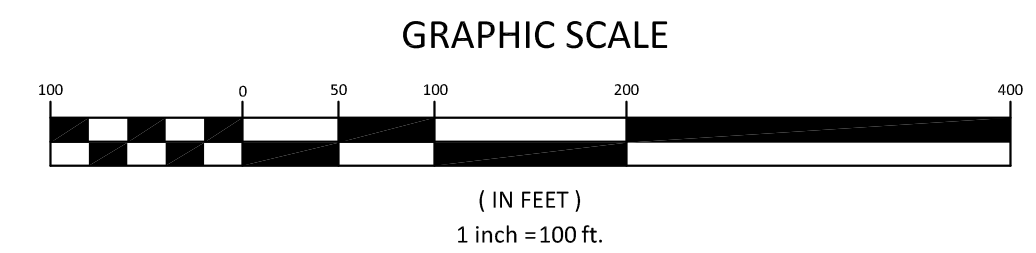
REC. AREA	COMMON ELEMENTS (PASSIVE)	
1	2.28 AC.	TH*
2*	0.88 AC.	
3	0.60 AC.	
TOTAL	3.76 AC.	TOTAL 15.40 AC.

RECREATION AREA & COMMON ELEMENTS NOTE:
 *AREAS MARKED WITH ASTERISK TO BE USED BY TOWNHOME RESIDENTS ONLY AND MAINTAINED BY THE TOWNHOME SUB-ASSOCIATION. ALL OTHER RECREATION AREAS/COMMON ELEMENTS WILL BE OWNED AND MAINTAINED BY THE MASTER ASSOCIATION FOR USE AND ENJOYMENT OF ALL RESIDENTS.



TYPICAL SINGLE FAMILY PARKING LAYOUT SCALE 1"=50' FOR LOTS 1-178, 202-215 & 224-252

- LEGEND**
- WATER METER BOX (WMB)
 - WATER VALVE (WV)
 - STORM MANHOLE (SMH)
 - UTILITY POLE
 - LIGHT POLE
 - GROUND LIGHT
 - GUY WIRE
 - YARD INLET (YI)
 - GAS VALVE
 - OVERHEAD POWER LINE
 - GAS LINE
 - WATER LINE
 - UNDERGROUND ELECTRICAL
 - FENCE LINE
 - WOODS LINE (TYP.)
 - FIRE HYDRANT (HYD)
 - SANITARY SEWER MANHOLE (SSMH)
 - CLEAN OUT
 - DEED BOOK
 - PLAT BOOK
 - PAGE
 - RIGHT-OF-WAY
 - EDGE OF PAVEMENT
 - EDGE OF GRAVEL
 - CONC.
 - CONCRETE
 - REINFORCED CONCRETE PIPE
 - BSMT. BASEMENT
 - TRFD. TELEPHONE FEEDSTAB
 - THH. TELEPHONE HAND HOLD
 - DMUE. DRAINAGE MAINTENANCE & UTILITY EASEMENT
 - PROP. BMP
 - MATCH LINE



GRAPHIC SCALE (IN FEET) 1 inch = 100 ft.

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 Kernersville, NC 27284

Stoltzfus Engineering Inc.
 Civil Engineering Consultants

HAWFIELDS LANDING

PRELIMINARY SITE PLAN

PROPERTY OWNER INFORMATION:
 LEOTERA, MEBANE, LLC
 110-A SHIELDS PARK DRIVE
 KERNERSVILLE, NC 27284

PROJECT LOCATION:
 S. NC HWY 119/KIMREY ROAD
 COUNTY: MADISON
 TOWNSHIP: MELVILLE

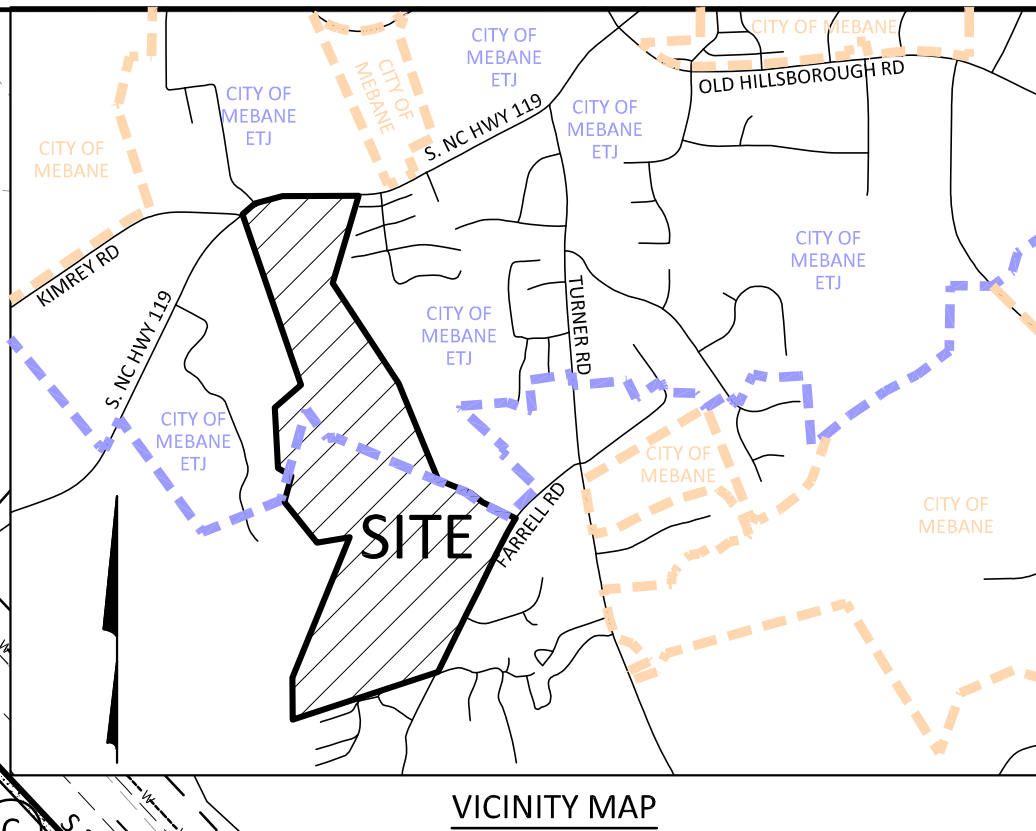
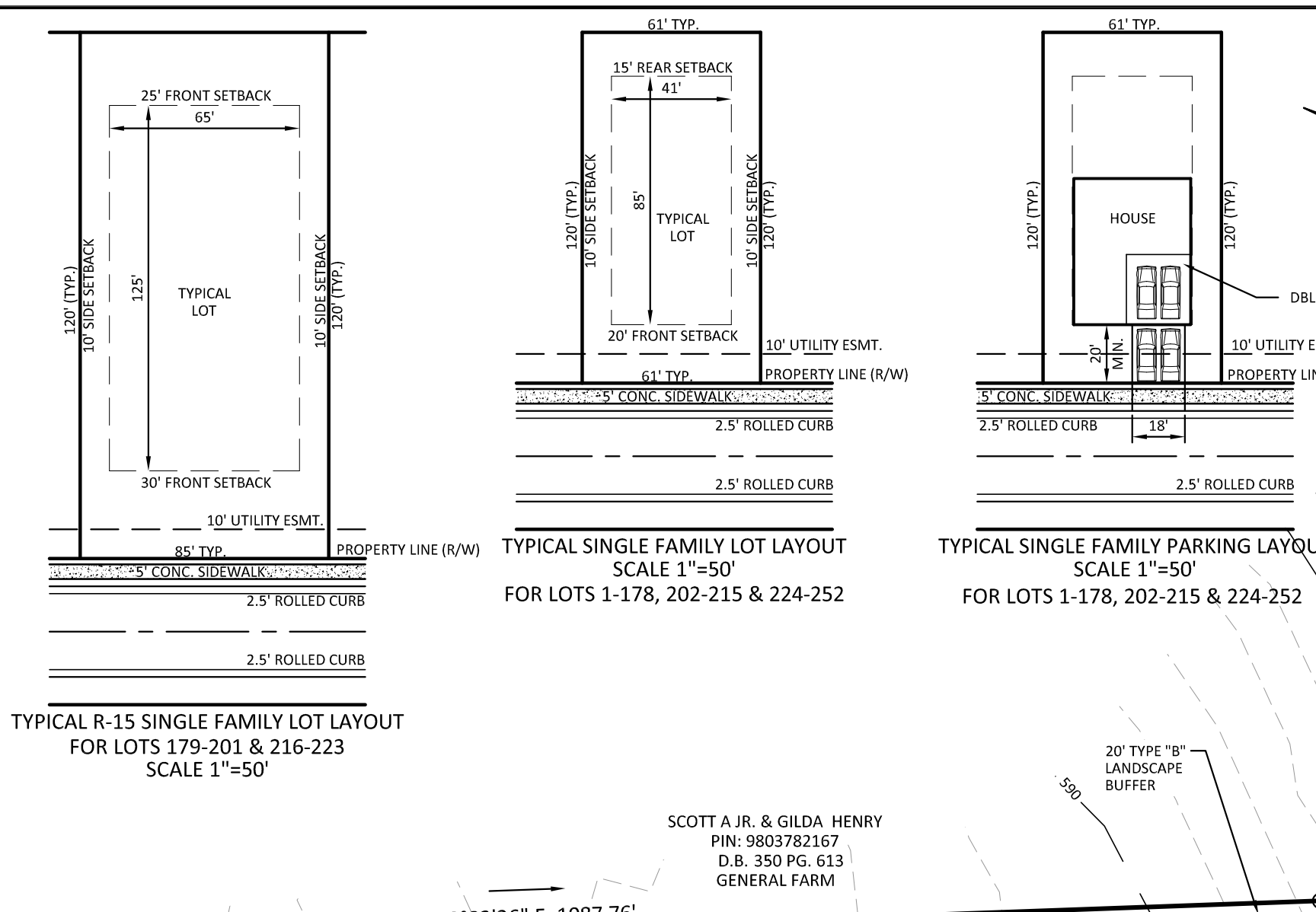
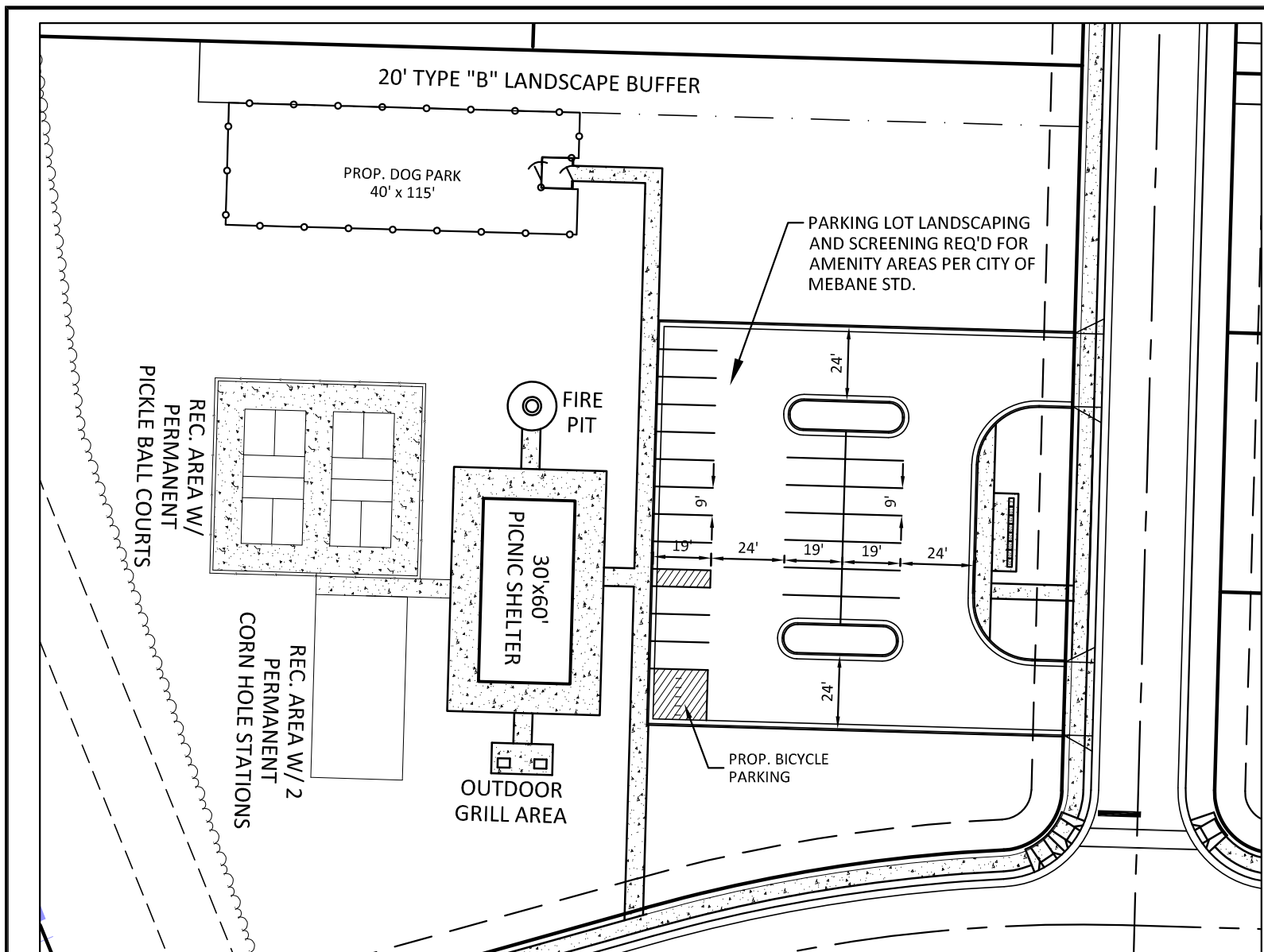
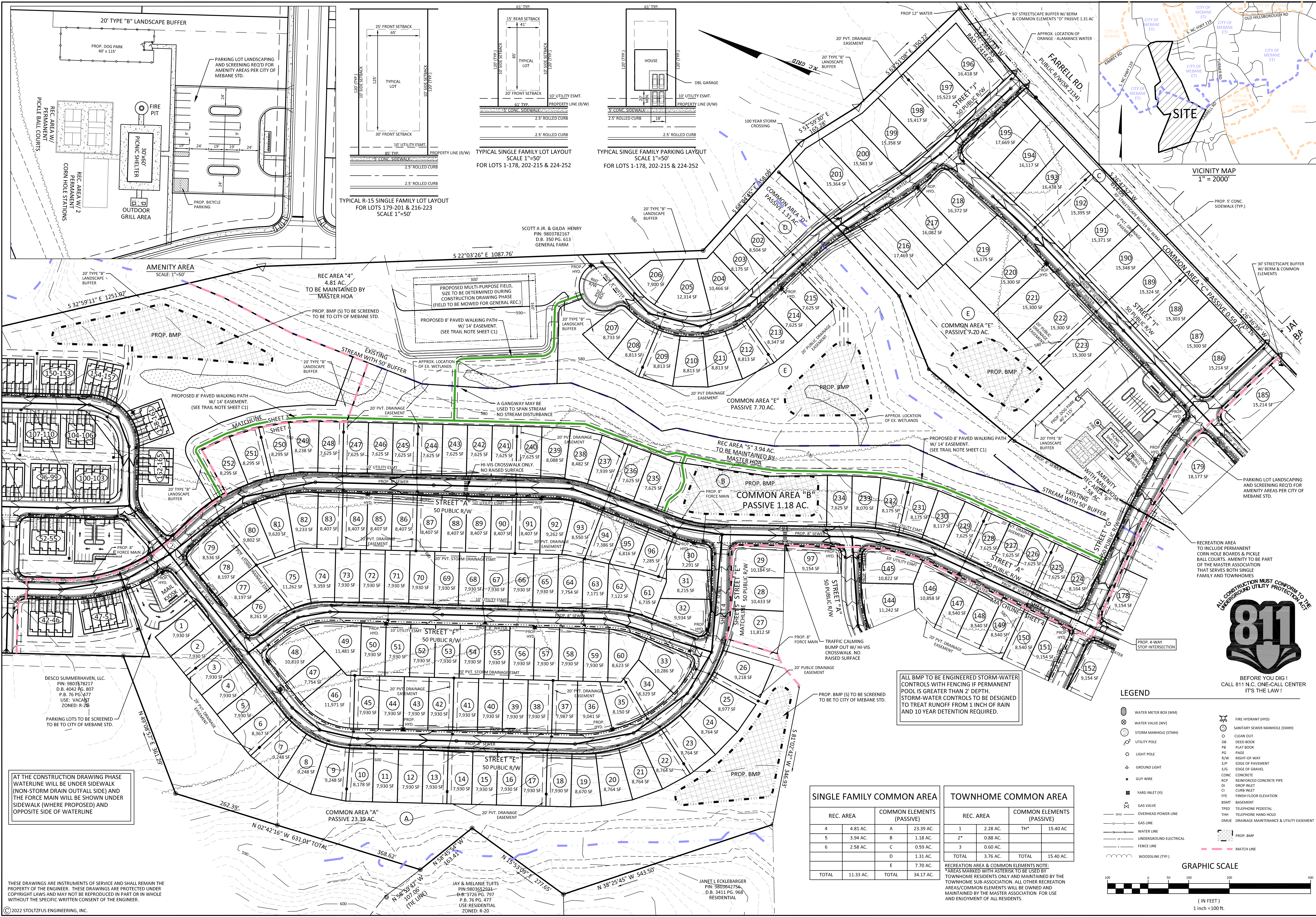
REVISION NOTE

NO.	DATE	REVISION
1	11/17/21	MEBANE COMMENTS
2	12/17/21	MEBANE COMMENTS
3	03/24/22	MEBANE COMMENTS
4	03/24/22	MEBANE COMMENTS
5	04/22/22	MEBANE COMMENTS
6	05/26/22	DEVELOPER REVISION

DRAWN BY: SDT
 CHECKED BY: ARS
 DATE: 11/09/2020
 PROJECT NO.: 2201.05
 REF. NO.:
 SCALE: 1"=100'

C4
4 OF 7





AT THE CONSTRUCTION DRAWING PHASE WATERLINE WILL BE UNDER SIDEWALK (NON-STORM DRAIN OUTFALL SIDE) AND THE FORCE MAIN WILL BE SHOWN UNDER SIDEWALK (WHERE PROPOSED) AND OPPOSITE SIDE OF WATERLINE

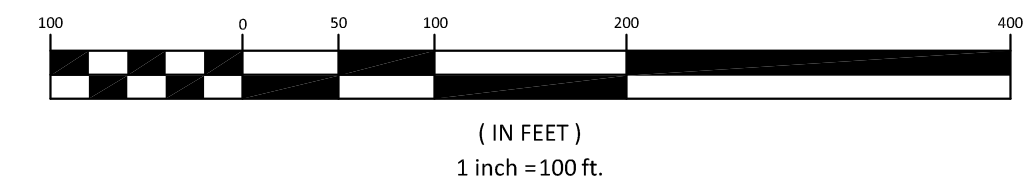
ALL BMP TO BE ENGINEERED STORM-WATER CONTROLS WITH FENCING IF PERMANENT POOL IS GREATER THAN 2' DEPTH. STORM-WATER CONTROLS TO BE DESIGNED TO TREAT RUNOFF FROM 1 INCH OF RAIN AND 10 YEAR DETENTION REQUIRED.



LEGEND

- WATER METER BOX (WMB)
- WATER VALVE (WV)
- STORM MANHOLE (STMH)
- UTILITY POLE
- LIGHT POLE
- GROUND LIGHT
- GUY WIRE
- YARD INLET (YI)
- GAS VALVE
- OVERHEAD POWER LINE
- GAS LINE
- WATER LINE
- UNDERGROUND ELECTRICAL
- FENCE LINE
- WOODSLINE (WPL)
- FIRE HYDRANT (HYD)
- SANITARY SEWER MANHOLE (SSMH)
- CLEAN OUT
- DEED BOOK
- PLAT BOOK
- PAGE
- RIGHT-OF-WAY
- EDGE OF PAVEMENT
- EDGE OF GRAVEL
- CONC
- RCP
- DROP INLET
- CURB INLET
- FFE
- BSMT
- TELEPHONE PEDESTAL
- THH
- DMUE
- DRAINAGE MAINTENANCE & UTILITY EASEMENT
- PROP. BMP
- MATCH LINE

GRAPHIC SCALE



SINGLE FAMILY COMMON AREA	
REC. AREA	COMMON ELEMENTS (PASSIVE)
4 4.81 AC.	A 23.39 AC.
5 3.94 AC.	B 1.18 AC.
6 2.58 AC.	C 0.59 AC.
	D 1.31 AC.
	E 7.70 AC.
TOTAL 11.33 AC.	TOTAL 34.17 AC.

TOWNHOME COMMON AREA	
REC. AREA	COMMON ELEMENTS (PASSIVE)
1 2.28 AC.	TH* 15.40 AC.
2* 0.88 AC.	
3 0.60 AC.	
TOTAL 3.76 AC.	TOTAL 15.40 AC.

RECREATION AREA & COMMON ELEMENTS NOTE: AREAS MARKED WITH ASTERISK TO BE USED BY TOWNHOME RESIDENTS ONLY AND MAINTAINED BY THE TOWNHOME SUB-ASSOCIATION. ALL OTHER RECREATION AREAS/COMMON ELEMENTS WILL BE OWNED AND MAINTAINED BY THE MASTER ASSOCIATION FOR USE AND ENJOYMENT OF ALL RESIDENTS.

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 Kernersville, NC 27284

Stoltzfus Engineering Inc.
 Civil Engineering Consultants

HAWFIELDS LANDING
PRELIMINARY SITE PLAN

PROPERTY OWNER INFORMATION:
 LEOTERA, MELBA, LLC
 110-A SHIELDS PARK DRIVE
 KERNERSVILLE, NC 27284

PROJECT LOCATION:
 110-A SHIELDS PARK DRIVE
 COUNTY: WAKE
 TOWNSHIP: MELVILLE

REVISION NOTE

NO.	DATE	REVISION
1	11/17/21	MEBANE COMMENTS
2	12/17/21	MEBANE COMMENTS
3	03/22/22	MEBANE COMMENTS
4	03/24/22	MEBANE COMMENTS
5	04/22/22	MEBANE COMMENTS
6	05/26/22	DEVELOPER REVISION

DRAWN BY: SDT
 CHECKED BY: ARS
 DATE: 11/09/2020
 PROJECT NO.: 2201.05
 REF. NO.:
 SCALE: 1"=100'

C5
5 OF 7

Aden R. Stoltzfus, PE C-3812
 aden@seengineering.com
 336-904-0207
 683 Gralin Street
 Kernersville, NC 27284



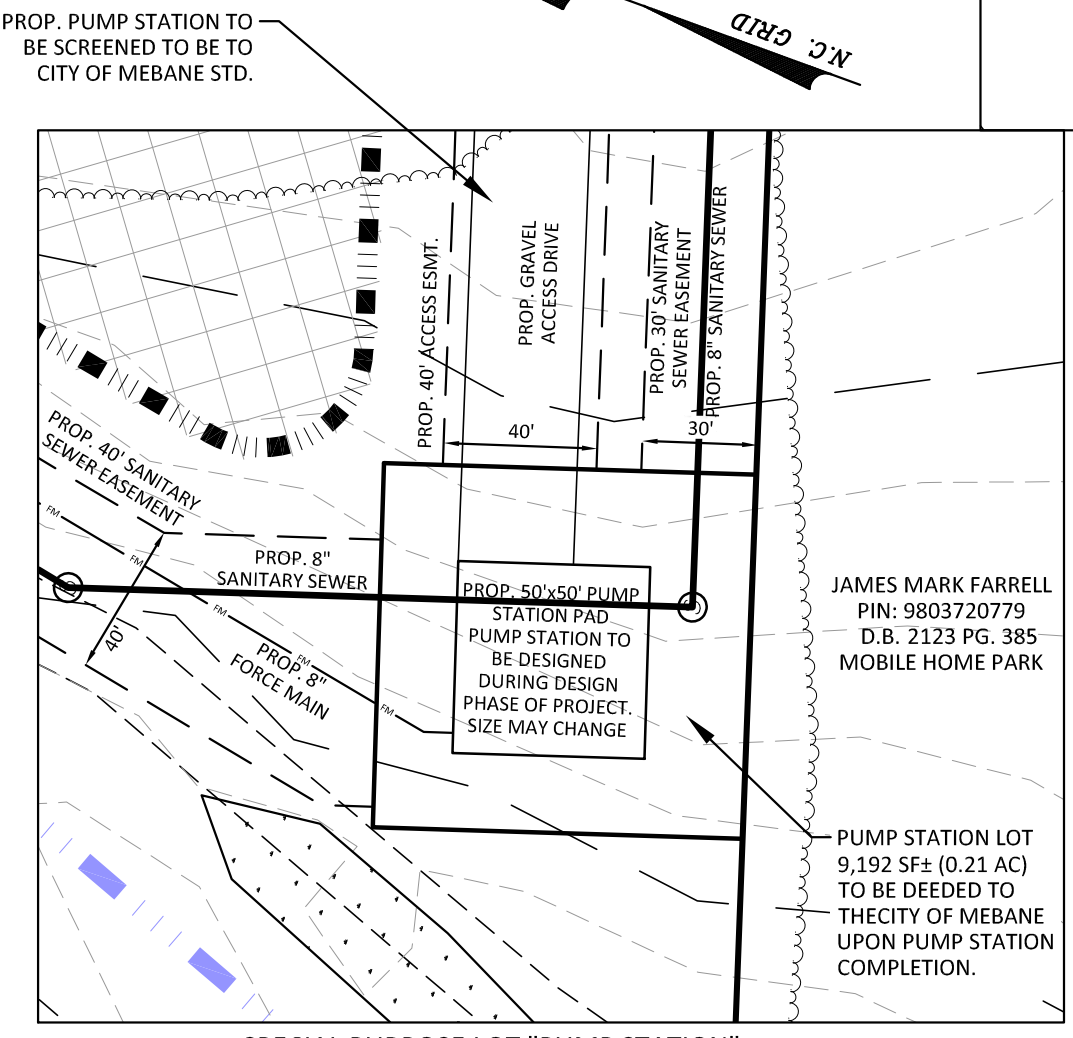
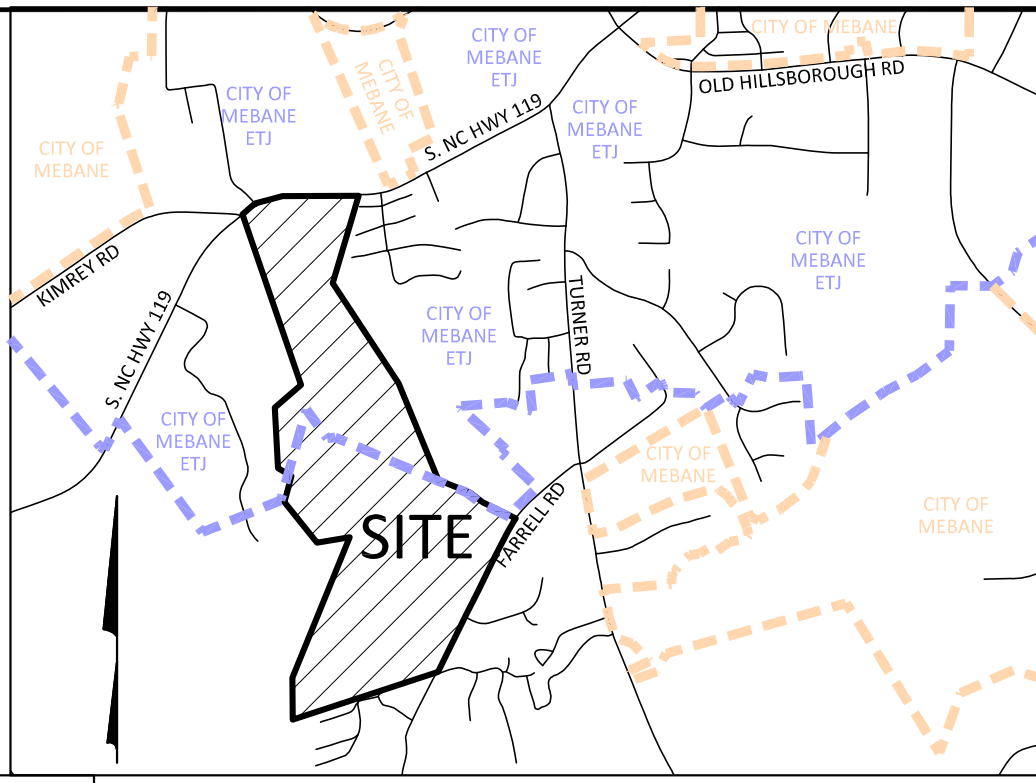
PROPERTY OWNER INFORMATION:
 LEOTERA, MEBANE, LLC
 110-A SHIELDS PARK DRIVE
 KERNERSVILLE, NC 27284

**HAWFIELDS LANDING
 PRELIMINARY SITE PLAN**

PROJECT LOCATION:
 HAWFIELDS LANDING
 COUNTY: MADISON
 TOWNSHIP: MELVILLE

NO.	DATE	REVISION NOTE
1	11/17/21	MEBANE COMMENTS
2	12/17/21	MEBANE COMMENTS
3	03/22/22	MEBANE COMMENTS
4	03/24/22	MEBANE COMMENTS
5	04/22/22	MEBANE COMMENTS
6	05/26/22	DEVELOPER REVISION

DRAWN BY: SDT
 CHECKED BY: ARS
 DATE: 11/09/2020
 PROJECT NO.: 2201.05
 REF. NO.:
 SCALE: 1"=100'



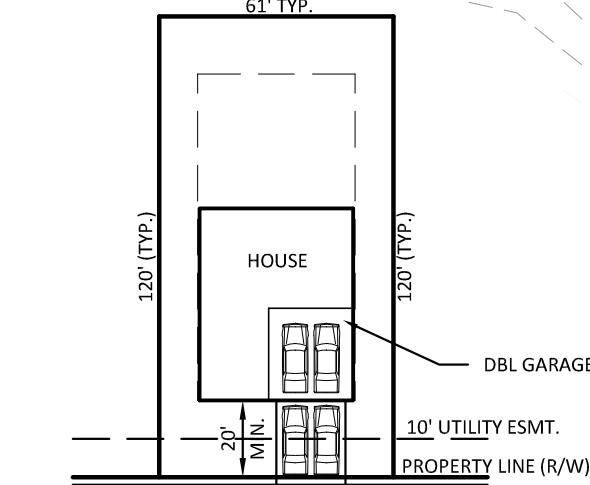
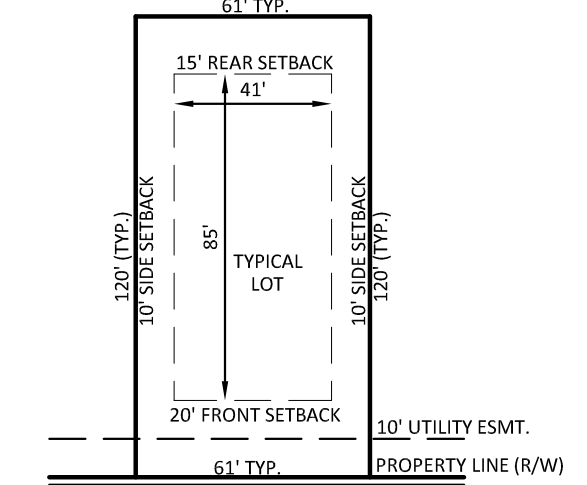
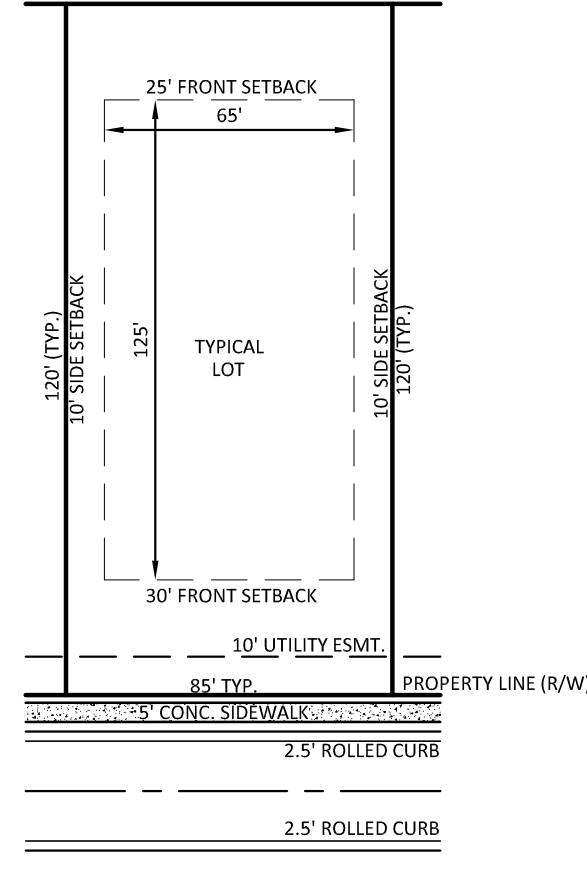
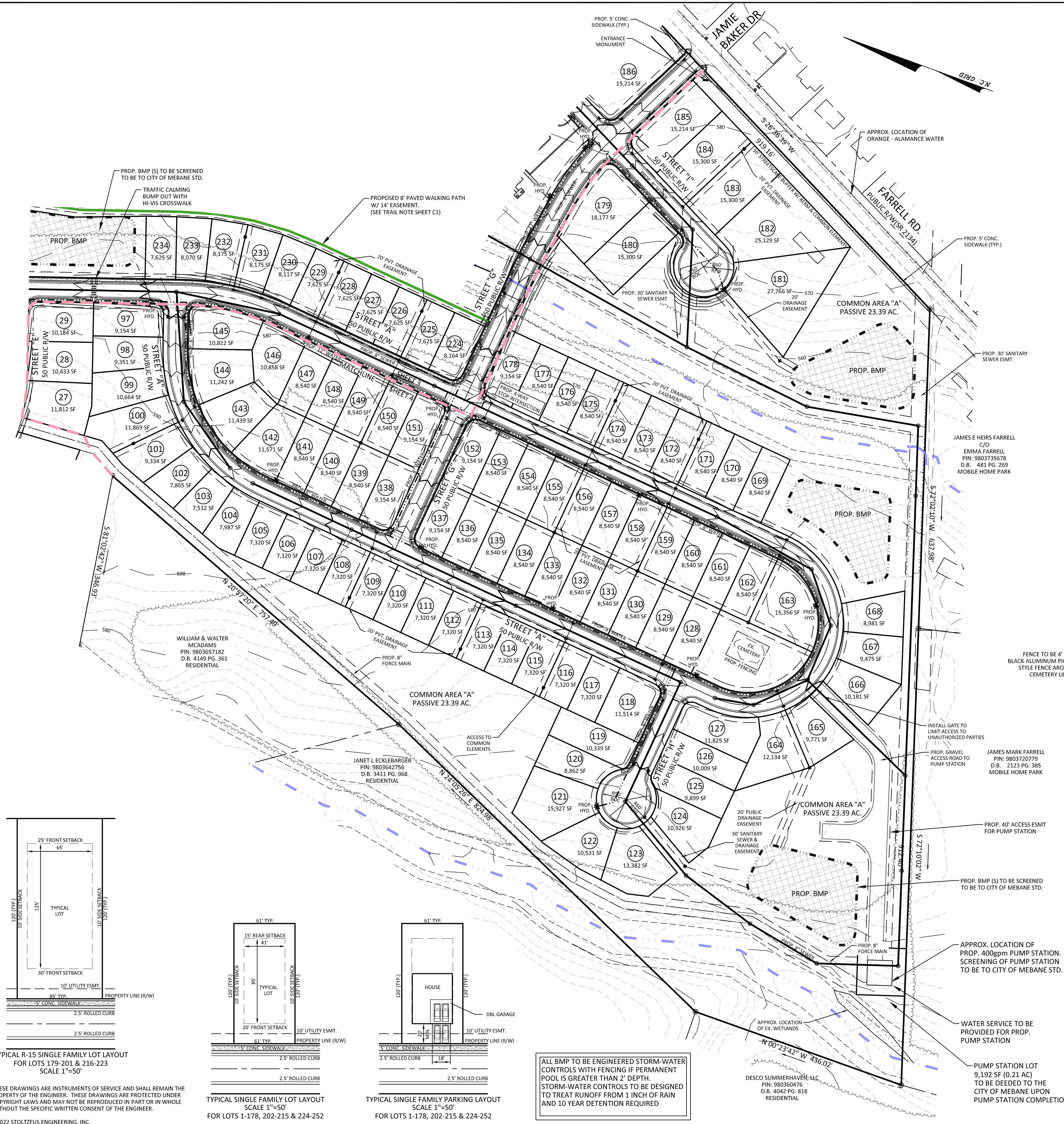
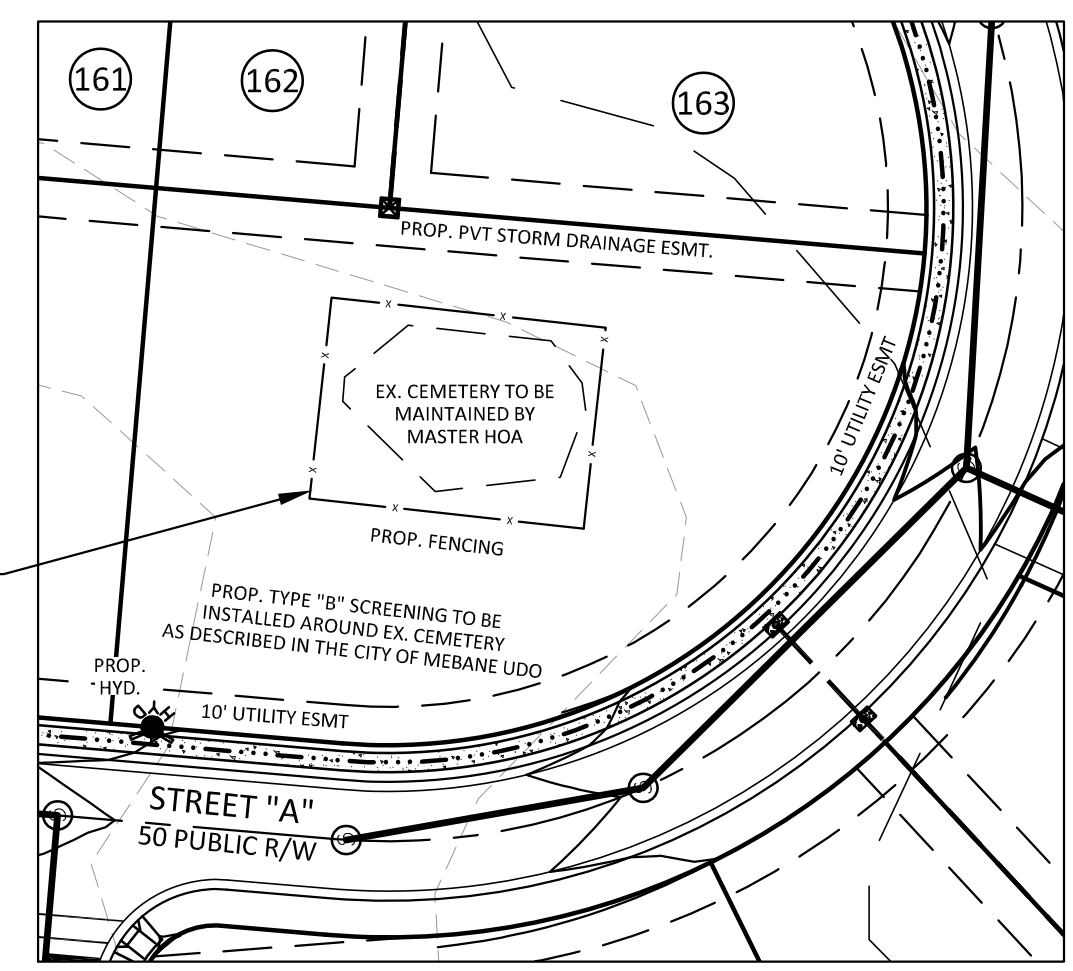
SINGLE FAMILY COMMON AREA

REC. AREA	COMMON ELEMENTS (PASSIVE)
4	A 23.39 AC.
5	B 1.18 AC.
6	C 0.59 AC.
	D 1.31 AC.
	E 7.70 AC.
TOTAL	TOTAL 34.17 AC.

TOWNHOME COMMON AREA

REC. AREA	COMMON ELEMENTS (PASSIVE)
1	TH* 15.40 AC
2*	0.88 AC.
3	0.60 AC.
TOTAL	TOTAL 15.40 AC.

RECREATION AREA & COMMON ELEMENTS NOTE:
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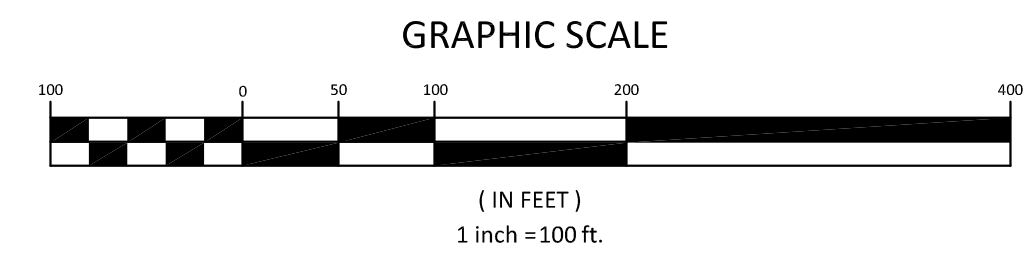


ALL BMP TO BE ENGINEERED STORM-WATER CONTROLS WITH FENCING IF PERMANENT POOL IS GREATER THAN 2' DEPTH. STORM-WATER CONTROLS TO BE DESIGNED TO TREAT RUNOFF FROM 1 INCH OF RAIN AND 10 YEAR DETENTION REQUIRED



LEGEND

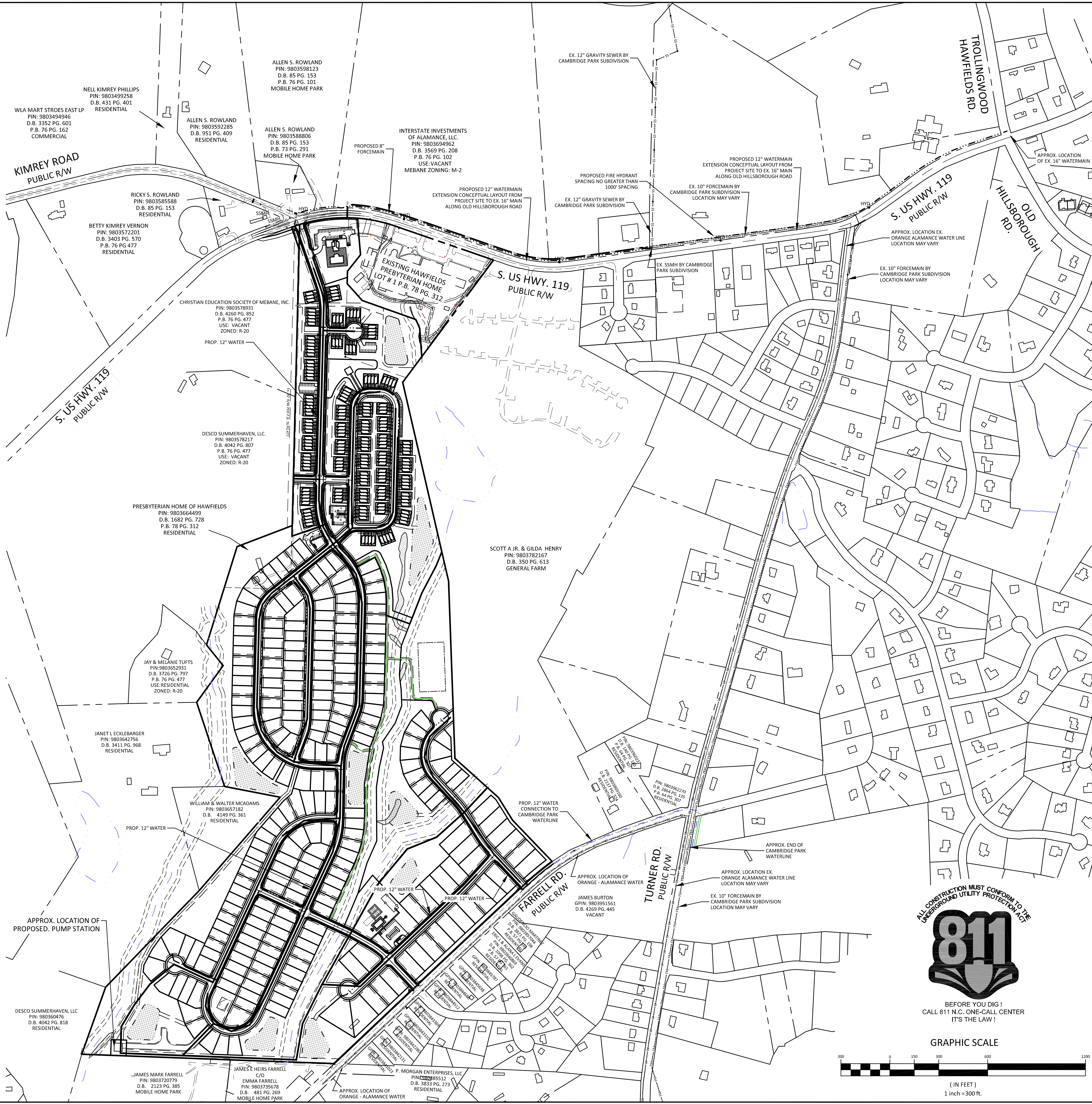
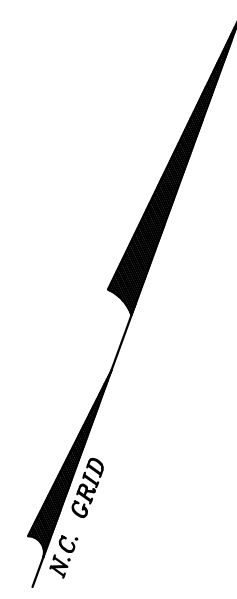
	WATER METER BOX (WMB)		FIRE HYDRANT (HYD)
	WATER VALVE (WV)		SANITARY SEWER MANHOLE (SSMH)
	STORM MANHOLE (STMH)		CLEAN OUT
	UTILITY POLE		DEED BOOK
	LIGHT POLE		PLOT BOOK
	GROUND LIGHT		PAGE
	GUY WIRE		RIGHT-OF-WAY
	YARD INLET (YI)		EDGE OF PAVEMENT
	GAS VALVE		EDGE OF GRAVEL
	OVERHEAD POWER LINE		CONCRETE
	UNDERGROUND ELECTRICAL		REINFORCED CONCRETE PIPE
	FENCE LINE		DROP INLET
	WOODLINE (TYP)		CURB INLET
	MATCH LINE		FINISH FLOOR ELEVATION
			BSMT BASEMENT
			TELEPHONE PEDESTAL
			TELEPHONE HAND HOLD
			DRAINAGE MAINTENANCE & UTILITY EASEMENT
			PROP. BMP



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TYPICAL SINGLE FAMILY LOT LAYOUT SCALE 1"=50' FOR LOTS 1-178, 202-215 & 224-252

TYPICAL SINGLE FAMILY PARKING LAYOUT SCALE 1"=50' FOR LOTS 1-178, 202-215 & 224-252



LEGEND

	WATER METER BOX (WM)		FIRE HYDRANT (HYD)
	WATER VALVE (WV)		SANITARY SEWER MANHOLE (SSMH)
	STORM MANHOLE (STMH)		CLEAN OUT
	UTILITY POLE		DEED BOOK
	LIGHT POLE		PLAT BOOK
	RIGHT-OF-WAY		PAGE
	EDGE OF PAVEMENT		EDGE OF GRAVEL
	GROUND LIGHT		CONC
	GUY WIRE		RCP
	YARD INLET (YI)		DI
	GAS VALVE		CI
	OVERHEAD POWER LINE		FFE
	GAS LINE		BSMT
	WATER LINE		TRPD
	UNDERGROUND ELECTRICAL		THH
	FENCE LINE		DMUE
	WOODSLINE (WPL)		PROP. BMP
			PRODUCT TYPE BOUNDARY

NOTES:

THIS MAP DOES NOT MEET G.S. 47-30 AND IS NOT FOR RECORDING.

THIS PROPERTY IS SUBJECT TO ANY EASEMENTS, AGREEMENTS, OR RIGHTS-OF-WAY OF RECORD PRIOR TO THE DATE OF THIS MAP AND WHICH WERE NOT VISIBLE AT THE TIME OF INSPECTION.

THIS MAP WAS PREPARED WITH OUT THE BENEFIT OF A TITLE REPORT AND DOES NOT NECESSARILY INDICATE ALL ENCUMBRANCES UPON THIS PROPERTY.

TOPOGRAPHIC INFORMATION TAKEN FROM ALAMANCE COUNTY GIS

BOUNDARY INFORMATION TAKEN FROM BOUNDARY SURVEY BY ALLRED LAND SURVEYING, PLLC

NO SURVEYING OR SUBSURFACE INVESTIGATIONS PERFORMED BY STOLTZFUS ENGINEERING, INC.

THE SANITARY SEWER SHOWN IS APPROXIMATE SIZE AND SUBJECT TO DETAILED STUDY. THE DEVELOPER DOES REQUEST CITY OF MEbane COMPENSATION FOR INFRASTRUCTURE ABOVE REQUIRED TO SERVE THE PROPOSED PROJECT TO INCLUDE UPSIDE IN WATER AND SANITARY SEWER INFRASTRUCTURE THAT WILL BENEFIT THE SURROUNDING AREA.

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 Kernersville, NC 27284



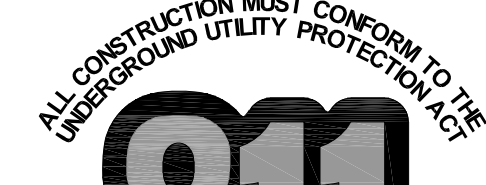
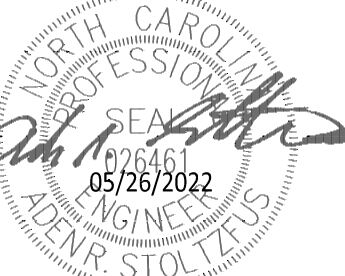
HAWFIELDS LANDING

PRELIMINARY OFFSITE SEWER & WATER PLAN

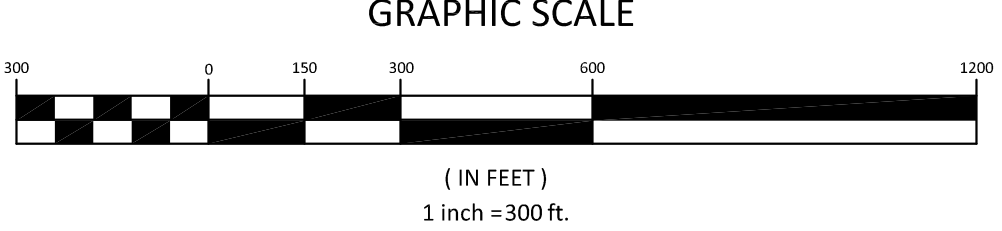
PROPERTY OWNER INFORMATION:
 LOT 104A, MEbane, LLC
 110-A, SHIELDS PARK DRIVE
 KERNERSVILLE, NC 27284

NO.	DATE	REVISION NOTE
1	11/17/21	MEbane COMMENTS
2	12/17/21	MEbane COMMENTS
3	03/22/22	MEbane COMMENTS
4	03/24/22	MEbane COMMENTS
5	04/22/22	MEbane COMMENTS
6	05/26/22	DEVELOPER REVISION

DRAWN BY: SDT
 CHECKED BY: ARS
 DATE: 11/09/2020
 PROJECT NO.: 2201.05
 REF. NO.:
 SCALE: 1"=300'



BEFORE YOU DIG!
 CALL 811 N.C. ONE-CALL CENTER
 IT'S THE LAW!



PLANNING PROJECT REPORT

DATE	03/31/22, revised 05/31/22
PROJECT NUMBER	RZ 22-03; SU 22-03
PROJECT NAME	Hawfields Landing
APPLICANT	Leoterra Mebane, LLC 110-A Shields Park Drive Kernersville, NC 27284

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ZONING REPORT

EXISTING ZONE

B-2 (General Business District); R-20 (Residential District); Portion in Alamance County without Mebane Zoning

Rezoning to R-12 (CD) (Residential Conditional District) to allow for a Planned Unit Development (PUD)

REQUESTED ACTION

Application for a Special Use Permit for a Special Purpose Lot to allow for a public sewer pump station

CONDITIONAL ZONE?

YES NO

CURRENT LAND USE

Vacant, Forested, & Single-Family Residential

PARCEL SIZE

+/-148.98 acres

PROPERTY OWNERS

Leoterra Mebane, LLC
110-A Shields Park Dr.
Kernersville, NC 27284
GPIN: 9803752741

Compass Realty Hawfields, LLC
Attn: Todd Nunn
2206 W. Market St.
Greensboro, NC 27403
GPIN: 9803677687

Christian Education Society of Mebane, Inc.
417 S. Fourth St.
Mebane, NC 27302
GPIN: 9803578931

Jeanie Kernodle
2570-K S. NC Hwy 119
Mebane, NC 27302
GPIN: 9803664499

LEGAL DESCRIPTION

Request to establish R-12(CD) zoning on +/- 148.98 acres for a Planned Unit Development of ~~288~~ 252 single-family homes and 184 townhomes, by rezoning 2570 S NC 119 (GPIN 9803664499) from R-20; rezoning an adjacent unaddressed property (GPIN 9803752741) from B-2 and R-20 and establishing zoning on a portion of the property not zoned by the City of Mebane; rezoning portions of an adjacent unaddressed property (GPIN 9803578931) from R-20; and, rezoning portions of 2502 S NC 119 (GPIN 9803677687) from B-2 by Leoterra Development, Inc.

Request for a Special Use Permit for a Special Purpose Lot to allow for a public sewer pump station on the unaddressed property (GPIN 9803752741) by Leoterra Development, Inc.

AREA ZONING & DISTRICTS

The surrounding zoning is varied. Properties north of the site are zoned M-2 (Light Manufacturing), MHP (Manufactured Home Park), and R-20 (Residential District). A R-20 (Residential District) zoning district is to the west and a MHP (Manufactured Home Park) zoning district is to the east of the site. Properties south of the site are outside of Mebane's Extraterritorial Jurisdiction and not zoned by Mebane.

SITE HISTORY

Most of the site is either vacant or forested and was formerly used for agriculture. The site includes wetlands and a stream. Additionally, a home and small cemetery are present. The proposal includes rezoning of undeveloped portions of two adjacent properties, with one currently occupied by a healthcare and rehabilitation facility and the other approved for a private school.

STAFF ANALYSIS

CITY LIMITS? YES NO

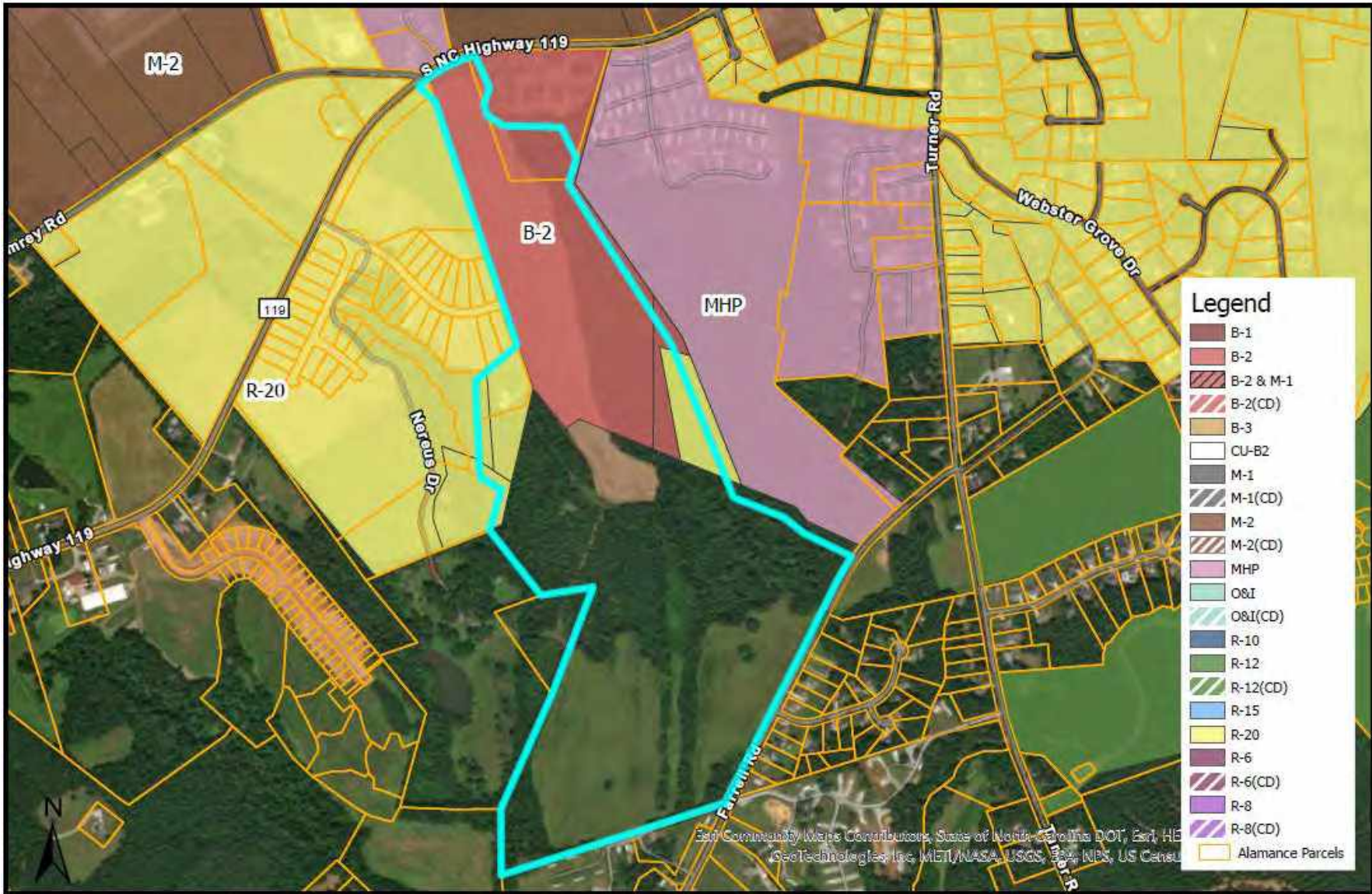
PROPOSED USE BY-RIGHT? YES NO

SPECIAL USE? YES NO Required for public sewer pump station

EXISTING UTILITIES? YES NO The applicant is proposing off-site water and sewer improvements.

POTENTIAL IMPACT OF PROPOSED ZONE

The proposed zoning district will support single-family residential use, consistent with surrounding residential zoning. It is similar to the nearby R-12 zoning for Cambridge Park, a Planned Unit Development with a mix of single-family detached and townhome units. The proposed zoning district introduces greater residential density than the immediately adjacent zoning districts and unzoned properties.



**CITY OF MEBANE
ZONING MAP**

Hawfields Landing

1 inch = 900 feet

DATE: 04/05/2022

DRAWN BY: AO

LAND USE REPORT

EXISTING LAND USE	Vacant, Forested, & Single-Family Residential
PROPOSED LAND USE & REQUESTED ACTION	The applicant is requesting a conditional rezoning to develop +/-148.98 acres for a Planned Unit Development that includes 184 townhome units and 288 252 single-family, detached homes, with the 31 lots along Farrell Road being a minimum lot area of 15,000 square feet.
PROPOSED ZONING	R-12(CD) (Residential Conditional District)
PARCEL SIZE	+/-148.98 acres
AREA LAND USE	<p>The North Carolina Commerce Park is north of the site, across NC 119, and includes warehouse uses. Manufactured home parks exist to the north, east, and south, along with a RV park south of the site. Recently approved developments are immediately west of the site and include Summerhaven, a residential subdivision with minimum lot sizes of 20,000 square feet; and Bradford Academy, a private school. Additionally, large-lot, single-family residential properties border the site to the west. Single-family residential neighborhoods, with average lot sizes ranging from a half-acre to an acre, are south of the site along Farrell Road. Cambridge Park, a 731-unit Planned Unit Development with townhomes and single-family, detached homes, is south of the site across Turner Road.</p> <p>The applicant proposes to provide +/-2,188 linear feet of a 10' public multi-use path along the eastern portion of the site's frontage on NC 119 and for a certain distance along one side of Street "A". The applicant is proposing the multi-use path terminate upon connection to an internal walking path. The walking path will be paved and 8' in width, with the width narrowing to 6' for a creek crossing. The applicant is proposing to dedicate a portion of the walking path (from Lot 288 to Lot 259) to the City of Mebane as part of the subdivision's public recreational requirements. Areas of the path not constructable to ADA requirements are proposed to remain private.</p>
ONSITE AMENITIES & DEDICATIONS	<p>The applicant is proposing to construct a public sewer pump station (400 GPM) on a special purpose lot, to be dedicated to the City of Mebane, in the southernmost corner of the lot.</p> <p>The applicant is proposing the following private amenities: swimming pool, cabana, playground, walking path, multi-purpose field, dog park, grill areas, picnic shelter with fire pit, and recreational games, including permanent cornhole stations and pickle ball courts.</p>

WAIVER REQUESTED

YES NO

The development standards for Planned Unit Developments (PUDs) permit deviations from typical lot area, lot coverage, lot width, and building setback requirements. Certain dimensions are specified in the standards and the applicant is requesting waivers from the following:

DESCRIPTION OF REQUESTED WAIVER(S)

- The development standards for PUDs require side yards of 10' for "individual and unattached buildings". ~~The applicant is requesting a minimum side setback of 7' for single family, detached homes.~~
- The development standards for PUDs specify the front setback should be "similar to the underlying zoning district." The R-12 Zoning District front setback is 30'. The applicant is requesting 20' front setbacks for the townhomes and single-family, detached homes.
- The development standards for PUDs specify periphery lots adjacent to single-family homes should meet minimum standards for the zoning district. The applicant is not showing any deviation in lot sizes for those on the periphery of the property adjoining residential properties to the west ~~or properties except for the 15,000-square foot lots~~ along Farrell Road. Common elements do separate the proposed homes from existing single-family homes.

A payment *in lieu* of providing 11.97 acres of required public recreational space.

CONSISTENCY WITH *MEBANE BY DESIGN* STRATEGY

LAND USE GROWTH STRATEGY DESIGNATION(S) G-2 Residential Growth Area (Jones Drive & South Mebane Oaks Road) Conservation Area

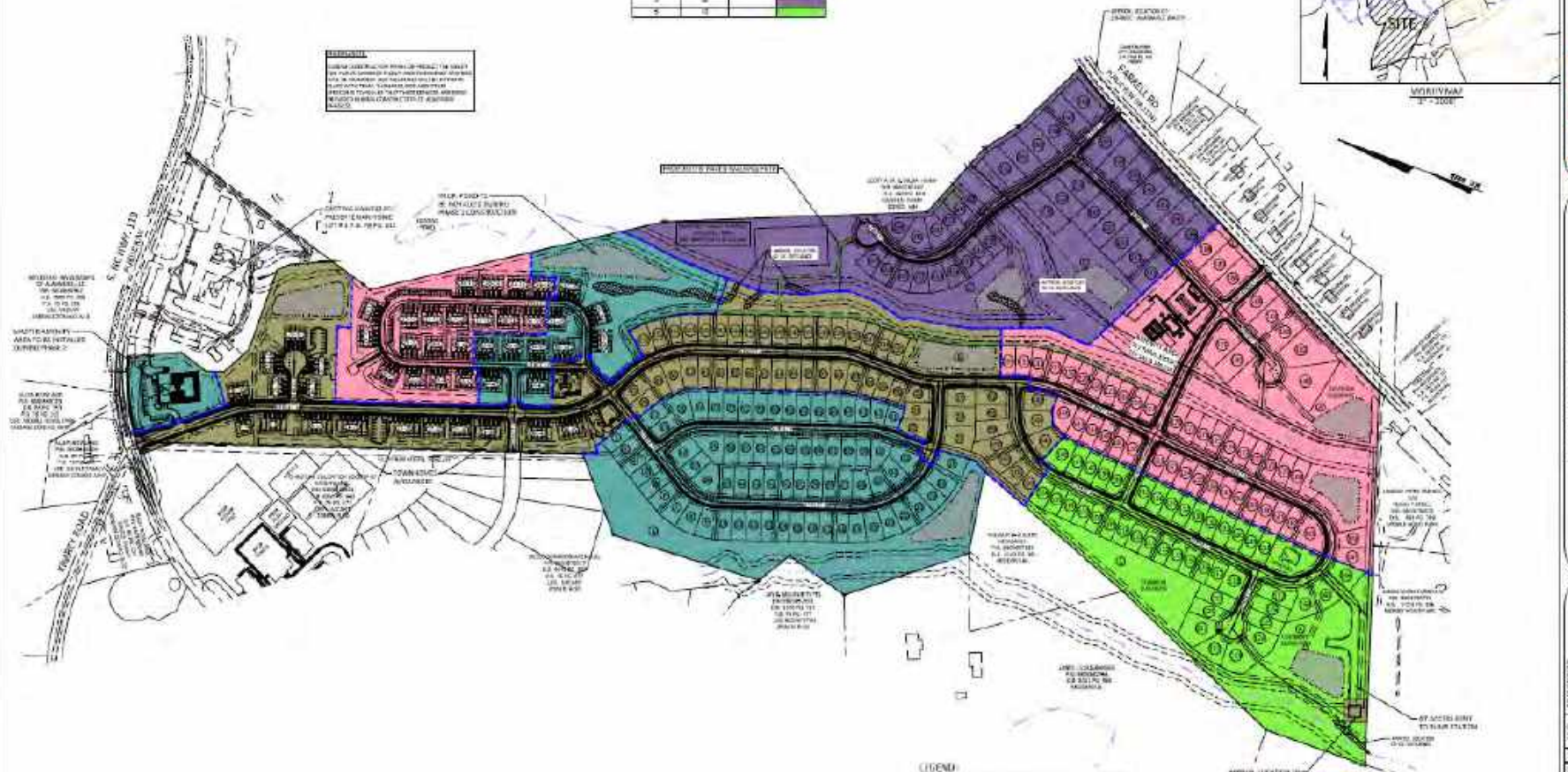
***MEBANE BY DESIGN* GOALS & OBJECTIVES SUPPORTED** OPEN SPACE AND NATURAL RESOURCE PROTECTION 4.3 Support park, greenway, and open space expansion in developed and developing areas, prioritizing connectivity between each location.

***MEBANE BY DESIGN* GOALS & OBJECTIVES NOT SUPPORTED**



PHASED UNIT COUNT			
PHASE	PHASE 1 UNITS	PHASE 2 UNITS	PHASE 3 UNITS
1	10	10	10
2	10	10	10
3	10	10	10
4	10	10	10
5	10	10	10

NOTES:
 1. ALL PHASES SHALL BE SUBJECT TO THE CITY OF CHARLOTTE'S DEVELOPMENT REVIEW PROCESS AND THE CITY OF CHARLOTTE'S DEVELOPMENT REVIEW PROCESS. ALL PHASES SHALL BE SUBJECT TO THE CITY OF CHARLOTTE'S DEVELOPMENT REVIEW PROCESS AND THE CITY OF CHARLOTTE'S DEVELOPMENT REVIEW PROCESS.



THIS DOCUMENT IS THE PROPERTY OF SEI CONSULTANTS, INC. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. IT IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF SEI CONSULTANTS, INC.

- LEGEND**
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SEI CONSULTANTS, INC.
 10000 WOODHOLLOW DRIVE
 SUITE 200
 CHARLOTTE, NC 28226
 TEL: 704.552.5500
 FAX: 704.552.5501
 WWW.SEI-CONSULTANTS.COM

HAWFIELDS LANDING
 OVERALL PRELIMINARY PHASING PLAN
 PREPARED BY SEI CONSULTANTS, INC.
 PROJECT NO. 2023-001
 DATE: 08/2023

DATE: 08/2023
 DRAWN BY: J. SMITH
 CHECKED BY: M. JONES
 SCALE: 1"=100'
 SHEET NO.: C3
 TOTAL SHEETS: 3 OF 7

UTILITIES REPORT

AVAILABLE UTILITIES	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
	<p>Per the memorandum from Franz Holt of AWCK, the project has an estimated domestic water and sewer demand of 73,800 65,400 gallons per day (gpd) to support the development's 492 436 dwelling units. The estimated sewer demand of 73,800 65,400 gpd is according to historical data. Per the NCDEQ 2T rules, the permitted wastewater flow totals 214,080 187,200 gpd for all residences.</p>
PROPOSED UTILITY NEEDS	<p>Water service requires off-site extension of a 12-inch public water main along NC 119 and connections to improvements of the Cambridge Park subdivision. Internal water lines will be 8-inch, with 6-inch lines on short cul-de-sacs. Sewer service requires construction of a public sewer pump station, 8-inch force main, and 8-inch gravity collection system. The pump station has a design capacity of 230,400 187,200 gpd, with allowance for an increase in capacity with the change of pump impeller size only. The public sewer pump station will be constructed on a Special Purpose Lot, with adequate screening, fencing, and access easements. All on- and off-site water and sewer lines and pump station improvements will be City-maintained when completed in accordance with requirements.</p>
UTILITIES PROVIDED BY APPLICANT	<p>Applicant has pledged to provide all on-site utilities, including a publicly-dedicated sewer pump station as described in AWCK's Technical Memo.</p>
MUNICIPAL CAPACITY TO ABSORB PROJECT	<p>The City has adequate water & sewer supply to meet the domestic and fire flow demands of the project. Per City policy to limit accumulated paper flow, the permitting of wastewater will be by individual phase, with 50% of home starts (paid system development fees) before permitting the next phase. Additionally, the City is pursuing a flow reduction study to reduce the State's 120 GPD per bedroom to 80 GPD per bedroom to match with Mebane's Water Resource Recovery Facility.</p>
CONSISTENCY WITH MEBANE LONG RANGE UTILITY PLAN?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
ADEQUATE STORMWATER CONTROL?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
INNOVATIVE STORMWATER MANAGEMENT?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

TRANSPORTATION NETWORK STATUS

The proposed development includes three driveway connections, with one on S NC Hwy 119 and two on Farrell Road.

CURRENT CONDITIONS

North Carolina 119 is a primary north-south route in the Mebane area, operating as a two-lane undivided highway between Trollingwood-Hawfields Road and Kimrey Road. In 2019, the average daily traffic volume in this area was 12,500 trips. North of the subject property, NC 119 registers a Safety Score of 66.7, reflecting a history of traffic incidents. South of the site, the Safety Score slightly improves to 55.5. This stretch of NC 119 is currently operating at a Level of Service D, which is expected to degrade in the next twenty years due to the presence of the new Alamance County high school. By 2026, the NCDOT is expected to complete a project to widen NC 119 north of Trollingwood-Hawfields Road/Old Hillsborough Road. Additionally, the developer of Cambridge Park is expected to provide improvements at the Trollingwood-Hawfields Road/Old Hillsborough Road intersection and construct an exclusive southbound left turn lane at the intersection with Turner Road.

Farrell Road and Turner Road are state-maintained secondary routes. NCDOT average daily traffic counts are only available for the portion of Turner Road between NC 119 and Webster Grove Drive, which recorded 2,700 daily trips in 2019. The TIA estimates 500 daily trips on Farrell Road during 2019. Turner Road has a poor safety score of 66.8 and recorded a fatal crash involving a pedestrian in 2020. The developers of Cambridge Park are to install a westbound left-turn lane on Turner Road at the intersection with NC 119.

**TRAFFIC IMPACT ANALYSIS
REQUIRED?**

YES NO

**DESCRIPTION OR
RECOMMENDED
IMPROVEMENTS**

The TIA forecasts the NC 119 and Kimrey Road intersection to degrade in service under the "Build" scenario forecast. The applicant will install a traffic signal, provide a southbound left-turn lane with 100' of storage, and a northbound right-turn lane with 100' of storage at the intersection of NC 119 and the site driveway. Subject to available right-of-way and environmental/cultural constraints, the applicant will provide an eastbound right-turn lane with 100' of storage at the intersection of NC 119 and Trollingwood-Hawfields/Old Hillsborough Road.

The TIA reflects a currently failing level of service at the intersection of NC 119 and Turner Road. It is anticipated to slightly improve with the installation of a traffic signal at NC 119 and Kimrey Road but will continue to degrade at full build out of the project. The applicant is committing to dedicating \$600,000 to intersection improvements, including a traffic signal, upon the construction of the 215th home.

The applicant will construct the site driveway at NC 119 with one ingress and two egress lanes, consisting of a shared left/through lane and an exclusive right-turn lane.

**CONSISTENCY WITH THE
MEBANE BICYCLE AND
PEDESTRIAN TRANSPORTATION
PLAN?**

YES NO

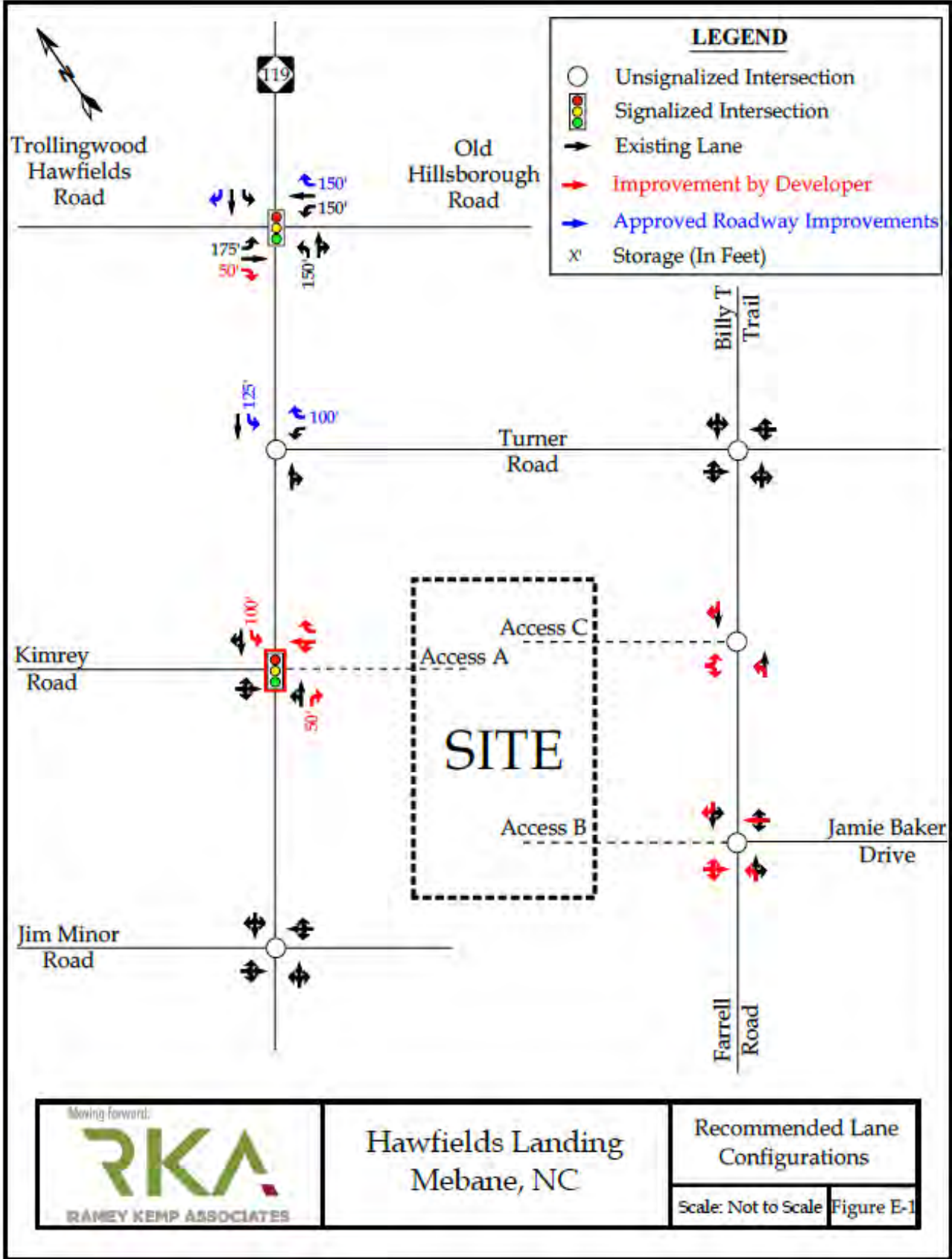
**MULTIMODAL IMPROVEMENTS
PROVIDED BY APPLICANT?**

YES NO

**DESCRIPTION OF MULTIMODAL
IMPROVEMENTS**

The applicant proposes to provide +/-2,188 linear feet of a 10' public multi-use path, including along frontage with NC 119 as required by the City of Mebane *Bicycle and Pedestrian Transportation Plan*. The multi-use path will continue for a certain distance along Street "A".

The applicant is proposing internal traffic calming, including four-way stop conditions and high-visibility crosswalks on Street "A".



STAFF RECOMMENDATION

STAFF ZONING RECOMMENDATION APPROVE DISAPPROVE

STAFF SPECIAL USE FINDING CONSISTENT NOT CONSISTENT.....WITH *MEBANE BY DESIGN*

RATIONALE

The proposed development “Hawfields Landing” is consistent with the guidance provided within *Mebane By Design*, the Mebane Comprehensive Land Development Plan. Specifically, the site is in a residential growth strategy area and serves Goal 4.3. The proposed project will be developed as a Planned Unit Development and is in harmony with the single-family residential uses of nearby properties. The Special Purpose Lot supporting this residential growth shall be screened and fenced in accordance with the City’s UDO and is consistent with the City’s adopted plans, including the Long-Range Utility Plan.

PUBLIC INTEREST CONFORMANCE?	
ENDANGER PUBLIC HEALTH OR SAFETY?	<input type="checkbox"/> YES <input type="checkbox"/> NO
SUBSTANTIALLY INJURE THE VALUE OF ADJOINING OR ABUTTING PROPERTY?	<input type="checkbox"/> YES <input type="checkbox"/> NO
HARMONIOUS WITH THE AREA IN WHICH IT IS LOCATED?	<input type="checkbox"/> YES <input type="checkbox"/> NO
CONSISTENT WITH <i>MEBANE BY DESIGN</i>, THE MUNICIPAL COMPREHENSIVE LAND DEVELOPMENT PLAN?	<input type="checkbox"/> The application is consistent with the objectives and policies for growth and development contained in the City of Mebane Comprehensive Land Development Plan, <i>Mebane By Design</i> , and, as such, has been recommended for approval.
	<input type="checkbox"/> The application is not fully consistent with the objectives and policies for growth and development of the City of Mebane Comprehensive Land Development Plan, <i>Mebane By Design</i> , but is otherwise in the public interest and has been recommended for approval. The Comprehensive Land Development Plan must be amended to reflect this approval and ensure consistency for the City of Mebane’s long-range planning objectives and policies.
	<input type="checkbox"/> The application is not consistent with the objectives and policies for growth and development of the City of Mebane Comprehensive Land Development Plan, <i>Mebane By Design</i> , and, as such, has been recommended for denial.



June 1, 2022

Aden Stoltzfus, PE
Stoltzfus Engineering Inc.
683 Gralin Street
Kernersville, NC 27284

Subject: Hawfields Landing – Water and Sewer System

Regarding the subject Preliminary Subdivision Plans and in accordance with the UDO, this letter indicates that I have reviewed the preliminary water and sewer system layout and find it acceptable and meets City standards based on the following:

- A. Water system – The developer plans to extend a public 12-inch water main along 119 from the intersection with Trollingwood-Hawfields Road. The 12-inch line will loop through the development, Farrell Road, and Turner Road connecting with the Cambridge Park water line extension when completed. Other internal water lines will be 8-inch with 6-inch lines on short cul-de-sacs. The city does not need the proposed 8-inch stub to Summerhaven served by Orange-Alamance Water System, Inc. All on and off-site water lines will be public, and city maintained when completed. The City has adequate water capacity available to meet the domestic demand at approximately 65,400 gallons per day (gpd) at 150 gpd per residence and fire flow requirements.
- B. Sanitary Sewer system – The developer plans to serve the project with a 325 gallon per minute (gpm) public pump station, an 8-inch force main, and 8-inch gravity collection system. The pump station will have a design capacity of 187,200 gpd. However, the design shall allow for an increase in capacity (1.33 times initial capacity) with the change of pump impeller size only. All on and off-site sewer line and pump station improvements will be city maintained when completed. The proposed pump station requires its own “*special purpose lot*” with adequate landscape buffering, fencing, access easement, as shown with the plans. The construction design must also ensure that equipment-producing noise or sound more than seventy decibels shall be located no closer than one hundred feet to the nearest residence.

The permitted wastewater flow based on 184 3-bedroom townhomes at 360 gpd or 120 gpd per bedroom per NCDEQ 2t rules is 66,240 gpd. Additionally, the 252 4-bedroom homes at 480 gallons per day or 120 gpd per bedroom per NCDEQ 2t rules totals 120,960 gpd for a grand total of 187,200 gpd for all proposed residences. Based on a historical water usage of less than 150 gpd per residence the anticipated sewer flow when tributary is approximately 65,400 gallons per day.

Wastewater will flow through Mebane and Graham sewer lines and receive treatment at the Graham WWTP per interlocal agreement which allows for 0.75 million gallons per day. Per city policy to limit accumulated paper flow, the permitting of wastewater will be by individual phase with 50% home starts (paid system development fees) before permitting the next phase. In addition, the city is pursuing a flow reduction study to reduce the state’s 120 gpd per bedroom to 80 gpd per bedroom to match Mebane’s Water Resource Recovery Facility.

If there are any questions, please let me know.

Sincerely,

Franz K. Holt, City Engineer

CC: Cy Stober, Development Director
Kyle Smith, Utilities Director



Technical Memorandum

Date: June 1, 2022

To: Cy Stober, Development Director

From: Franz K. Holt, P.E.

Subject: Hawfields Landing – City Engineering review

The Engineering Department has reviewed preliminary plans for Hawfields Landing Subdivision dated May 26, 2022, prepared by Aden Stoltzfus with Stoltzfus Engineering Inc. located in Kernersville, NC. Our technical review comments are as follows:

A. General

The Hawfields Landing Subdivision is a proposed 436 unit phased residential development which includes 184 townhomes (attached) and 252 single family homes (non-attached) on 149-acres located south of S. NC Hwy. 119 (119) near Kimrey Road Intersection.

The project includes stormwater management controls (SCMs) as planned built upon area exceeds 24%. The city requires fencing SCMs with two feet of pool depth. Proposed SCMs will treat the runoff from a 1-inch rain with 10-year peak flow detention. The city will also require a flood study with the construction plan submittal which may result in greater detention requirements.

Water service requires off-site extension of a 12-inch water line along 119 from the intersection with Trollingwood-Hawfields Road and in agreement with the city's long range utility plan. In addition, the city requires these proposed improvements looped through the development and connecting to the Cambridge Park improvements on Turner Road. Typical oversizing review will occur for water line sizes greater than project need per city policy.

Sewer service requires a sewer pump station at the low point on site. The proposed pump station and related sewer force main (which proposes to discharge at the same location of the Cambridge Park force main discharges on 119) is also in agreement with the city's long range utility plan. The city requires public pump stations being located on a special purpose lot with landscape buffers, fencing, an appropriate lot size and access, and sound or noise limitations. The public pump station will be able to serve other property draining to it and city maintained when completed.

Proposed internal streets are to be public and to the city standard of 31-ft. b-b roll curb for and gutter section for local residential streets. The preliminary plans show sidewalks on both sides of the streets that connect 119 to Farrell Road and on one side of all other streets. A ten' wide multi-use path will extend along the 119 frontage, along proposed Street A, and terminate at the intersection with the proposed eight' wide trail. Roadway connections are at 119, Farrell Road, and the adjacent Summerhaven residential subdivision.



The developer will need to acquire easements for proposed off-site utility improvements. In addition, the developer will need to acquire easements and or right-of-way may for the proposed turn lane and signal improvements on 119.

The developer will apply for NCDOT driveway permits and encroachment agreements for related improvements and street connections.

Amenities include a pool, internal walking path, play field, picnic shelter, outdoor grill, fire pit, corn hole and pickle ball courts all being private, and HOA maintained.

Any proposed stream and wetland impacts will require USACE and NCDEQ approvals. The City of Mebane conducts review and authorization of any proposed buffer impacts.

An existing private cemetery is located on site and will have its own dedicated lot with a fence around the grave sites.

B. Water and Sewer System Layout

Regarding the subject Preliminary Subdivision Plans and in accordance with the UDO, I have reviewed the preliminary water and sewer system layout and find it acceptable and meets City standards based on the following:

1. Water system – The developer plans to extend a public 12-inch water main along 119 from the intersection with Trollingwood-Hawfields Road. The 12-inch line will loop through the development, Farrell Road, and Turner Road connecting with the Cambridge Park water line extension when completed. Other internal water lines will be 8-inch with 6-inch lines on short cul-de-sacs. The city does not need the proposed 8-inch stub to Summerhaven served by Orange-Alamance Water System, Inc. All on and off-site water lines will be public, and city maintained when completed. The City has adequate water capacity available to meet the domestic demand at approximately 65,400 gallons per day (gpd) at 150 gpd per residential unit and fire flow requirements.
2. Sanitary Sewer system – The developer plans to serve the project with a 325 gallon per minute (gpm) public pump station and an 8-inch force main and 8-inch gravity collection system. The pump station will have a design capacity of 187,200 gpd. However, the design shall allow for an increase in capacity (1.33 times initial capacity) with the change of pump impeller size only. All on and off-site sewer line and pump station improvements will be city maintained when completed. The proposed pump station requires its own “*special purpose lot*” with adequate landscape buffers, fencing, and access easement (as shown with the plans). The construction design must also ensure that equipment-producing noise or sound more than seventy decibels shall be located no closer than one hundred feet to the nearest residence.



The permitted wastewater flow based on 184 3-bedroom townhomes at 360 gpd or 120 gpd per bedroom per NCDEQ 2t rules is 66,240 gpd. Additionally, the 252 4-bedroom homes at 480 gallons per day or 120 gpd per bedroom per NCDEQ 2t rules totals 120,960 gpd for a grand total of 187,200 gpd for all proposed residences. Based on a historical water usage of less than 150 gpd per home the anticipated sewer flow when tributary is approximately 65,400 gallons per day.

Wastewater will flow through Mebane and Graham sewer lines and receive treatment at the Graham WWTP per interlocal agreement (which allows for 0.75 million gallons per day). Per city policy to limit accumulated paper flow the permitting of wastewater will be by individual phase with 50% home starts (paid system development fees) before permitting the next phase. In addition, the city is pursuing a flow reduction study to reduce the state's 120 gpd per bedroom to 80 gpd per bedroom to match Mebane's Water Resource Recovery Facility.

C. Watershed Overlay District and Phase II Stormwater Requirements

1. Watershed Overlay District requirements provided under Sec. 5.2 of the UDO.

These requirements in the UDO are for the Back-Creek Watershed, which includes the Graham-Mebane Lake. The Hawfields Landing project is tributary to Haw Creek, a Class V watershed and the Watershed Overlay District requirements do not apply to this project. This type of watershed classification (Class V) does not have density restrictions or built upon restrictions as required for the Graham-Mebane Lake watershed.

2. Phase II Stormwater Post Construction Ordinance

Sec. 5.4 in the UDO provides standards for Storm Water Management and 5.4.F requires compliance with the Mebane Post Construction Runoff Ordinance (which is a stand-alone ordinance titled the Phase II Stormwater Post Construction Ordinance (SPCO)). The standards in the UDO are general standards as the Ordinance itself provides detailed standards. The SPCO does apply to this project as it will disturb more than one acre of land and will have built upon area more than 24% of the site. The project proposes nine engineered storm water control devices (noted as bmps on plans) which will require fencing if constructed as wet ponds or bio retention, sand filter, and or wetlands storing two feet or more of surface water. These devices are HOA maintained with financial guarantees provided to the City to ensure maintenance.

D. Storm Drainage System

Sec. 5-4. D. in the UDO provides requirements for storm drainage systems. The preliminary site plans include a preliminary piping layout that indicates certain pipe locations, inlets, and discharge points to engineered storm water control devices.



E. Street Access and TIA

All internal streets are to be public, and city maintained when completed. The city standard for local residential streets is a 31-ft. b-b roll curb and gutter section. Street connections are to 119, Farrell Road, and Summerhaven residential subdivision. Sidewalks and multi-use paths in street right-of-way or paralleling in appropriate easement will be city maintained when completed. The city may maintain the paved trail system if in acceptable condition, is ADA compliant, and serves other areas outside of the development.

The developer provided a Traffic Impact Analysis required for the project. City and NCDOT review agree with the recommended improvements and additional measures as follows:

NC 119 and Trollingwood-Hawfields Road/Old Hillsborough Road

- Subject to available right of way and environmental constraints, provide an exclusive eastbound right-turn lane with one hundred feet of storage and appropriate deceleration taper.

NC 119 and Kimrey Road

- Install traffic signal.
- Provide an exclusive northbound right-turn lane on NC 119 with one hundred feet of storage and appropriate deceleration taper.
- Provide exclusive northbound and southbound left-turn lanes on NC 119 with one hundred feet of storage and appropriate transitions.
- Construct Access A with one ingress lane and two egress lanes consisting of a shared left/through lane and an exclusive right-turn lane.

Farrell Road and Jamie Baker Drive/Access B

- Construct Access B with one ingress lane and one egress lane under stop control.

Farrell Road and Access C

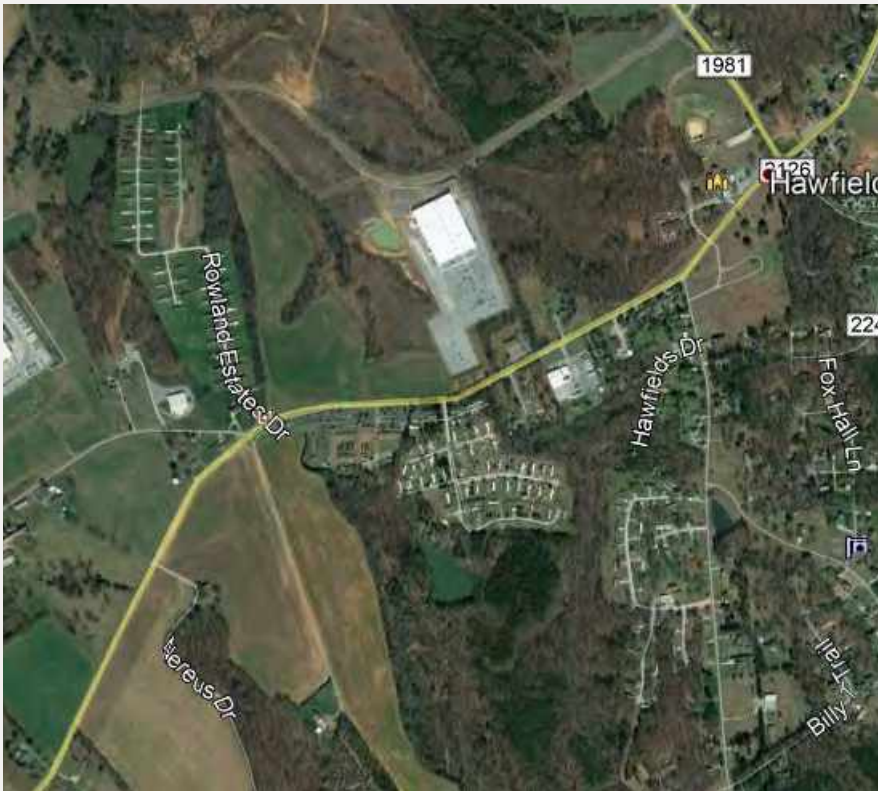
- Construct Access C with one ingress lane and one egress lane under stop control.

Turner Road and NC 119

- The developer has indicated that he will contribute \$600,000 towards a NCDOT project for improvements to this intersection and the above mentioned exclusive eastbound right-turn lane at NC 119 and Trollingwood-Hawfields Road/Old Hillsborough Road. NCDOT is currently preparing a conceptual design and related cost estimate for signal and turn lane improvements at Turner Road/119. Additional NCDOT funding may include Cambridge Park commitments to this intersection.

F. Construction Plan Submittal

The UDO indicates that construction plans for all street facilities, including water and sewer facilities, shall follow preliminary plat or site plan approval (not at this stage). The provided utility plan shows the proposed water lines, sewer lines, and storm drainage and stormwater management devices to indicate that the project is feasible for utility service and providing stormwater management. Appendix E of the UDO includes a Construction Document checklist. The project engineer provides this check list with construction plan submittal. Based on city engineering review of the referenced preliminary site plans, it is my opinion that said plans are in substantial compliance with the UDO.



Hawfields Landing
Mebane, NC
Traffic Impact Analysis

TRAFFIC IMPACT ANALYSIS

FOR

HAWFIELDS LANDING

LOCATED

IN

MEBANE, NC

Prepared For:
Agency Partners, LLC
P.O. Box 667
Elon, NC 27244

Prepared By:
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Raleigh, NC 27609
License #C-0910

February 2022



2-14-2022

RKA Project No. 22062

Prepared By: AMI

Reviewed By: CTS

TRAFFIC IMPACT ANALYSIS
HAWFIELDS LANDING
MEBANE, NORTH CAROLINA

EXECUTIVE SUMMARY

This report summarizes the findings of the Traffic Impact Study (TIA) that was conducted for the proposed Hawfields Landing development to be located south of NC 119 and west of Turner Road in Mebane, North Carolina. The purpose of this study is to determine the potential impact to the surrounding transportation system caused by the traffic generated by the development.

The proposed development, anticipated to be completed in 2025, is assumed to consist of up to 351 single family homes and 160 townhomes. Access to the proposed development is to be provided via three (3) new full movement driveway connections: one (1) on NC 119 [located opposite Kimrey Road] and two (2) on Farrell Road [one located opposite Jamie Baker Drive and the other located approximately 1,000 feet to the north]

It is estimated that the proposed development could generate up to 4,470 total site trips on the roadway network during a typical 24-hour weekday period. Of the daily traffic volume, it is anticipated that 329 trips (80 entering and 249 exiting) will occur during the weekday AM peak hour and 429 trips (271 entering and 158 exiting) will occur during the weekday PM peak hour.

The study area for the TIA was determined through coordination with the North Carolina Department of Transportation (NCDOT) and the City of Mebane (City) and consists of the following existing intersections:

- NC 119 and Trollingwood Hawfields Road / Old Hillsborough Road (signalized)
- NC 119 and Turner Road (unsignalized)
- NC 119 and Kimrey Road (unsignalized)
- NC 119 and Jim Minor Road (unsignalized)
- Turner Road and Farrell Road / Billy T Trail (unsignalized)
- Farrell Road and Jamie Baker Drive (unsignalized)

Through coordination with the City and NCDOT, it was determined that there are six (6) adjacent developments that could affect the study area upon build out of the proposed development and should be accounted for in this study.

Several scenarios were analyzed using traffic analysis software, Synchro 10. Traffic operations during the AM and PM peak hours were modeled for each scenario. The results of each scenario were compared in order to determine impacts from background traffic growth and the proposed development. The following scenarios were modeled: 2021 Existing Traffic Conditions, 2025 No-Build Traffic Conditions, and 2025 Build Traffic Conditions.

Based on the findings of this study, specific geometric improvements have been identified and are recommended to accommodate future traffic conditions. See a more detailed description of the recommended improvements below. Refer to Figure E-1 for an illustration of the recommended lane configuration for the proposed development.

NC 119 and Trollingwood Hawfields Road / Old Hillsborough Road

- Provide an exclusive eastbound right-turn lane with at least 50 feet of storage and appropriate taper.

NC 119 and Kimrey Road / Access A

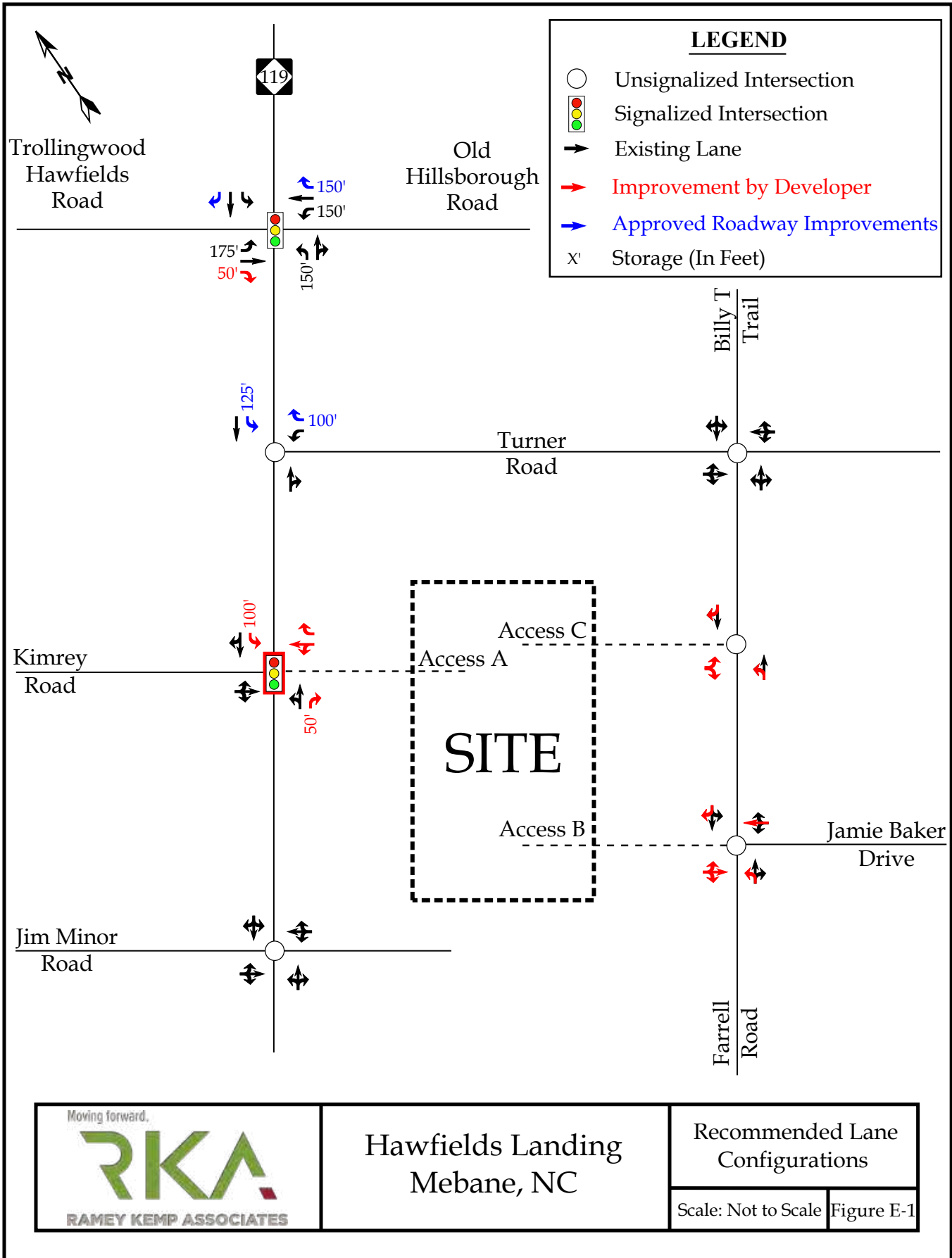
- Install traffic signal.
- Provide an exclusive northbound right-turn lane on NC 119 with at least 50 feet of storage and appropriate taper.
- Provide an exclusive southbound left-turn lane on NC 119 with at least 100 feet of storage and appropriate decel and taper.
- Construct Access A with one ingress lane and two egress lanes striped as a shared left/through lane and an exclusive right-turn lane.

Farrell Road and Jamie Baker Drive / Access B

- Construct Access B with one ingress lane and one egress lane.

Farrell Road and Access C

- Construct Access C with one ingress lane and one egress lane.



Hawfields Landing
Mebane, NC

Recommended Lane
Configurations

Scale: Not to Scale | Figure E-1

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Appendix L:	SimTraffic Queueing Reports
Appendix M:	Signal Warrant Analysis

Due to the size of the document, technical appendix items can be viewed and downloaded through the following link:

<https://cityofmebane.sharefile.com/d-s5d494b331c29403ba8de5f2a9c19c785>

TRAFFIC IMPACT ANALYSIS
HAWFIELDS LANDING
MEBANE, NORTH CAROLINA

1. INTRODUCTION

The contents of this report present the findings of the Traffic Impact Analysis (TIA) conducted for the proposed Hawfields Landing development to be located south of NC 119 and west of Turner Road in Mebane, North Carolina. The purpose of this study is to determine the potential impacts to the surrounding transportation system created by traffic generated by the proposed development, as well as recommend improvements to mitigate the impacts.

The proposed development, anticipated to be completed in 2025, is assumed to consist of up to 351 single family homes and 160 townhomes.

The study analyzes the weekday AM and PM peak hours for the following scenarios:

- 2021 Existing Traffic Conditions
- 2025 No-Build Traffic Conditions
- 2025 Build Traffic Conditions

1.1. Site Location and Study Area

The development is proposed to be located between NC 119 and Farrell Road in Mebane, North Carolina. Refer to Figure 1 for the site location map.

The study area for the TIA was determined through coordination with the North Carolina Department of Transportation (NCDOT) and the City of Mebane (City) and consists of the following existing intersections:

- NC 119 and Trollingwood Hawfields Road / Old Hillsborough Road (signalized)
- NC 119 and Turner Road (unsignalized)
- NC 119 and Kimrey Road (unsignalized)
- NC 119 and Jim Minor Road (unsignalized)
- Turner Road and Farrell Road / Billy T Trail (unsignalized)

- Farrell Road and Jamie Baker Drive (unsignalized)

Refer to Appendix A for the approved scoping documentation.

1.2. Proposed Land Use and Site Access

The proposed development, anticipated to be completed in 2025, is assumed to consist of up to 351 single family homes and 160 apartments. Access to the proposed development is to be provided via three (3) new full movement driveway connections: one (1) on NC 119 [located opposite Kimrey Road] and two (2) on Farrell Road [one located opposite Jamie Baker Drive and the other located approximately 1,000 feet to the north]. Refer to Figure 2 for a copy of the preliminary site plan.

1.3. Adjacent Land Uses

The proposed development is located in an area consisting primarily of undeveloped land and residential development. The Audrey W Garrett Elementary School and Hawfields Middle School are located to the north of Old Hillsborough Road and east of NC 119 in close proximity of the study area. Two large distribution centers are located on Senator Ralph Scott Parkway [off of Trollingwood Hawfields Road]. Residential land uses are located throughout the study area but are most dense east and south of the property along Turner Road and Jim Minor Road.

1.4. Existing Roadways

Existing lane configurations (number of traffic lanes on each intersection approach), lane widths, storage capacities, and other intersection and roadway information within the study area are shown in Figure 3. Table 1 provides a summary of this information, as well.




Table 1: Existing Roadway Inventory

Road Name	Route Number	Typical Cross Section	Speed Limit	Maintained By	2019 AADT (vpd)
NC 119	NC 119	2-lane undivided	40 mph	NCDOT	12,500
Trollingwood Hawfields Road	SR 1984	2-lane undivided	45 mph	NCDOT	10,000
Old Hillsborough Road	SR 2126	2-lane undivided	45 mph	NCDOT	7,400
Turner Road	SR 2133	2-lane undivided	45 mph	NCDOT	2,700
Kimrey Road	SR 2125	2-lane undivided	45 mph (assumed)	NCDOT	1230*
Jim Minor Road	SR 2135	2-lane undivided	45 mph	NCDOT	2,100
Farrell Road	SR 2134	2-lane undivided	40 mph	NCDOT	500*
Jamie Baker Drive	SR 2612	2-lane undivided	25 mph (assumed)	NCDOT	80*
Billy T Trail	N/A	2-lane undivided	25 mph (assumed)	City	70*

*ADT based on the traffic counts from 2021 and assuming the weekday PM peak hour volume is 10% of the average daily traffic.



LEGEND

-  Proposed Site Location
-  Study Intersection
-  Study Area



Hawfields Landing
Mebane, NC

Site Location Map	
Scale: Not to Scale	Figure 1

TABLE 10 - UNIT TYPES

UNIT TYPE	QUANTITY	TOTAL AREA (S.F.)	TOTAL GROSS AREA (S.F.)	TOTAL GROSS AREA (S.F.)
1-BEDR/1-BATH	12	1,200	1,200	1,200
2-BEDR/2-BATH	24	4,800	4,800	4,800
3-BEDR/3-BATH	12	3,600	3,600	3,600
TOTAL UNITS	48	9,600	9,600	9,600

TABLE 11 - COMMON AREAS

COMMON AREA	AREA (S.F.)	TOTAL GROSS AREA (S.F.)
1. COMMON AREA	1,200	1,200
2. COMMON AREA	2,400	2,400
3. COMMON AREA	3,600	3,600
TOTAL COMMON AREAS	7,200	7,200

TABLE 12 - OVERALL UNIT COUNT

TYPE	QUANTITY	TOTAL AREA (S.F.)
1-BEDR/1-BATH	12	1,200
2-BEDR/2-BATH	24	4,800
3-BEDR/3-BATH	12	3,600
TOTAL UNITS	48	9,600

TABLE 13 - COMMON AREAS

COMMON AREA	AREA (S.F.)	TOTAL GROSS AREA (S.F.)
1. COMMON AREA	1,200	1,200
2. COMMON AREA	2,400	2,400
3. COMMON AREA	3,600	3,600
TOTAL COMMON AREAS	7,200	7,200

TABLE 14 - COMMON AREAS

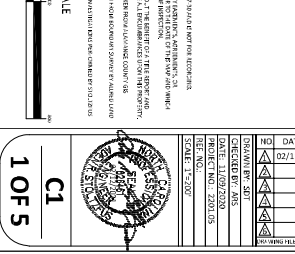
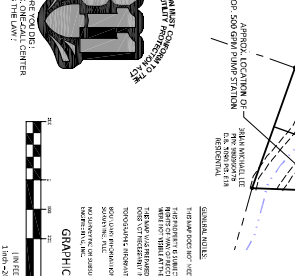
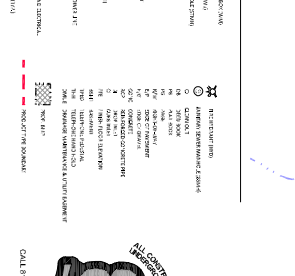
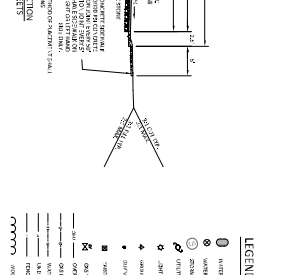
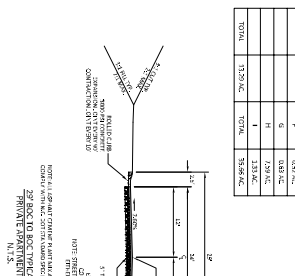
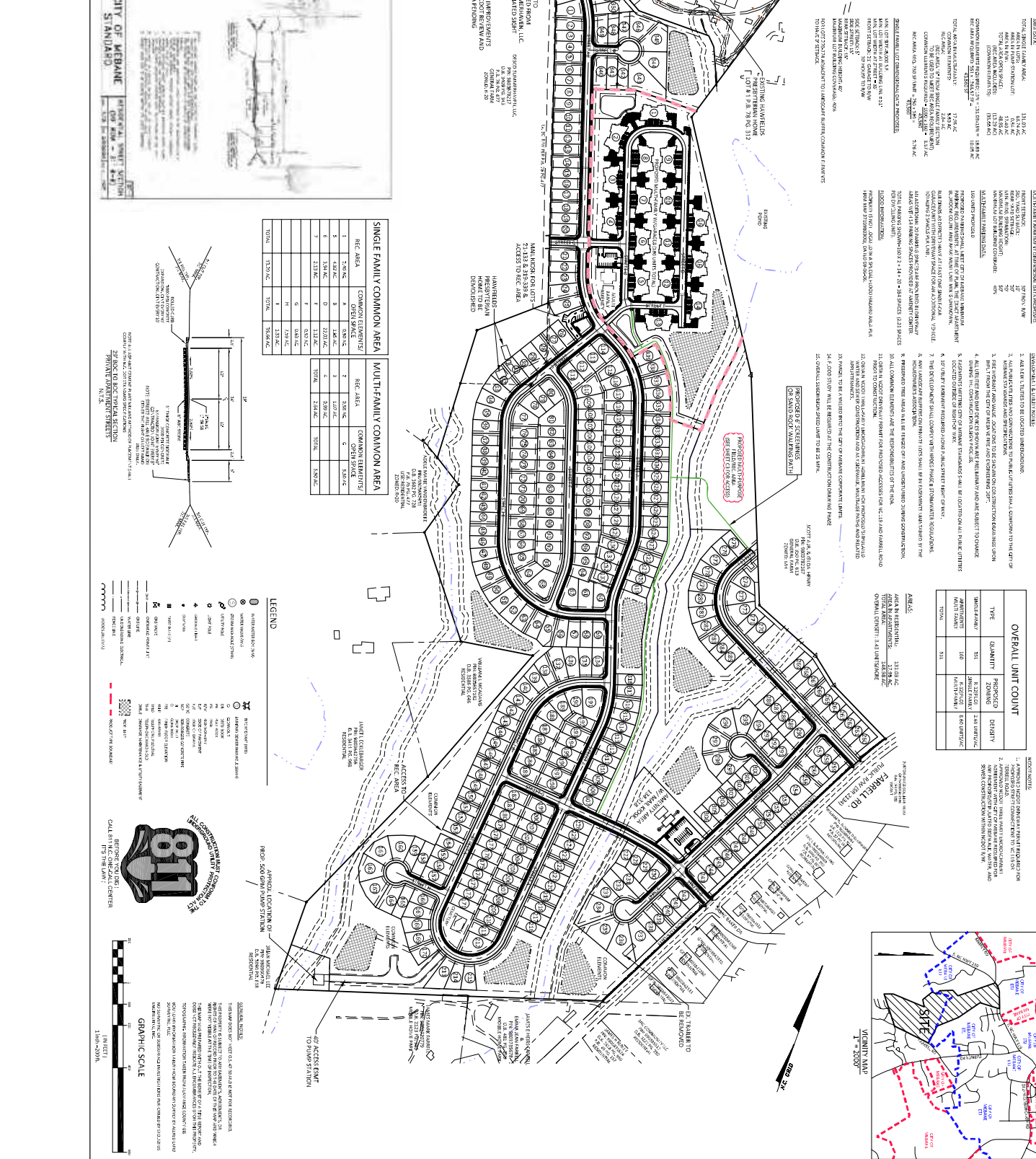
COMMON AREA	AREA (S.F.)	TOTAL GROSS AREA (S.F.)
1. COMMON AREA	1,200	1,200
2. COMMON AREA	2,400	2,400
3. COMMON AREA	3,600	3,600
TOTAL COMMON AREAS	7,200	7,200

TABLE 15 - COMMON AREAS

COMMON AREA	AREA (S.F.)	TOTAL GROSS AREA (S.F.)
1. COMMON AREA	1,200	1,200
2. COMMON AREA	2,400	2,400
3. COMMON AREA	3,600	3,600
TOTAL COMMON AREAS	7,200	7,200

TABLE 16 - COMMON AREAS

COMMON AREA	AREA (S.F.)	TOTAL GROSS AREA (S.F.)
1. COMMON AREA	1,200	1,200
2. COMMON AREA	2,400	2,400
3. COMMON AREA	3,600	3,600
TOTAL COMMON AREAS	7,200	7,200



HAWFIELDS LANDING

OVERALL CONCEPTUAL SITE PLAN

PROJECT LOCATION:
STATE: NORTH CAROLINA
COUNTY: ALAMANCE
TOWNSHIP: MELVILLE

PROPERTY OWNER INFORMATION:
ASTORY PROPERTY LLC
537 HULFMAN HILL ROAD, SUITE E
BURLINGTON, NC 27215

Aden R. Stoltz, PE C-3812
aden@seiengineering.com
336-904-0207
747 Park Lawn Court
Kernersville, NC 27284

REVISIONS

NO.	DATE	REVISION NOTE	MEBANE COMMENTS
01	02/17/22	ISSUED FOR PERMITS	

SCALE: 1" = 200'

DATE: 02/17/22

PROJECT NO.: 22015

SHEET NO.: 01 OF 05

GRAPHIC SCALE

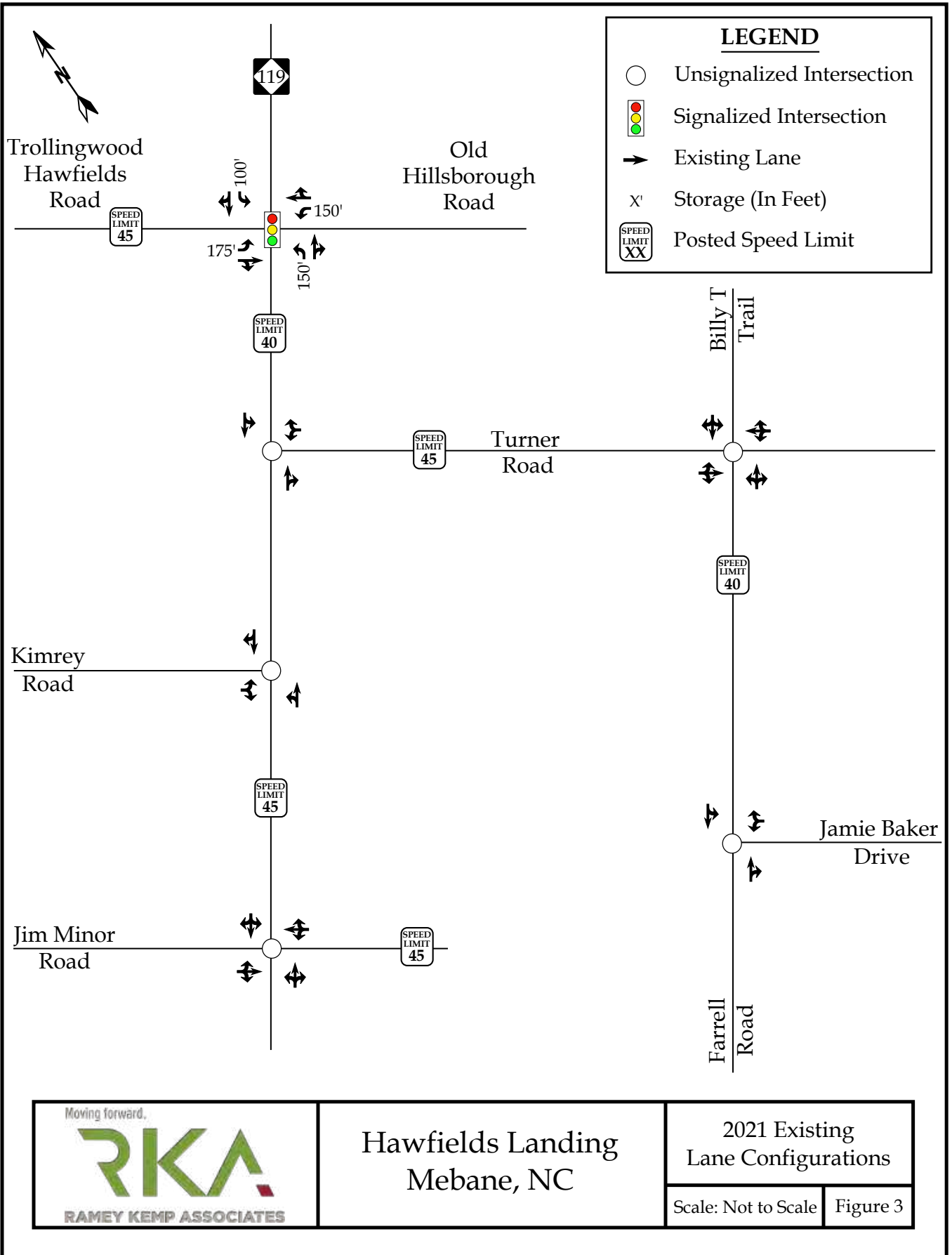
1" = 100'

1" = 200'

1 OF 5

Stoltz Engineering Inc.
Civil Engineering Consultants

CALL 877-NC-ONECALL CENTER
877-662-6262



Moving forward.



Hawfields Landing Mebane, NC

2021 Existing
Lane Configurations

Scale: Not to Scale

Figure 3

2. 2021 EXISTING PEAK HOUR CONDITIONS

2.1. 2021 Existing Peak Hour Traffic Volumes

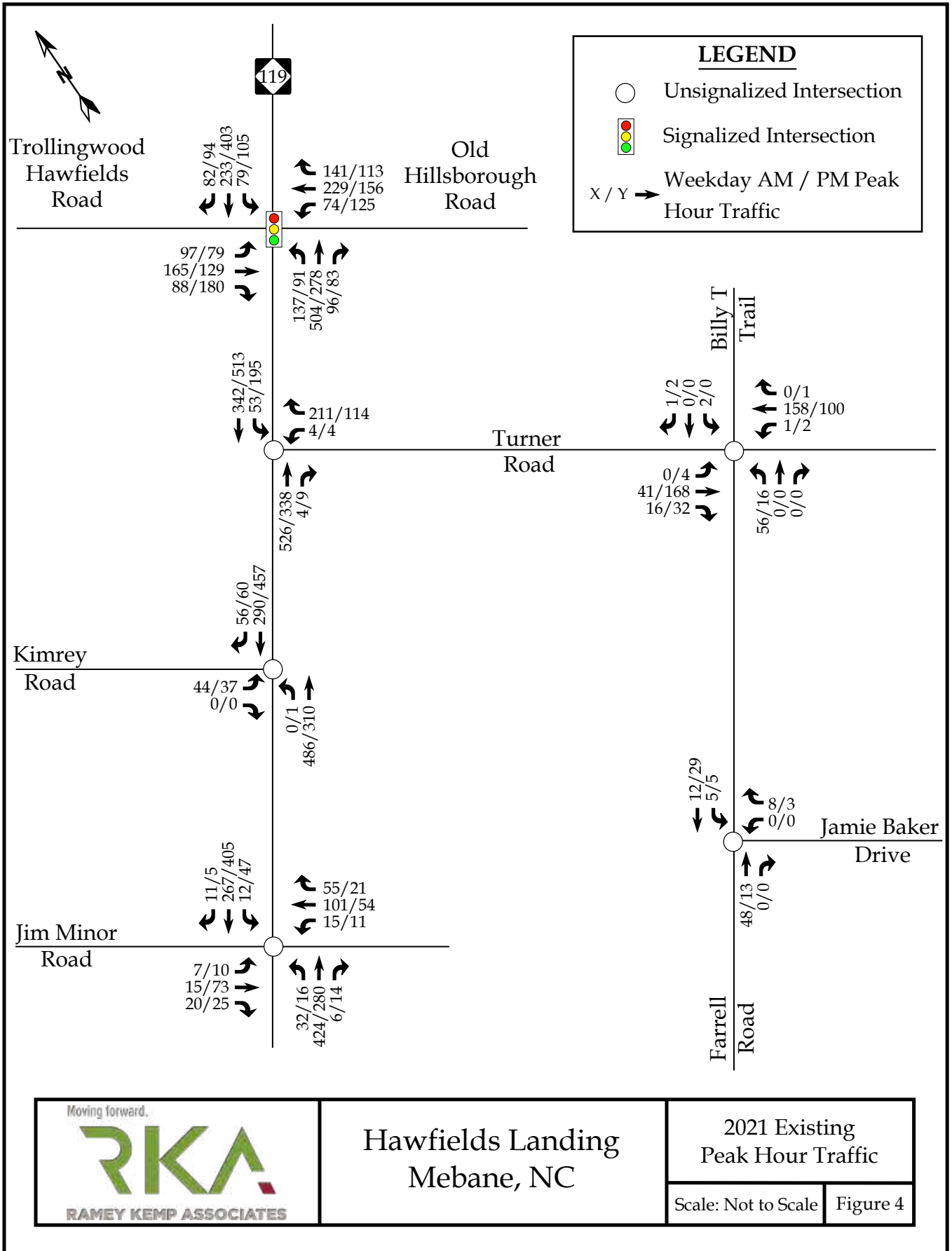
Existing peak hour traffic volumes were determined based on traffic counts conducted at the study intersections listed below, in October of 2017 or 2018 during typical weekday AM (7:00 AM – 9:00 AM) and PM (4:00 PM – 6:00 PM) peak periods:

- NC 119 and Trollingwood Hawfields Road / Old Hillsborough Road (10/16/18)
- NC 119 and Turner Road (10/10/17)
- NC 119 and Kimrey Road (10/16/18)
- NC 119 and Jim Minor Road (10/16/18)
- Turner Road and Farrell Road / Billy T Trail (10/25/17)
- Farrell Road and Jamie Baker Drive (10/25/17)

All counts were projected to 2021 with an annual growth rate of 1%. Weekday AM and PM traffic volumes were balanced between study intersections. Refer to Figure 4 for the 2021 existing weekday AM and PM peak hour traffic volumes. A copy of the count data is located in Appendix B of this report.

2.2. Analysis of 2021 Existing Peak Hour Traffic Conditions

The 2021 existing weekday AM and PM peak hour traffic volumes were analyzed to determine the current levels of service at the study intersections under existing roadway conditions. Signal information was obtained from NCDOT and is included in Appendix C. The results of the analysis are presented in Section 7 of this report.



Hawfields Landing
Mebane, NC

2021 Existing
Peak Hour Traffic

Scale: Not to Scale

Figure 4

3. 2025 NO-BUILD PEAK HOUR CONDITIONS

In order to account for growth of traffic and subsequent traffic conditions at a future year, no-build traffic projections are needed. No-build traffic is the component of traffic due to the growth of the community and surrounding area that is anticipated to occur regardless of whether or not the proposed development is constructed. No-build traffic is comprised of existing traffic growth within the study area and additional traffic created as a result of adjacent approved developments.

3.1. Ambient Traffic Growth

Through coordination with the City and NCDOT, it was determined that an annual growth rate of 1% would be used to generate 2025 projected weekday AM and PM peak hour traffic volumes. Refer to Figure 5 for the 2025 projected peak hour traffic volumes.

3.2. Adjacent Development Traffic

Through coordination with the City and NCDOT, it was determined that there are six (6) adjacent developments that could affect the study area upon build out of the proposed development and should be accounted for in this study: Cambridge Park (residential), The Meadows (residential), Magnolia Glen (residential), Bradford Academy (school), Summerhaven Subdivision (residential) and Alamance County High School. Peak hour traffic associated with each of the adjacent developments was determined based on each development's TIA's and distributed to the roadway network accordingly. It should be noted that dismissal peak times for Bradford Academy and Alamance County High School are outside of the 4pm - 6pm PM peak hour, therefore only AM peak site trips were included. Total adjacent development traffic is illustrated in Figure 6. Adjacent development information can be found in Appendix D.

3.3. Future Roadway Improvements

Based on the traffic studies for the aforementioned adjacent developments and information provided by NCDOT, the following improvements were assumed to be in place at the study intersections upon full build out of the proposed development, and therefore were included in all future analyses:

NC 119 and Trollingwood Hawfields Road / Old Hillsborough Road

- Extend the existing southbound left turn lane on NC 119 to provide 225 feet of full storage and appropriate transitions [Cambridge Park TIA].
- Construct an exclusive westbound right turn lane on Old Hillsborough Road with 150 feet of full storage and appropriate deceleration taper [Cambridge Park TIA].
- Widen NC 119, north of Trollingwood Hawfields Road / Old Hillsborough Road to allow for a full southbound right turn lane {NCDOT State Transportation Improvement Program (STIP) project U-6013}.

NC 119 and Turner Road

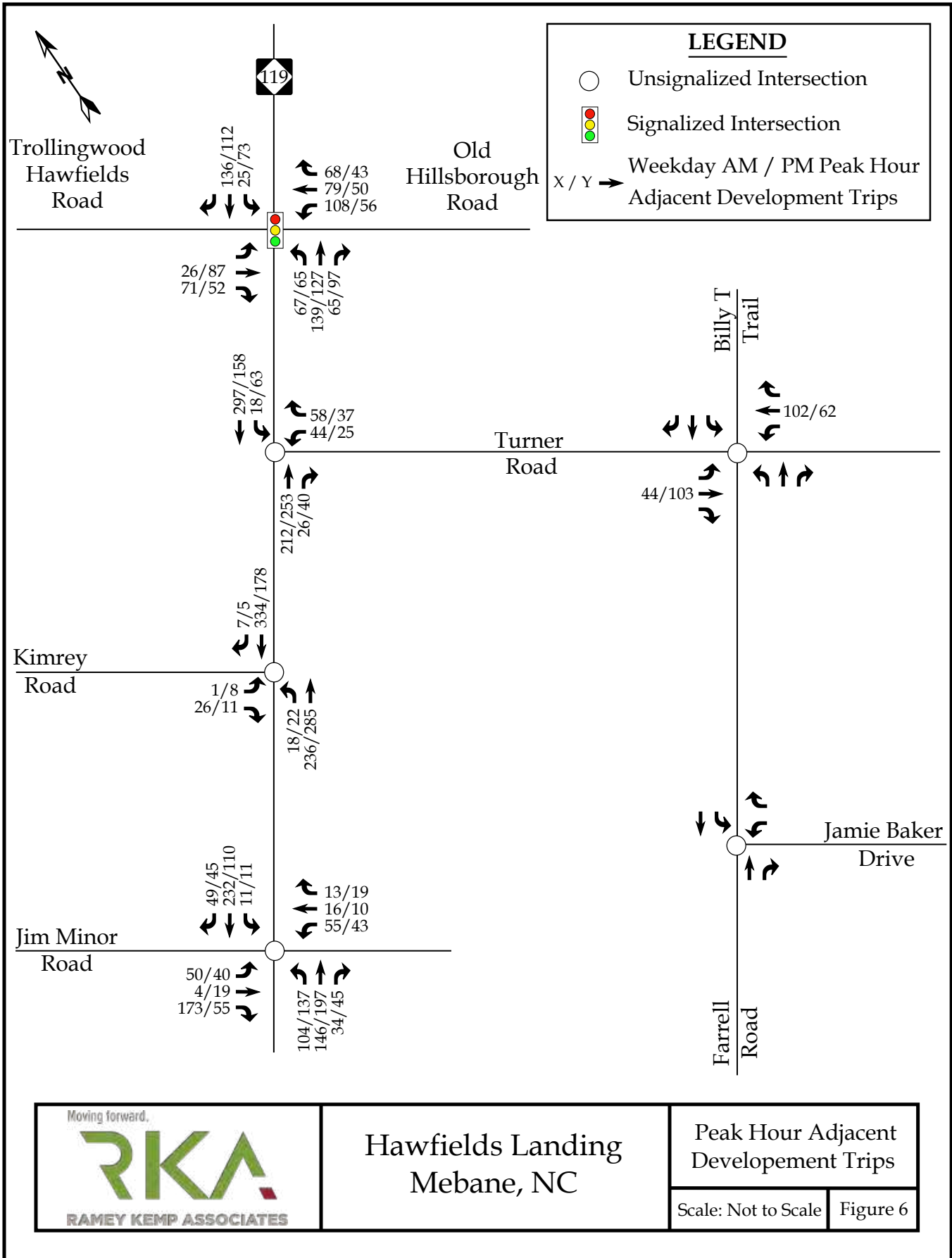
- Construct an exclusive westbound right turn lane on Turner Road with 100 feet of full storage and appropriate deceleration taper [Cambridge Park TIA].
- Construct an exclusive southbound left turn lane on NC 119 with 125 feet of full storage and appropriate transitions [Cambridge Park TIA].

3.4. 2025 No-Build Peak Hour Traffic Volumes

The 2025 no-build traffic volumes were determined by adding the adjacent development trips to the 2025 projected traffic volumes. Refer to Figure 7 for an illustration of the 2025 no-build peak hour traffic volumes at the study intersections.

3.5. Analysis of 2025 No-Build Peak Hour Traffic Conditions

The 2025 no-build AM and PM peak hour traffic volumes at the study intersections were analyzed with future geometric roadway conditions and traffic control. The analysis results are presented in Section 7 of this report.



Moving forward.

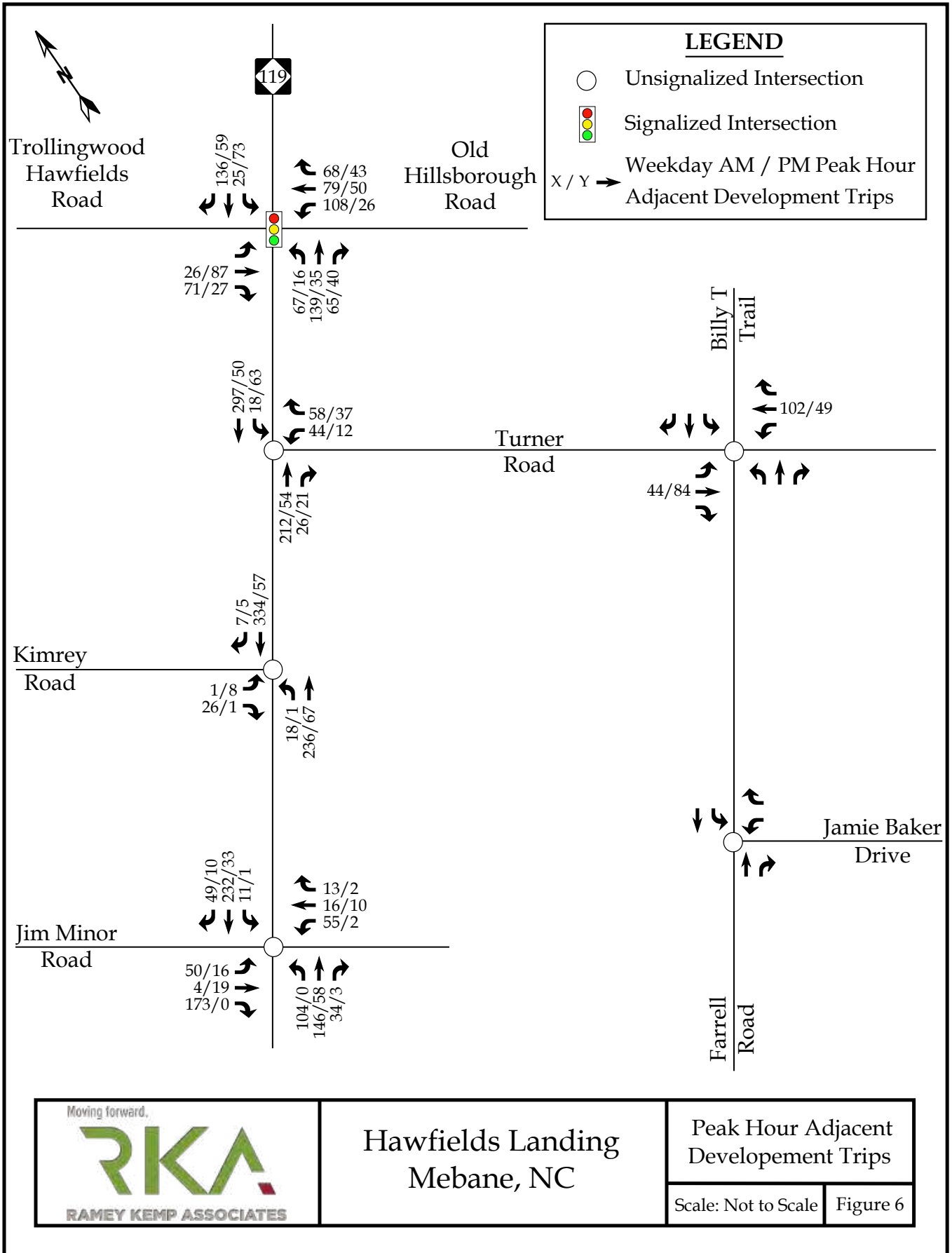


Hawfields Landing
Mebane, NC

Peak Hour Adjacent
Development Trips

Scale: Not to Scale

Figure 6



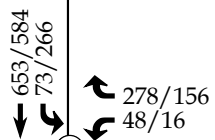
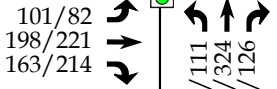
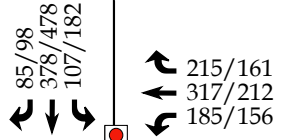


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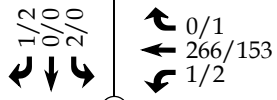
- Unsignalized Intersection
- ⬆️⬆️⬆️ Signalized Intersection
- X / Y → Weekday AM / PM Peak Hour Traffic

Trollingwood
Hawfields
Road

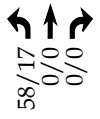
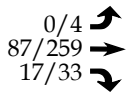
Old
Hillsborough
Road



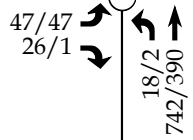
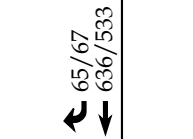
Billy T
Trail



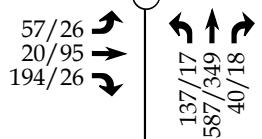
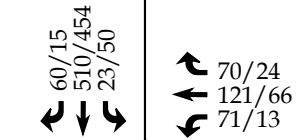
Turner
Road



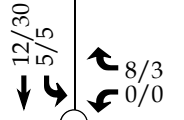
Kimrey
Road



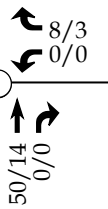
Jim Minor
Road



Farrell
Road



Jamie Baker
Drive



Hawfields Landing
Mebane, NC

2025 No-Build
Peak Hour Traffic
Scale: Not to Scale Figure 7

4. SITE TRIP GENERATION AND DISTRIBUTION

4.1. Trip Generation

The proposed development is assumed to consist of up to 351 single family homes and 160 townhomes. Average weekday daily, AM peak hour, and PM peak hour trips for the proposed development were estimated using methodology contained within the ITE *Trip Generation Manual*, 10th Edition. Table 2 provides a summary of the trip generation potential for the site.

Table 2: Trip Generation Summary

Land Use (ITE Code)	Intensity	Daily Traffic (vpd)	Weekday AM Peak Hour Trips (vph)		Weekday PM Peak Hour Trips (vph)	
			Enter	Exit	Enter	Exit
Single-Family Detached Housing (210)	351 DU	3,301	63	191	214	125
Low-Rise Multifamily Housing (220)	160 DU	1,169	17	58	57	33
Total Trips		4,470	80	249	271	158

*Utilizing methodology contained in the NCHRP Report 684.

It is estimated that the proposed development could generate up to 4,470 total site trips on the roadway network during a typical 24-hour weekday period. Of the daily traffic volume, it is anticipated that 329 trips (80 entering and 249 exiting) will occur during the weekday AM peak hour and 429 trips (271 entering and 158 exiting) will occur during the weekday PM peak hour.

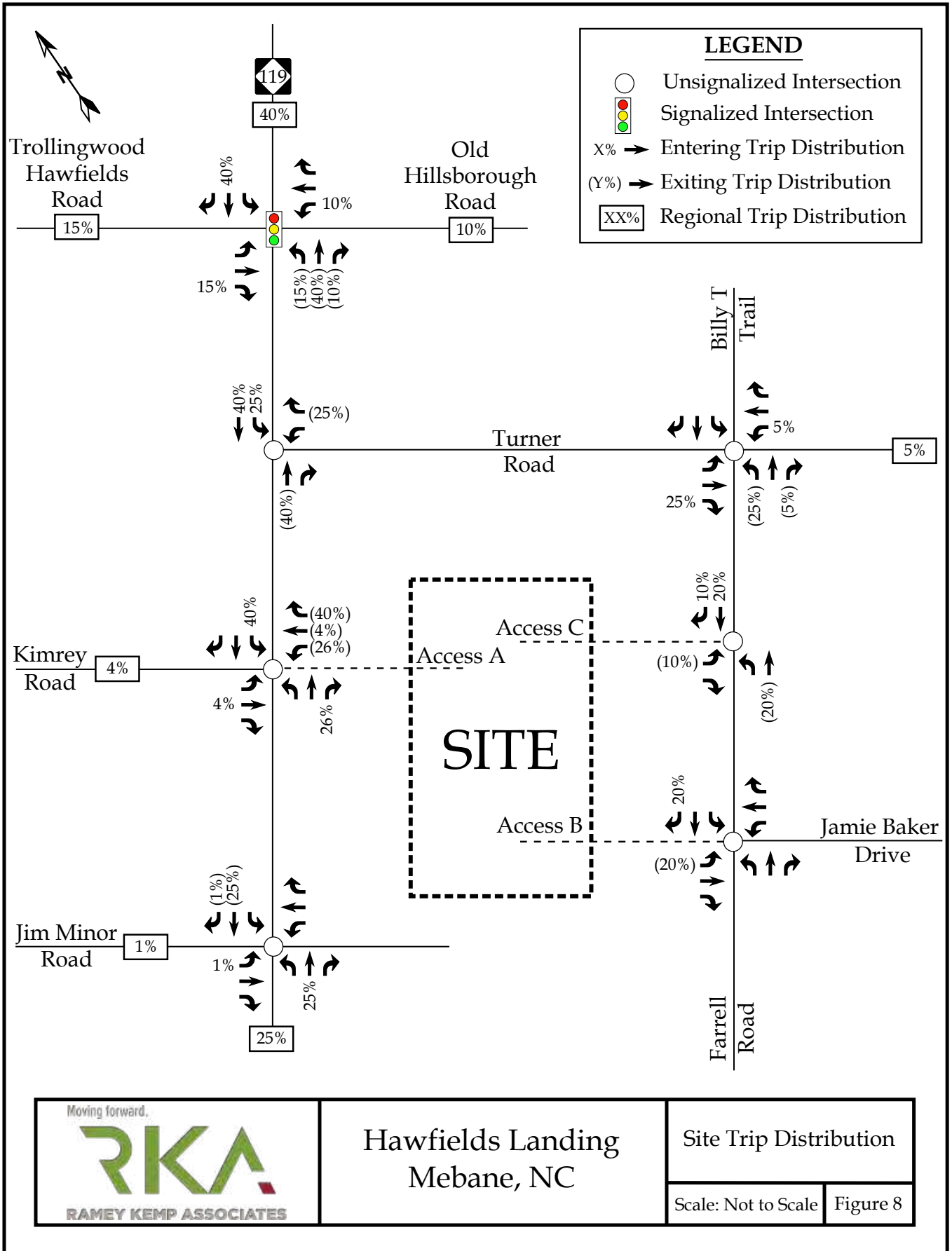
4.2. Site Trip Distribution and Assignment

Trip distribution percentages used in assigning site traffic for this development were estimated based on a combination of existing traffic patterns and engineering judgment.

It is estimated that the site trips will be regionally distributed as follows:

- 40% to/from the north via NC 119
- 25% to/from the south via NC 119
- 15% to/from the west via Trollingwood Hawfields Road
- 10% to/from the east via Old Hillsborough Road
- 4% to/from the west via Kimrey Road
- 1% to/from the west via Jim Minor Road
- 5% to/from the east via Turner Road

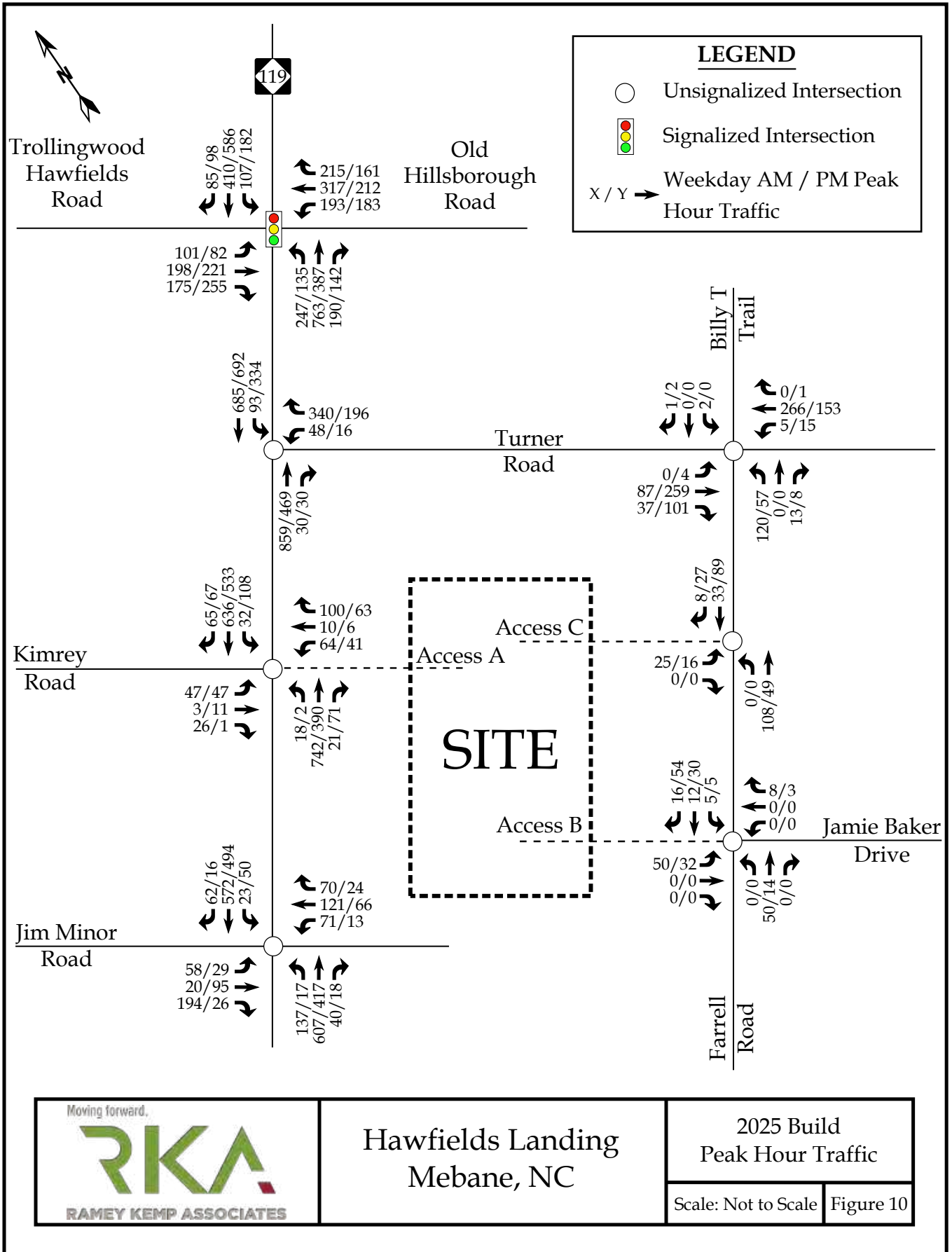
Refer to Figures 8 and 9 for illustrations of the site trip distribution and assignment, respectively.



Hawfields Landing
Mebane, NC

Site Trip Distribution

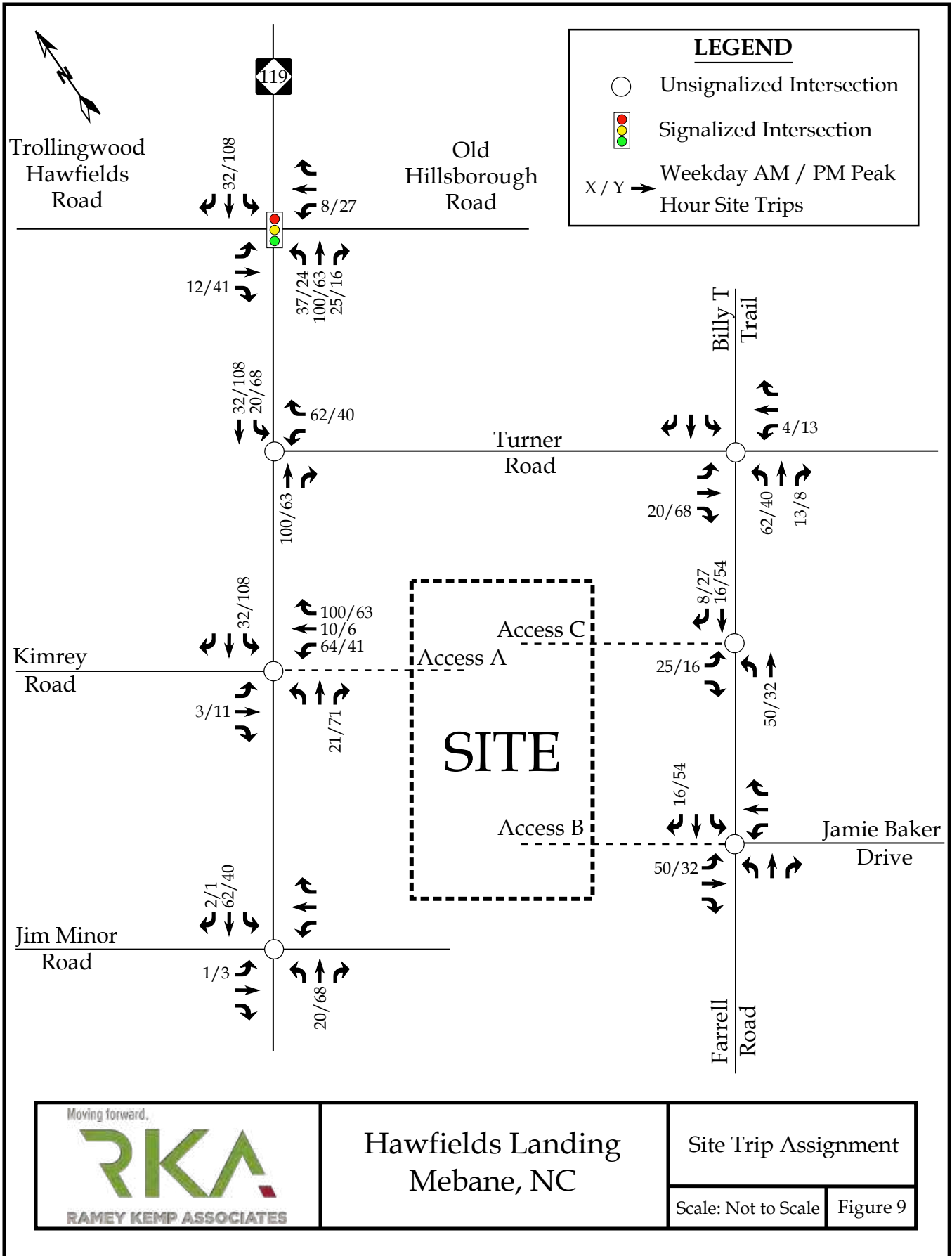
Scale: Not to Scale Figure 8



Hawfields Landing
Mebane, NC

2025 Build
Peak Hour Traffic

Scale: Not to Scale | Figure 10



Hawfields Landing
Mebane, NC

Site Trip Assignment

Scale: Not to Scale Figure 9

5. 2025 BUILD TRAFFIC CONDITIONS

5.1. 2025 Build Peak Hour Traffic Volumes

To estimate traffic conditions with the site fully built-out, the total site trips were added to the 2025 no-build traffic volumes. Refer to Figure 10 for an illustration of the 2025 build peak hour traffic volumes with the proposed site fully developed.

5.2. Analysis of 2025 Build Peak Hour Traffic Conditions

Study intersections were analyzed with the 2025 build traffic volumes using the same methodology previously discussed for existing and no-build traffic conditions. The results of the capacity analysis for each intersection are presented in Section 7 of this report.

6. TRAFFIC ANALYSIS PROCEDURE

Study intersections were analyzed using the methodology outlined in the *Highway Capacity Manual* (HCM), 6th Edition published by the Transportation Research Board. Capacity and level of service are the design criteria for this traffic study. A computer software package, Synchro (Version 10.3), was used to complete the analyses for most of the study area intersections. Please note that the unsignalized capacity analysis does not provide an overall level of service for an intersection; only delay for an approach with a conflicting movement.

The HCM defines capacity as “the maximum hourly rate at which persons or vehicles can reasonably be expected to traverse a point or uniform section of a lane or roadway during a given time period under prevailing roadway, traffic, and control conditions.” Level of service (LOS) is a term used to represent different driving conditions and is defined as a “qualitative measure describing operational conditions within a traffic stream, and their perception by motorists and/or passengers.” Level of service varies from Level “A” representing free flow, to Level “F” where breakdown conditions are evident. Refer to Table 3 for HCM levels of service and related average control delay per vehicle for both signalized and unsignalized intersections. Control delay as defined by the HCM includes “initial deceleration delay, queue move-up time, stopped delay, and final acceleration delay”. An average control delay of 50 seconds at a signalized intersection results in LOS “D” operation at the intersection.

Table 3: Highway Capacity Manual – Levels-of-Service and Delay

UN SIGNALIZED INTERSECTION		SIGNALIZED INTERSECTION	
LEVEL OF SERVICE	AVERAGE CONTROL DELAY PER VEHICLE (SECONDS)	LEVEL OF SERVICE	AVERAGE CONTROL DELAY PER VEHICLE (SECONDS)
A	0-10	A	0-10
B	10-15	B	10-20
C	15-25	C	20-35
D	25-35	D	35-55
E	35-50	E	55-80
F	>50	F	>80

6.1. Adjustments to Analysis Guidelines

Capacity analysis at all study intersections was completed according to the NCDOT Congestions Management Guidelines.

7. CAPACITY ANALYSIS

7.1. NC 119 and Trollingwood Hawfields Road / Old Hillsborough Road

The existing signalized intersection was analyzed under all traffic conditions with the lane configurations and traffic control shown in Table 4. Refer to Table 4 for a summary of the analysis results. Refer to Appendix E for the Synchro capacity analysis reports and Appendix L for SimTraffic queue reports.

Table 4: Analysis Summary of NC 119 and Trollingwood Hawfields Road / Old Hillsborough Road

ANALYSIS SCENARIO	APPROACH	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
2021 Existing	EB	1 LT, TH-RT	D (36.3)	D (39.4)	D (46.5)	C (34.3)
	WB	1 LT, TH-RT	D (54.9)		D (37.4)	
	NB	1 LT, TH-RT	D (38.3)		C (26.4)	
	SB	1 LT, TH-RT	C (26.6)		C (30.3)	
2025 No-Build	EB	1 LT, TH-RT	F (115.3)	F (83.9)	E (73.2)	E (60.8)
	WB	1 LT, 1 TH, 1 RT	E (79.5)		D (49.5)	
	NB	1 LT, TH-RT	F (85.2)		E (68.6)	
	SB	1 LT, 1 TH, 1 RT	E (61.5)		D (54.6)	
2025 Build	EB	1 LT, TH-RT	F (155.4)	F (104.5)	F (93.3)	F (82.2)
	WB	1 LT, 1 TH, 1 RT	F (96.4)		E (63.5)	
	NB	1 LT, TH-RT	F (109.4)		F (93.0)	
	SB	1 LT, 1 TH, 1 RT	E (64.5)		F (78.9)	
2025 Build - Improvements	EB	1 LT, TH, 1 RT	F (101.7)	F (81.1)	D (54.2)	D (51.3)
	WB	1 LT, 1 TH, 1 RT	F (103.1)		D (49.1)	
	NB	1 LT, TH-RT	E (73.2)		E (55.6)	
	SB	1 LT, 1 TH, 1 RT	D (54.3)		D (47.6)	

- NC 119 = NB / SB, Trollingwood Hawfields Road / Old Hillsborough Road = EB / WB
- Improvement recommended in an approved development TIA.
- Improvement from STIP U-6013
- Proposed improvements and/or revised lane configurations denoted in bold.

Capacity analysis indicated that under existing conditions, the overall intersection and approaches operate at LOS D or better during the AM and PM peak hours.

Under no-build traffic conditions [with the addition of the adjacent development traffic volumes], the overall intersection is expected to operate at LOS F and LOS E during the AM

and PM peak hours, respectively. All intersection approaches are expected to operate at LOS E or better with the exception of the northbound approach of NC 119 during the PM peak hour. Significant queuing issues are expected during the AM and PM peak hours under no-build traffic conditions.

Under build traffic conditions [with the addition of the proposed development traffic], the overall intersection is expected to operate at LOS F during the AM and PM peak hours. Additionally, each intersection approach is expected to experience increased delays and less than desirable levels of operation.

Due to the increased delays and expected less than desirable levels of operation, mitigation was considered at this intersection. With the addition of an exclusive eastbound right turn lane on the eastbound approach of Trollingwood-Hawfields Road, the signalized intersection and its approaches are expected to operate at similar levels as those expected under no-build conditions. This improvement is pending SHPO and NCDOT approval due to existing right of way constraints.

Although the intersection is expected to operate at a less than desirable level of operation, this is only expected to last for a short time during the AM peak hour that correlates with the student drop-off times for the surrounding schools; therefore, no additional improvements are recommended.

7.2. NC 119 and Turner Road

The existing unsignalized intersection was analyzed under all traffic conditions with the lane configurations and traffic control shown in Table 5. Refer to Table 5 for a summary of the analysis results. Refer to Appendix F for the Synchro capacity analysis reports and Appendix L for SimTraffic queue reports.

Table 5: Analysis Summary of NC 119 and Turner Road

ANALYSIS SCENARIO	A P P R O A C H	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
2021 Existing	WB ² NB SB ¹	1 LT-RT 1 TH-RT 1 LT-TH	C (18.7) -- A (8.9)	N/A	B (13.1) -- A (8.8)	N/A
2025 No-Build	WB ² NB SB ¹	1 LT, 1 RT 1 TH-RT 1 LT, 1 TH	F (61.7) -- B (10.2)	N/A	C (18.7) -- A (9.6)	N/A
2025 Build	WB ² NB SB ¹	1 LT, 1 RT 1 TH-RT 1 LT, 1 TH	F (167.7) -- B (11.0)	N/A	D (26.8) -- B (10.6)	N/A

NC 119 = NB / SB, Turner Road = WB

- Improvement recommended in an approved development TIA.
 - Proposed improvements and/or revised lane configurations denoted in bold.
1. Level of service for major-street left-turn movement.
 2. Level of service for minor-street approach.

Capacity analysis indicates that under existing conditions, the major street left turn movement operates at LOS A during the AM and PM peak hours. Additionally, the minor street approach stop-controlled approach is expected to operate at LOS C or better during the AM and PM peak hours.

Under no-build traffic conditions [with the addition of the adjacent development traffic volumes], the major street left turn movement is expected to at LOS B or better during the AM and PM peak hours. Additionally, the minor street approach is expected to operate at LOS F during the AM peak hour and LOS C during the PM peak hour. There is expected to be significant queuing issues during the AM peak hour under no-build traffic conditions. It should be noted that northbound queues at the signalized intersection are expected to queue

into the intersection of NC 119 and Turner Road and cause significant westbound queues along Turner Road.

Under build traffic conditions [with the addition of the proposed development traffic], the major street left turn movement is expected to at LOS B during the AM and PM peak hours. Additionally, the minor street approach is expected to continue operating at LOS F during the AM peak hour and is expected to operate at an acceptable LOS D during the PM peak hour.

Although the stop-controlled approach is expected to operate at a less than desirable level of operation, this is only expected to last for a short time during the AM peak hour that correlates with the student drop-off times for the surrounding schools; therefore, no additional improvements are recommended.

It should be mentioned that a traffic signal warrant analysis [as requested by the City] was completed for this intersection. Under no-build traffic conditions [without the proposed developments site trips], a signal is warranted. Therefore, NCDOT and the City should consider the installation of a traffic signal. See Appendix M for the traffic signal warrant calculations.

7.3. NC 119 and Kimrey Road/Access A

The existing unsignalized intersection of was analyzed under all traffic conditions with the lane configurations and traffic control shown in Table 6. Refer to Table 6 for a summary of the analysis results. Refer to Appendix G for the Synchro capacity analysis reports and Appendix L for SimTraffic queue reports.

Table 6: Analysis Summary of NC 119 and Kimrey Road/Access A

ANALYSIS SCENARIO	A P P R O A C H	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
2021 Existing	EB ² NB ¹ SB	1 LT-RT 1 LT-TH 1 TH-RT	C (18.4) A (8.1) --	N/A	C (18.2) A (8.6) --	N/A
2025 No-Build	EB ² NB ¹ SB	1 LT-RT 1 LT-TH 1 TH-RT	F (54.2) A (9.4) --	N/A	C (23.2) A (8.9) --	N/A
2025 Build	EB ² WB ² NB ¹ SB ¹	1 LT-TH-RT 1 LT-TH, 1 RT 1 LT-TH, 1 RT 1 LT , 1 TH-RT	F (395.9) F (149.6) A (9.4) A (9.8)	N/A	F (92.2) D (32.6) A (8.9) A (8.9)	N/A
2025 Build - Improvements (Signal)	EB ² WB ² NB ¹ SB ¹	1 LT-TH-RT 1 LT-TH, 1 RT 1 LT-TH, 1 RT 1 LT , 1 TH-RT	D (47.2) C (29.2) C (21.5) B (11.6)	B (19.2)	D (37.2) B (18.2) C (21.2) B (16.8)	B (19.4)

NC 119 = NB / SB, Kimrey Road = EB, Access A = WB

- Proposed improvements and/or revised lane configurations denoted in bold.

1. Level of service for major-street left-turn movement.
2. Level of service for minor-street approach.

Capacity analysis indicates that the major street left turn movements are expected to operate at LOS A during the AM and PM peak hours under all traffic conditions.

Under existing traffic conditions, the minor street approach of Kimrey Road operates at LOS C during the AM and PM peak hours.

Under no-build traffic conditions [with the addition of the adjacent development traffic volumes], the minor street approach of Kimrey Road is expected to operate at LOS F during the AM peak hour and LOS C during the PM peak hours.

Under build traffic conditions [with the addition of the proposed development traffic], the minor street approach of Kimrey Road is expected to operate at LOS F during the AM and PM peak hours, while the minor street approach of the proposed site access is expected to operate at LOS F and LOS D during the AM and PM peak hours, respectively.

Exclusive northbound right and southbound left turn lanes on NC 119 were considered based on the NCDOT *Policy on Street and Driveway Access to North Carolina Highways* and are warranted on both approaches.

Although heavy delays could be expected for the side-street approaches during the AM and PM peak hours, this is only expected to last for a short time during the AM peak hour that correlates with the student drop-off times for the surrounding schools. Additionally, based on the SimTraffic Performance Reports [which takes into accounts gaps created by nearby signals], delays are not expected to exceed 68.0 seconds under build traffic conditions. Excessive queues are also not expected to be an issue at this intersection; therefore, additional improvements were not recommended.

It should be mentioned that a traffic signal warrant analysis [as requested by the City] was completed for this intersection. Under build traffic conditions, a signal is warranted. Therefore, a traffic signal is recommended. With the traffic signal, the overall intersection is expected to operate at LOS B during the build improvement traffic conditions for the AM and PM peak hours. See Appendix M for the traffic signal warrant calculations.

7.4. NC 119 and Jim Minor Road

The existing unsignalized intersection was analyzed under all traffic conditions with the existing lane configurations and traffic control shown in Table 7. Refer to Table 7 for a summary of the analysis results. Refer to Appendix H for the Synchro capacity analysis reports and Appendix L for Simtraffic queue reports.

Table 7: Analysis Summary of NC 119 and Jim Minor Road

ANALYSIS SCENARIO	APPROACH	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
2021 Existing	EB ² WB ² NB ¹ SB ¹	1 LT-TH-RT 1 LT-TH-RT 1 LT-TH-RT 1 LT-TH-RT	C (18.5) D (31.3) A (8.0) A (8.4)	N/A	D (27.6) C (24.9) A (8.3) A (8.0)	N/A
2025 No-Build	EB ² WB ² NB ¹ SB ¹	1 LT-TH-RT 1 LT-TH-RT 1 LT-TH-RT 1 LT-TH-RT	* F (2276.6) A (9.5) A (9.1)	N/A	F (73.9) E (42.7) A (8.5) A (8.3)	N/A
2025 Build	EB ² WB ² NB ¹ SB ¹	1 LT-TH-RT 1 LT-TH-RT 1 LT-TH-RT 1 LT-TH-RT	* F (3109.2) A (9.9) A (9.2)	N/A	F (140) F (66.3) A (8.7) A (8.5)	N/A

NC 119 = NB / SB, Jim Minor Road = EB / WB

- **Proposed improvements and/or revised lane configurations denoted in bold.**

*Due to limitations of Synchro, LOS could not be calculated.

1. Level of service for major-street left-turn movement.
2. Level of service for minor-street approach.

Capacity analysis indicates that the major street left turn movements are expected to operate at LOS A during the AM and PM peak hours under all traffic conditions.

Under existing traffic conditions, the minor street approaches of Jim Minor Road operate at LOS D or better.

Under no-build traffic conditions [with the addition of the adjacent development traffic volumes], the minor street approaches of Jim Minor Road are expected to experience significant and operate at LOS E or LOS F during the AM and PM peak hours.

Although the proposed development is expected to add traffic to this intersection under build traffic conditions, it is only expected to contribute approximately 4% and 9% of the total traffic at the intersection during the AM and PM peak hours, respectively. Due to the excessive delays expected with the construction of the two new nearby schools, and the relatively low traffic volume impact from the proposed development, no improvements are being recommended. Additionally, due to historical properties located adjacent to the intersection, limited right-of-way is anticipated.

It should be mentioned that a traffic signal warrant analysis [as requested by the City] was completed for this intersection. Under no-build traffic conditions [without the proposed developments site trips], a signal is warranted. Therefore, NCDOT and the City should consider the installation of a traffic signal. See Appendix M for the traffic signal warrant calculations.

7.5. Turner Road and Farrell Road/Billy T Trail

The existing unsignalized intersection was analyzed under all traffic conditions with the existing lane configurations and traffic control in Table 8. Refer to Table 8 for a summary of the analysis results. Refer to Appendix I for the Synchro capacity analysis reports and Appendix L for Simtraffic queue reports.

Table 8: Analysis Summary of Turner Road and Farrell Road/Billy T Trail

ANALYSIS SCENARIO	APPROACH	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
2021 Existing	EB ¹	1 LT-TH-RT	A (7.6)	N/A	A (7.4)	N/A
	WB ¹	1 LT-TH-RT	A (7.3)			
	NB ²	1 LT-TH-RT	B (10.7)			
	SB ²	1 LT-TH-RT	B (10.1)			
2025 No-Build	EB ¹	1 LT-TH-RT	A (7.9)	N/A	A (7.6)	N/A
	WB ¹	1 LT-TH-RT	A (7.5)			
	NB ²	1 LT-TH-RT	B (12.6)			
	SB ²	1 LT-TH-RT	B (11.4)			
2025 Build	EB ¹	1 LT-TH-RT	A (7.9)	N/A	A (7.6)	N/A
	WB ¹	1 LT-TH-RT	A (7.5)			
	NB ²	1 LT-TH-RT	B (14.3)			
	SB ²	1 LT-TH-RT	B (11.5)			

Turner Road = EB / WB, Farrell Road / Billy T Trail = NB / SB

1. Level of service for major-street left-turn movement.
2. Level of service for minor-street approach.

Capacity analysis indicates that the major street left turn movements and the minor street approaches are expected to operate at LOS B or better during the AM and PM peak hours, respectively.

Due to minimal impacts of the site trips to the intersection, no improvements are recommended.

7.6. Farrell Road and Jamie Baker Drive/Access B

The existing unsignalized intersection was analyzed under all traffic conditions with the lane configurations and traffic control shown in Table 9. Refer to Table 9 for a summary of the analysis results. Refer to Appendix J for the Synchro capacity analysis reports and Appendix L for SimTraffic queue reports.

Table 9: Analysis Summary of Farrell Road and Jamie Baker Drive/Access B

ANALYSIS SCENARIO	APPROACH	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
2021 Existing	WB ² NB SB ¹	1 LT-RT 1 TH-RT 1 LT-TH	A (8.7) -- A (7.3)	N/A	A (8.4) -- A (7.3)	N/A
2025 No-Build	WB ² NB SB ¹	1 LT-RT 1 TH-RT 1 LT-TH	A (8.7) -- A (7.3)	N/A	A (8.6) -- A (7.3)	N/A
2025 Build	EB ² WB ² NB ¹ SB ¹	1 LT-TH-RT 1 LT-TH-RT 1 LT-TH-RT 1 LT-TH-RT	A (9.5) A (9.1) A (7.3) A (7.3)	N/A	A (9.4) A (9.2) A (7.4) A (7.3)	N/A

Farrell Road = NB / SB, Farrell Road = WB, Access B = EB

Proposed improvements and/or revised lane configurations denoted in bold.

1. Level of service for major-street left-turn movement.
2. Level of service for minor-street approach.

Capacity analysis indicates that the major street left turn movements and the side street approaches are expected to operate at LOS A during the AM and PM peak hours under all traffic conditions.

Turn lanes were considered based on the NCDOT *Policy on Street and Driveway Access to North Carolina Highways* and are not warranted based on AM and PM peak hour traffic volumes.

7.7. Farrell Road and Access C

The proposed unsignalized intersection of Farrell Road and Access C was analyzed under 2025 build traffic conditions with the lane configurations and traffic control shown in Table 10. Refer to Table 10 for a summary of the analysis results. Refer to Appendix K for the Synchro capacity analysis reports and Appendix L for SimTraffic queue reports.

Table 10: Analysis Summary of Farrell Road and Access C

ANALYSIS SCENARIO	A P P R O A C H	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
2025 Build	EB ² NB SB ¹	1 LT-RT 1 LT-TH 1 TH-RT	A (9.4) A (7.3) --	N/A	A (9.4) A (7.5) ---	N/A

Farrell Road = NB / SB, Access C = EB

Proposed improvements and/or revised lane configurations denoted in bold.

1. Level of service for major-street left-turn movement.
2. Level of service for minor-street approach

Capacity analysis of 2025 build traffic conditions indicates that the major-street left turn movements and the side-street approach of Access C are expected to operate at LOS A during the weekday AM and PM peak hours.

Turn lanes were considered based on the NCDOT *Policy on Street and Driveway Access to North Carolina Highways* and are not warranted based on AM and PM peak hour traffic volumes.

8. CONCLUSIONS

This TIA was conducted to determine the potential traffic impacts of the proposed Hawfields Landing development to be located south of NC 119 and west of Turner Road in Mebane, North Carolina. The proposed development, anticipated to be completed in 2025, is assumed to consist of up to 351 single family homes and 160 townhomes. Access to the proposed development is to be provided via three (3) new full movement driveway connections: one (1) on NC 119 [located opposite Kimrey Road] and two (2) on Farrell Road [one located opposite Jamie Baker Drive and the other located approximately 1,000 feet to the north].

The study analyzes traffic conditions during the weekday AM and PM peak hours for the following scenarios:

- 2021 Existing Traffic Conditions
- 2025 No-Build Traffic Conditions
- 2025 Build Traffic Conditions

Trip Generation

It is estimated that the proposed development could generate up to 4,470 total site trips on the roadway network during a typical 24-hour weekday period. Of the daily traffic volume, it is anticipated that 329 trips (80 entering and 249 exiting) will occur during the weekday AM peak hour and 429 trips (271 entering and 158 exiting) will occur during the weekday PM peak hour.

Multimodal Analysis

Based on coordination with the City, it was noted that there is no transit system in the area; therefore, the transit mode was not taken into account for this study. There are currently no accommodations for pedestrian and bicycle modes on NC 119. Based on information provided by the developer, in order to accommodate the pedestrian and bicycle modes, sidewalks will be provided internally within the site as well as along the entire frontage of the subject property on NC 119.

Adjustments to Analysis Guidelines

Capacity analysis at all study intersections was completed according to NCDOT Congestion Management Guidelines. Refer to section 6.1 of this report for a detailed description of any adjustments to these guidelines made throughout the analysis.

Intersection Capacity Analysis Summary

All the study area intersections (including the proposed site driveways) are expected to operate at acceptable levels-of-service under existing and future year conditions with the exception of the intersections listed below. A summary of the study area intersections that are expected to need improvements are as follows:

NC 119 and Trollingwood Hawfields Road / Old Hillsborough Road

Under no-build traffic conditions [with the addition of the adjacent development traffic volumes], the overall intersection is expected to operate at LOS F and LOS E during the AM and PM peak hours, respectively. All intersection approaches are expected to operate at LOS E or better with the exception of the northbound approach of NC 119 during the PM peak hour. Significant queuing issues are expected during the AM and PM peak hours under no-build traffic conditions.

Under build traffic conditions [with the addition of the proposed development traffic], the overall intersection is expected to operate at LOS F during the AM and PM peak hours. Additionally, each intersection approach is expected to experience increased delays and less than desirable levels of operation.

With the addition of an exclusive eastbound right turn lane on the eastbound approach of Trollingwood-Hawfields Road, the signalized intersection and its approaches are expected operate at similar levels as those expected under no-build conditions.

NC 119 and Turner Road

Under no-build traffic conditions [with the addition of the adjacent development traffic volumes], the major street left turn movement is expected to at LOS B or better during the AM and PM peak hours. Additionally, the minor street approach is expected to operate at LOS F during the AM peak hour and LOS C during the PM peak hour. There is expected to be significant queuing issues during the AM peak hour under no-build traffic conditions. It should be noted that northbound queues at the signalized intersection are expected to queue into the intersection of NC 119 and Turner Road and cause significant westbound queues along Turner Road.

Under build traffic conditions [with the addition of the proposed development traffic], the major street left turn movement is expected to at LOS B during the AM and PM peak hours. Additionally, the minor street approach is expected to continue operating at LOS F during the AM peak hour and is expected to operate at an acceptable LOS D during the PM peak hour.

NC 119 and Kimrey Road / Access A

Under no-build traffic conditions [with the addition of the adjacent development traffic volumes], the minor street approach of Kimrey Road is expected to operate at LOS F during the AM peak hour and LOS C during the PM peak hours.

Under build traffic conditions [with the addition of the proposed development traffic], the minor street approach of Kimrey Road is expected to operate at LOS F during the AM and PM peak hours, while the minor street approach of the proposed site access is expected to operate at LOS F and LOS D during the AM and PM peak hours, respectively.

A traffic signal warrant analysis was completed for this intersection. Under build traffic conditions and a signal is warranted.

NC 119 and Jim Minor Road

Under no-build traffic conditions [with the addition of the adjacent development traffic volumes], the minor street approaches of Jim Minor Road are expected to experience significant and operate at LOS E or LOS F during the AM and PM peak hours.

The proposed development is only expected to contribute approximately 4% and 9% of the total traffic at the intersection during the AM and PM peak hours, respectively.

9. RECOMMENDATIONS

Based on the findings of this study, specific geometric improvements have been identified and are recommended to accommodate future traffic conditions. See a more detailed description of the recommended improvements below. Refer to Figure 11 for an illustration of the recommended lane configuration for the proposed development.

Recommended Improvements by Developer

NC 119 and Trollingwood Hawfields Road / Old Hillsborough Road

- Provide an exclusive eastbound right-turn lane with at least 50 feet of storage and appropriate taper.

NC 119 and Kimrey Road / Access A

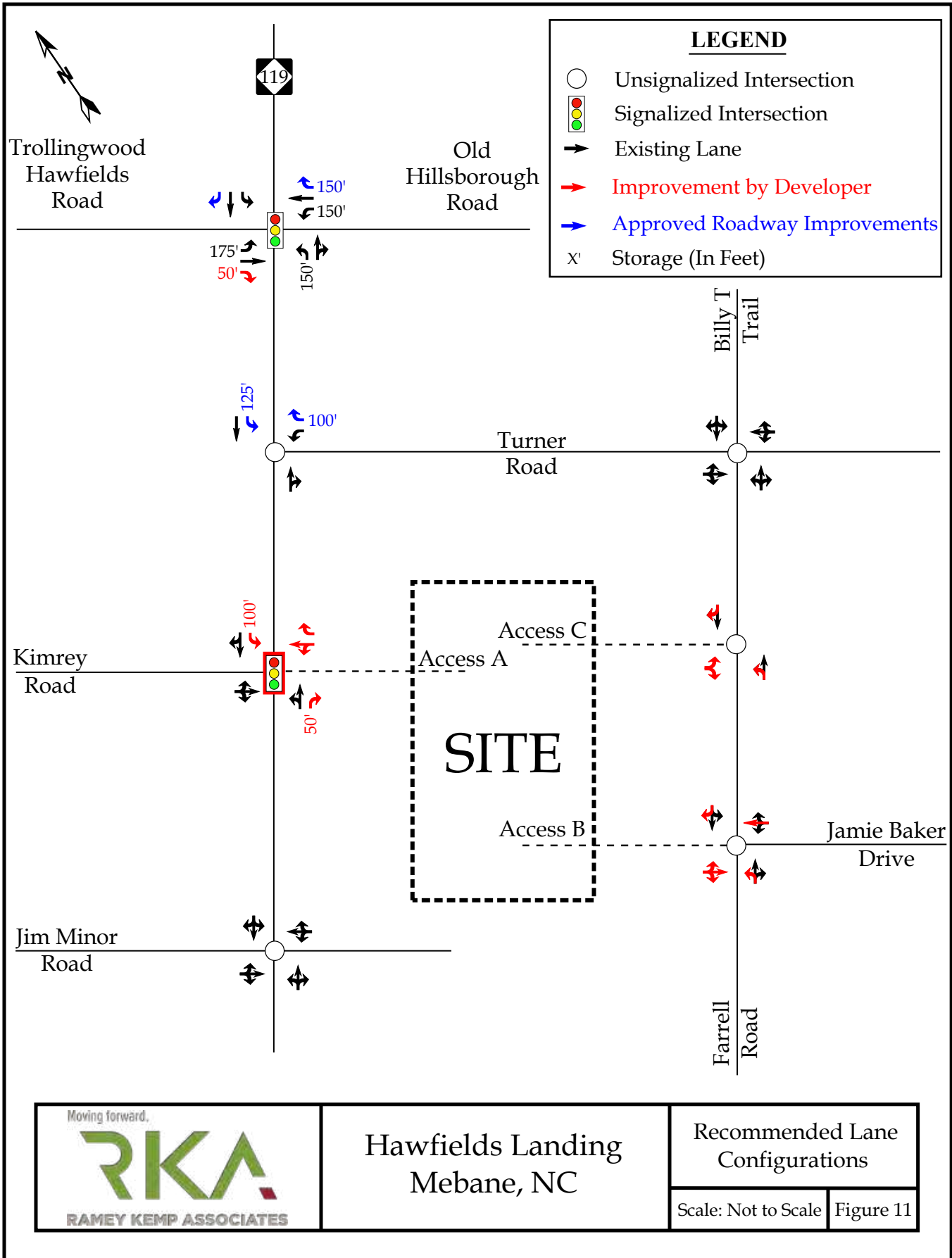
- Install traffic signal.
- Provide an exclusive northbound right-turn lane on NC 119 with at least 50 feet of storage and appropriate taper.
- Provide an exclusive southbound left-turn lane on NC 119 with at least 100 feet of storage and appropriate decel and taper.
- Construct Access A with one ingress lane and two egress lanes striped as a shared left/through lane and an exclusive right-turn lane.

Farrell Road and Jamie Baker Drive / Access B

- Construct Access A with one ingress lane and one egress lane.

Farrell Road and Access C

- Construct Access C with one ingress lane and one egress lane.



Moving forward.



RAMEY KEMP ASSOCIATES

Hawfields Landing
Mebane, NC

Recommended Lane
Configurations

Scale: Not to Scale

Figure 11



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

ROY COOPER
GOVERNOR

J. ERIC BOYETTE
SECRETARY

March 23, 2022

ALAMANCE COUNTY

Chase Smith, PE
Ramey Kemp & Associates, Inc.
5808 Faringdon Place, Suite 100
Raleigh, NC 27609

Subject: Proposed Hawfields Landing Located on NC 119 and Farrell Road (SR 2134).
Review of TIA Dated February 2022

Dear Mr. Smith,

NCDOT staff has completed a collaborative review with the City of Mebane of the above subject. Based on the information provided we offer the following comments with regards to the State Road network.

General:

The proposed development is to be located south of NC 119 and west of Turner Road in Mebane, North Carolina. This site will consist of up to 351 single family homes and 160 apartments and would be accessed via three site driveways: one along NC 119 and two along Farrell Road. This site is expected to generate approximately 4,470 new daily trips at full build-out in 2025.

NCDOT Committed Improvements:

NCDOT Transportation Improvement Project U-6013 includes widening NC 119 to multi-lanes, north of Trollingwood Hawfields Road / Old Hillsborough Road. This project is scheduled to let in 2023 with completion in 2026.

This improvement was considered in future analysis scenarios.

Future Roadway Improvements By Others:

At the intersection of NC 119 and Trollingwood Hawfields Road / Old Hillsborough Road, extend the existing southbound left turn lane on NC 119 to provide 225 feet of full storage and appropriate transitions and construct an exclusive westbound right turn lane

Mailing Address:
NC DEPARTMENT OF TRANSPORTATION
DIVISION 7, DISTRICT 1
PO BOX 766
GRAHAM, NC 27253-0766

Telephone: (336) 570-6833
Fax: (336) 570-6873
Customer Service: 1-877-368-4968

Location:
115 EAST CRESCENT SQUARE DRIVE
GRAHAM, NC 27253

Website: www.ncdot.gov

on Old Hillsborough Road with 150 feet of full storage and appropriate deceleration taper as part of the Cambridge Park project.

At the intersection of NC 119 and Turner Road, construct an exclusive westbound right turn lane on Turner Road with 100 feet of full storage and appropriate deceleration taper and construct an exclusive southbound left turn lane on NC 119 with 125 feet of full storage and appropriate transitions as part of the Cambridge Park project.

These improvements were considered in future analysis scenarios.

Findings and Requirements:

Based on the information provided, the developer will be required to construct the following road improvements to mitigate the anticipated impacts of site traffic.

NC 119 and Trollingwood Hawfields Road / Old Hillsborough Road

- Subject to available right of way and environmental constraints, provide an exclusive eastbound right-turn lane with 100 feet of storage and appropriate deceleration taper.

NC 119 and Kimrey Road / Access A

- Install traffic signal.
- Provide an exclusive northbound right-turn lane on NC 119 with 100 feet of storage and appropriate deceleration taper.
- Provide exclusive northbound and southbound left-turn lanes on NC 119 with 100 feet of storage and appropriate transitions.
- Construct Access A with one ingress lane and two egress lanes consisting of a shared left/through lane and an exclusive right-turn lane.

Farrell Road and Jamie Baker Drive / Access B

- Construct Access B with one ingress lane and one egress lane under stop control.

Farrell Road and Access C

- Construct Access C with one ingress lane and one egress lane under stop control.

Multi-modal and Streetscape Enhancements:

Any locally stipulated multi-modal enhancements including but not limited to sidewalk, bike lanes, bus pull offs, lighting, landscaping etc. on State maintained routes are subject to NCDOT requirements and approval through the encroachment process.

General Requirements:

It is necessary to obtain an approved driveway permit and/or encroachment agreement(s) prior to performing work on the NCDOT right of way. As a condition of the permit, the permittee shall be responsible for design and construction of the above stipulated improvements in accordance with NCDOT requirements. An approved permit will be issued upon receipt of approved site plan, roadway and signal construction plans as needed, inspection fee, and any necessary performance and indemnity bonds.

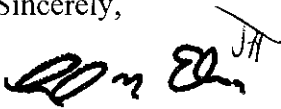
The applicant shall dedicate any additional right of way necessary to accommodate the required road improvements or future improvements as stipulated.

All pavement markings shall be long life thermoplastic. Pavement markers shall be installed if they previously existed on the roadway.

The permittee shall be responsible for the installation and relocation of any additional highway signs that may be necessary due to these improvements and shall comply with the requirements of the MUTCD.

Feel free to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "C. N. Edwards Jr.", with a stylized flourish above the name.

C. N. Edwards Jr., PE
District Engineer

CNE/jlh

Cc: W.R. Archer, III, PE, Division Engineer
D.M. McPherson, Division Traffic Engineer
Brian Thomas, Congestion Management
City of Mebane



Memorandum

To: Cy Stober, AICP
Development Director
City of Mebane
106 East Washington Street
Mebane, NC 27302

Date: March 30, 2022

Project #: 39160.00

From: Baohong Wan, PhD, PE

Re: Hawfields Landing TIA – 2nd Review
Mebane, NC

A revised Traffic Impact Analysis (TIA) was prepared by Ramey Kemp & Associates (RKA) for the proposed Hawfields Landing development located south of NC 119 and west of Turner Road in Mebane, North Carolina. VHB is contracted by the City of Mebane to conduct an independent review of the Hawfields Landing TIA. This memo provides a summary of critical findings, followed by a detailed review of the study process and analysis results.

List of Mitigation Recommendations

The following items in **red** should be considered in addition to mitigation measures that have been identified within the Hawfields Landing TIA.

- › NC 119 and Trollingwood Hawfields Road/Old Hillsborough Road (signalized)
 - Provide a right-turn lane on eastbound Trollingwood Hawfields Road with **100'** of storage and appropriate taper
 - **Intersection widening on the church side of Trollingwood Hawfield Road could be constrained due to right-of-way and utility concerns. As a result, the applicant may need to consider widening on the opposite site or symmetric widening to fit the required right-turn lane. The Old Hillsborough Road approach may need to be modified to accommodate potential lane shift. Traffic signal modification may also be needed to accommodate the geometric changes.**
- › NC 119 and Kimrey Road/Access A (signalized full movement intersection)
 - Provide a right-turn lane on northbound NC 119 with **100** feet of storage and appropriate taper.
 - Provide a left-turn lane on southbound NC 119 with 100 feet of storage and appropriate taper.
 - Construct Access A with one ingress lane and two egress lanes, striped as a shared left/through lane and an exclusive right-turn lane, with an internal protected stem (IPS) length of 200 feet.
 - **Install a traffic signal.**
- › Farrell Road and Jamie Baker Drive / Access B (unsignalized)
 - Construct Access B with one ingress lane and one egress lane.
- › Farrell Road and Access C (unsignalized)
 - Construct Access C with one ingress lane and one egress lane.
- › Multimodal Considerations: Compliance of multimodal transportation requirements should be examined to ensure adequacy of pedestrian, bike, and transit facilities along internal streets and roadways along the property frontage.

Additional Comments (For Information Only)

- › The intersection of NC 119 and Jim Minor Road is outside the City of Mebane ETJ, and it has been flagged by NCDOT for potential frontal impact crash concerns, although funding for improvements is uncertain at this time.

- › NC 119 at Turner Road. Once the committed turn lanes are constructed by Cambridge Park at this intersection, a traffic signal may no longer be warranted due to shift of warrant threshold and discount of right-turn vehicles with improvement in operations. Widening to the north and west sides may be desired at this intersection to avoid disturbance to the cemetery.

Development Plan

The proposed development is anticipated to consist of up to 351 single-family homes and 160 apartments. Access to the proposed site is to be provided via one (1) full movement/RCI driveway on NC 119 and two (2) full movement driveways on Farrell Road.

Study Area and Analysis Scenarios

The TIA included the following intersections through coordination with NCDOT and the City of Mebane:

- › NC 119 and Trollingwood Hawfields Road/Old Hillsborough Road (signalized)
- › NC 119 and Turner Road (unsignalized)
- › NC 119 and Kimrey Road (unsignalized)
- › NC 119 and Jim Minor Road (unsignalized)
- › Turner Road and Farrell Road/Billy T Trail (unsignalized)
- › Farrell Road and Jamie Baker Drive (unsignalized)

The buildout is expected to occur in 2025. The TIA included capacity analyses during the weekday AM and PM peak hours under the following scenarios:

- › Existing Year (2021)
- › No-Build (2025)
- › Build (2025)

Existing Volume and Background Assumptions

Existing (2021) analysis was conducted based on traffic counts conducted in October 2017 and October 2018 during typical weekday AM (7 to 9 AM) and PM (4 to 6 PM) peak hours. All counts were grown to the existing year (2021) utilizing a one percent (1%) annually compounded growth rate.

The No-Build (2025) scenario included an annual growth rate of one percent (1%) between the existing year (2021) and the future analysis year (2025), as well as site traffic associated with the following six (6) adjacent developments:

- › Cambridge Park (residential)
- › The Meadows (residential)
- › Magnolia Glen (residential)
- › Bradford Academy (institutional)
- › Summerhaven Subdivision (residential)
- › Alamance County High School (institutional)

Based on coordination with the NCDOT and the Town, it was determined that the following roadway improvements associated with the background developments should be considered with this study:

NC 119 and Trollingwood Hawfields Road/Old Hillsborough Road

- › Extend the existing southbound left-turn lane to provide at least 225 feet of storage and appropriate taper (Cambridge Park TIA)
- › Construct a westbound right-turn lane with 150 feet of storage and appropriate taper (Cambridge Park TIA)
- › Widen NC 119, north of Trollingwood Hawfields Road/Old Hillsborough Road to allow for a continuous southbound right-turn lane (NCDOT STIP Project No. U-6013)

NC 119 and Turner Road

- › Construct a westbound right-turn lane with 100 feet of storage and appropriate taper (Cambridge Park TIA).
- › Construct a southbound left-turn lane with 125 feet of storage and appropriate taper (Cambridge Park TIA)

Trip Generation & Distribution

Trip generation potential was determined based on methodology outlined in the *ITE Trip Generation Manual, 10th Edition*. ITE Land Use Code (LUC) 210 (Single-Family Detached Housing) and LUC 220 (Low-Rise Multifamily Housing) were used based on the proposed land uses. Based on the TIA, the proposed development is projected to generate 4,470 vehicles per day on a typical weekday with 329 AM peak hour trips (80 entering, 249 exiting) and 429 PM peak hour trips (271 entering, 158 exiting).

Based on a combination of existing traffic patterns, coordination with the site team, population centers adjacent to the study area, and engineering judgment, passenger vehicle site traffic for this development were distributed as follows:

- › 40% to/from the east via NC 119
- › 25% to/from the west via NC 119
- › 15% to/from the west via Trollingwood Hawfields Road
- › 10% to/from the east via Old Hillsborough Road
- › 4% to/from the west via Kimrey Road
- › 1% to/from the west via Jim Minor Road
- › 5% to/from the east via Turner Road

Capacity Analysis Results

Capacity analyses were performed using Synchro based on the Highway Capacity Manual method. Capacity analyses in the TIA were conducted following the NCDOT Congestion Management Capacity Analysis Guidelines. LOS, delay, and queue are reported and summarized for stop-controlled approaches at unsignalized intersections.

The analysis results and mitigation determinations are summarized below for each individual intersection. Individual approach level of service and delay should be summarized for stop-controlled approach at unsignalized intersections.

NC 119 and Trollingwood Hawfields Road/Old Hillsborough Road

Intersection and Approach	Traffic Control	Existing (2021)		No-Build (2025)		Build (2025)		Build (2025) with Improvements	
		AM	PM	AM	PM	AM	PM	AM	PM
NC 119 and Trollingwood Hawfields Road/ Old Hillsborough Road	Signalized	D (39.4)	C (34.3)	F (83.9)	E (60.8)	F (104.5)	F (82.2)	F (81.1)	D (51.3)
Eastbound		D-36.3	D-46.5	F-115.3	E-73.2	F-155.4	F-93.3	F-101.7	D-54.2
Westbound		D-54.9	D-37.4	E-79.5	D-49.5	F-96.4	E-63.5	F-103.1	D-49.1
Northbound		D-38.3	C-26.4	F-85.2	E-68.6	F-109.4	F-93.0	E-73.2	E-55.6
Southbound		C-26.6	C-30.3	E-61.5	D-54.6	E-64.5	E-78.9	D-54.3	D-47.6

The TIA indicated that this intersection is expected to operate at LOS F during the AM peak hour and LOS E during the PM peak hour under the No-Build conditions despite the transportation improvements planned by NCDOT and nearby developments. The addition of site trips is expected to cause delay increases, and the intersection is projected to operate at LOS F during both peak hours under the buildout conditions. The following improvement was recommended in the TIA for the intersection:

- › Construct an exclusive eastbound right-turn lane with at least 50 feet of storage and appropriate taper.

Since 95th percentile queue length for the eastbound right-turn movement will exceed 250 feet during peak hours, the storage for the proposed eastbound right-turn lane should be extended to at least 100 feet.

NC 119 and Kimrey Road/Access A

Intersection and Approach	Traffic Control	Existing (2021)		No-Build (2025)		Build (2025)		Build (2025) with Improvements	
		AM	PM	AM	PM	AM	PM	AM	PM
NC 119 and Kimrey Road/Access A	Unsignalized	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Eastbound		C-18.4	C-18.2	F-54.2	C-23.2	F-391.1	F-92.2	F-391.1	F-92.2
Westbound		---	---	---	---	F-149.6	D-32.6	F-149.6	D-32.6

The TIA indicated that this planned site access is expected to operate at LOS F during the AM peak hour and LOS D during the PM peak hour under the Build conditions, and Kimrey Road is expected to operate at LOS F during both peak hours with the site access in place. The following improvements were recommended in the TIA for the intersection:

- › Construct a right-turn lane on northbound NC 119 with at least 50 feet of storage and appropriate taper.
- › Construct a left-turn lane on southbound NC 119 with at least 100 feet of storage and appropriate taper.
- › Construct Access A with one ingress lane and two egress lanes striped as a shared left/through lane and an exclusive right-turn lane.

Based on queueing analysis along Access A, an internal protected stem length of 200 feet should be provided. In addition, the signal warrant analysis included in the revised TIA indicates a traffic signal is not fully warranted at this

location. Nevertheless, installation of a traffic signal should be considered due to the horizontal curve along NC 119 and the skewed intersection angle at Access A/Kimrey Road.

Farrell Road and Jamie Baker Drive/Access B

Intersection and Approach	Traffic Control	Existing (2021)		No-Build (2025)		Build (2025)		Build (2025) with Improvements	
		AM	PM	AM	PM	AM	PM	AM	PM
Farrell Road and Jamie Baker Drive/Access B	Unsignalized	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Eastbound		---	---	---	---	A-9.5	A-9.4	A-9.5	A-9.4
Westbound		A-8.7	A-8.4	A-8.7	A-8.6	A-9.1	A-9.2	A-9.1	A-9.2

The TIA indicated that this planned site access is expected to operate at LOS A under the Build conditions. The future estimated AADT along Farrell Road is expected to be well under 4,000 vehicles per day (vpd); therefore, no turn lane improvements are recommended at this intersection. The following improvements were recommended in the TIA for the intersection:

- › Construct Access B with one ingress lane and one egress lane.

Farrell Road and Access C

Intersection and Approach	Traffic Control	Existing (2021)		No-Build (2025)		Build (2025)		Build (2025) with Improvements	
		AM	PM	AM	PM	AM	PM	AM	PM
Farrell Road and Access C	Unsignalized	-	-	-	-	N/A	N/A	N/A	N/A
Eastbound		---	---	---	---	A-9.4	A-9.4	A-9.4	A-9.4

The TIA indicated that this planned site access is expected to operate at LOS A under the Build conditions. The future estimated AADT along Farrell Road is expected to be well under 4,000 vpd; therefore, no turn lane improvements are recommended at this intersection. The results and determinations appear satisfactory. The following improvements were recommended in the TIA for the intersection:

- › Construct Access C with one ingress lane and one egress lane.

NC 119 and Turner Road

Intersection and Approach	Traffic Control	Existing (2021)		No-Build (2025)		Build (2025)		Build (2025) with Improvements	
		AM	PM	AM	PM	AM	PM	AM	PM
NC 119 and Turner Road	Unsignalized	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Westbound		C-18.7	B-13.1	F-61.7	C-18.7	F-167.7	D-26.8	F-167.7	D-26.8

The TIA indicated that stop-controlled Turner Road is expected to operate at LOS F during the AM peak hour and LOS D during the PM peak hour under the future year conditions despite the committed turn lane improvements by Cambridge Park. As shown in the signal warrant analysis included in the revised TIA, a traffic signal is warranted under the future year conditions. However, once the committed turn lanes are constructed by Cambridge Park at this intersection, a traffic signal may no longer be warranted due to shift of warrant threshold and discount of right-turn vehicles. Therefore, a traffic signal is not required to be constructed at this time. Widening to the north and west sides may be desired at this intersection to avoid disturbance to the cemetery.

NC 119 and Jim Minor Road

Intersection and Approach	Traffic Control	Existing (2021)		No-Build (2025)		Build (2025)		Build (2025) with Improvements	
		AM	PM	AM	PM	AM	PM	AM	PM
NC 119 and Jim Minor Road	Unsignalized	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Eastbound		C-18.5	D-27.6	---	F-73.9	---	F-140.0	---	F-140.0
Westbound		D-31.3	C-24.9	F-2276.6	E-42.7	F-3109.2	F-66.3	F-3109.2	F-66.3

The TIA indicated that this intersection is expected to operate at LOS F during both peak hours under the No-Build and Build conditions. As shown in the signal warrant analysis included in the revised TIA, a traffic signal is warranted under the future year conditions. However, traffic congestion is mostly related with school traffic at this intersection. since the intersection of NC 119 and Jim Minor Road is outside the City’s ETJ, improvements are not by this development. It should be noted that this intersection has been flagged by NCDOT for potential frontal impact crash concerns, although funding for improvements is uncertain at this time.

Turner Road and Farrell Road/Billy T Trail

Intersection and Approach	Traffic Control	Existing (2021)		No-Build (2025)		Build (2025)		Build (2025) with Improvements	
		AM	PM	AM	PM	AM	PM	AM	PM
Turner Road and Farrell Road/ Billy T Trail	Unsignalized	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Northbound		B-10.7	B-11.0	B-12.6	B-12.6	B-14.3	B-14.8	B-14.3	B-14.8
Southbound		B-10.1	A-8.8	B-11.4	B-11.7	B-11.5	B-12.4	B-11.5	B-12.4

The stop-controlled approaches at this intersection are expected to operate at LOS B during both peak hours under the No-Build and Build conditions. No improvements should be required at this intersection.

Cc: C. N. Edwards Jr., PE, NCDOT Highway Division 7 District 1



AGENDA ITEM #5E

SU 22-03

Special Use Request for a Special Purpose Lot to Support a Public Sewer Pump Station
Hawfields Landing

Presenters

Cy Stober, Development Director
Ashley Ownbey, Interim
Development Director

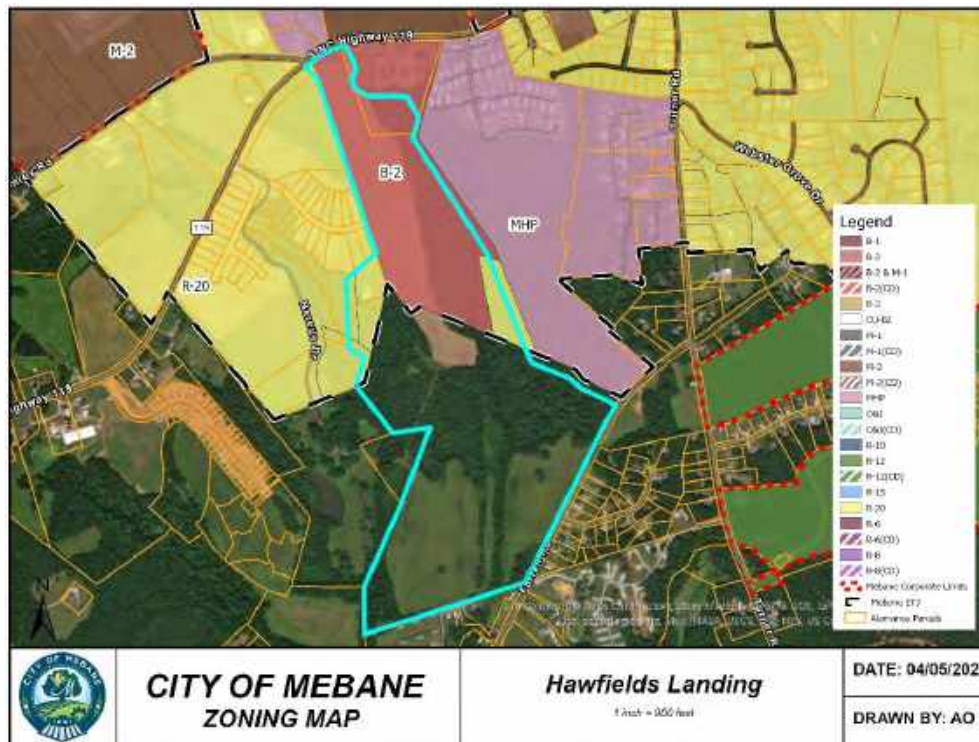
Applicant

Leoterra Mebane, LLC
110-A Shields Park Drive
Kernersville, NC 27284

Public Hearing

Yes No Board Of Adjustment

Zoning Map



Property

Unaddressed
2502 S NC 119
2570-K S NC 119
GPINs: 9803752741;
9803578931;
9803677687;
9803664499

Proposed Zoning

R-12(CD)

Current Zoning

R-20, B-2, No Zoning

Size

+/-148.98 acres

Surrounding Zoning

R-20, MHP, M-2, R-12

Adjacent Land Uses

Healthcare Facility,
Single-Family
Residential,
Manufactured Home/RV
Park, Warehouse

Utilities

To be extended at
developer's expense

Floodplain

No

Watershed

No

City Limits

No

Summary

Leoterra Mebane, LLC, is requesting approval to allow for a special purpose lot for a public sewer pump station to support the project called "Hawfields Landing", proposed for conditional rezoning four (4) properties totaling +/- 148.98 acres located at S NC 119 and Farrell Road. The proposed development features 252 single-family homes and 184 townhomes. The construction of a 400-gallons per minute public sewer pump station will serve the development and the surrounding area's utility needs. Per municipal utility policy, petition for annexation is required to access City water or sewer services, and annexation of the property is required prior to action on the special use request. The pump station shall be screened and fenced as required by the City's Unified Development Ordinance (UDO).

The Technical Review Committee (TRC) has reviewed the site plan five (5) times and the applicant has revised the plans to reflect the comments.

Financial Impact

The developer will be required to make all of the improvements at his own expense.

Recommendation

At their May 9 meeting, the Planning Board recommended denial of the request by a vote of 5 – 3 due to safety concerns.

The Planning staff has reviewed the request for harmony with the zoning of the surrounding area and consistency with the City's adopted plans and recommends approval of the special use permit.

Suggested Motion

1. Motion to approve the Special Use request for a Special Purpose Lot for a public sewer pump station as presented; and
2. Motion to find that the request is both reasonable and in the public interest because it finds that it:
 - a. Will not materially endanger the public health or safety;
 - b. Will not substantially injure the value of adjoining or abutting property;
 - c. Will be in harmony with the area in which it is located; and
 - d. Will be consistent with the objectives and goals in the City's 2017 Comprehensive Land Development Plan *Mebane By Design*.

OR

5. Motion to deny the Special Use Permit as presented due to a failure to satisfy any one of the four criteria required for approval (**NOTE: criterion for failure must be specified**)

Attachments

1. Special Use Permit Application
2. Zoning Map
3. Site Plan
4. Planning Project Report

5. Preliminary Water and Sewer System Approval Letter
6. Technical Memorandum – City Engineering Review



APPLICATION FOR A SPECIAL USE PERMIT

Application is hereby made for an amendment to the Mebane Zoning Ordinance as follows:

Name of Applicant: Leoterra Mebane, LLC

Address of Applicant: 110-A Shields Park Drive, Kernersville, NC 27284

Address and brief description of property: S NC 119 HWY, Access to Special Purpose Lot

for a proposed sanitary sewer pump station will be provided off of Farrell Road.

Applicant's interest in property: (Owned, leased or otherwise) Owned

*Do you have any conflicts of interest with: Elected/Appointed Officials, Staff, etc.?

Yes ___ Explain: _____ No

Type of request: Special Purpose Lot

Sketch attached: Yes No _____

Reason for the request: The Special Purpose Lot is required to serve the Hawfields Landing

Subdivision proposed public sewer pumping station.

Signed: _____

Date: 3/10/2022

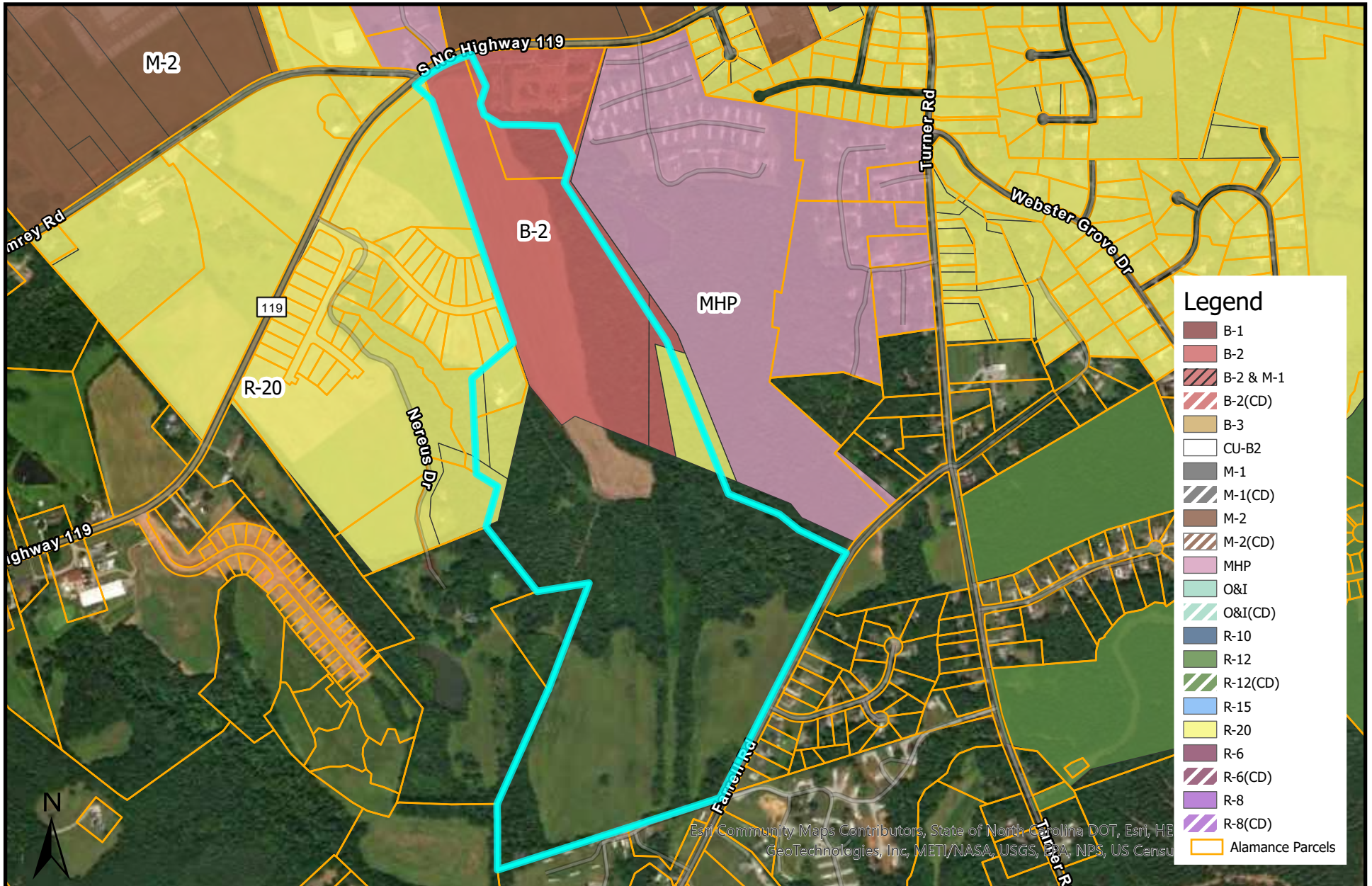
Action by Planning Board: _____

Public Hearing Date: _____ Action: _____

Zoning Map Corrected: _____

The following items should be included with the application for rezoning when it is returned:

1. Tax Map showing the area that is to be considered.
2. Names and addresses of all adjoining property owners within a 300' radius (Include those that are across the street).
3. \$400.00 Fee to cover administrative costs.
4. The information is due 15 working days prior to the Planning Board meeting. The Planning Board meets the 2nd Monday of each month at 6:30 p.m. Then the request goes to the City Council for a Public Hearing the following month. The City Council meets the 1st Monday of each month at 6:00 p.m.



Legend	
	B-1
	B-2
	B-2 & M-1
	B-2(CD)
	B-3
	CU-B2
	M-1
	M-1(CD)
	M-2
	M-2(CD)
	MHP
	O&I
	O&I(CD)
	R-10
	R-12
	R-12(CD)
	R-15
	R-20
	R-6
	R-6(CD)
	R-8
	R-8(CD)
	Alamance Parcels

Esri Community Maps Contributors, State of North Carolina DOT, Esri, HERE, DeLorme, Mapbox, Microsoft, Swire, NOAA, GEBCO, USGS, FAO, NPS, US Census



CITY OF MEBANE

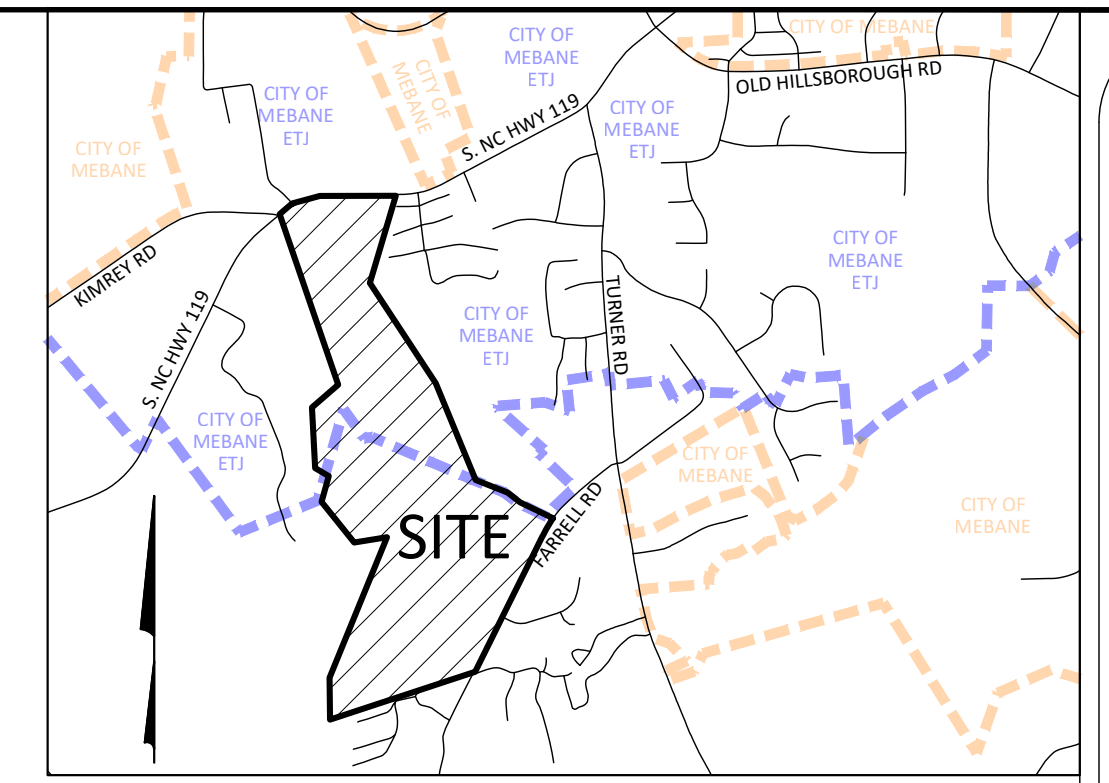
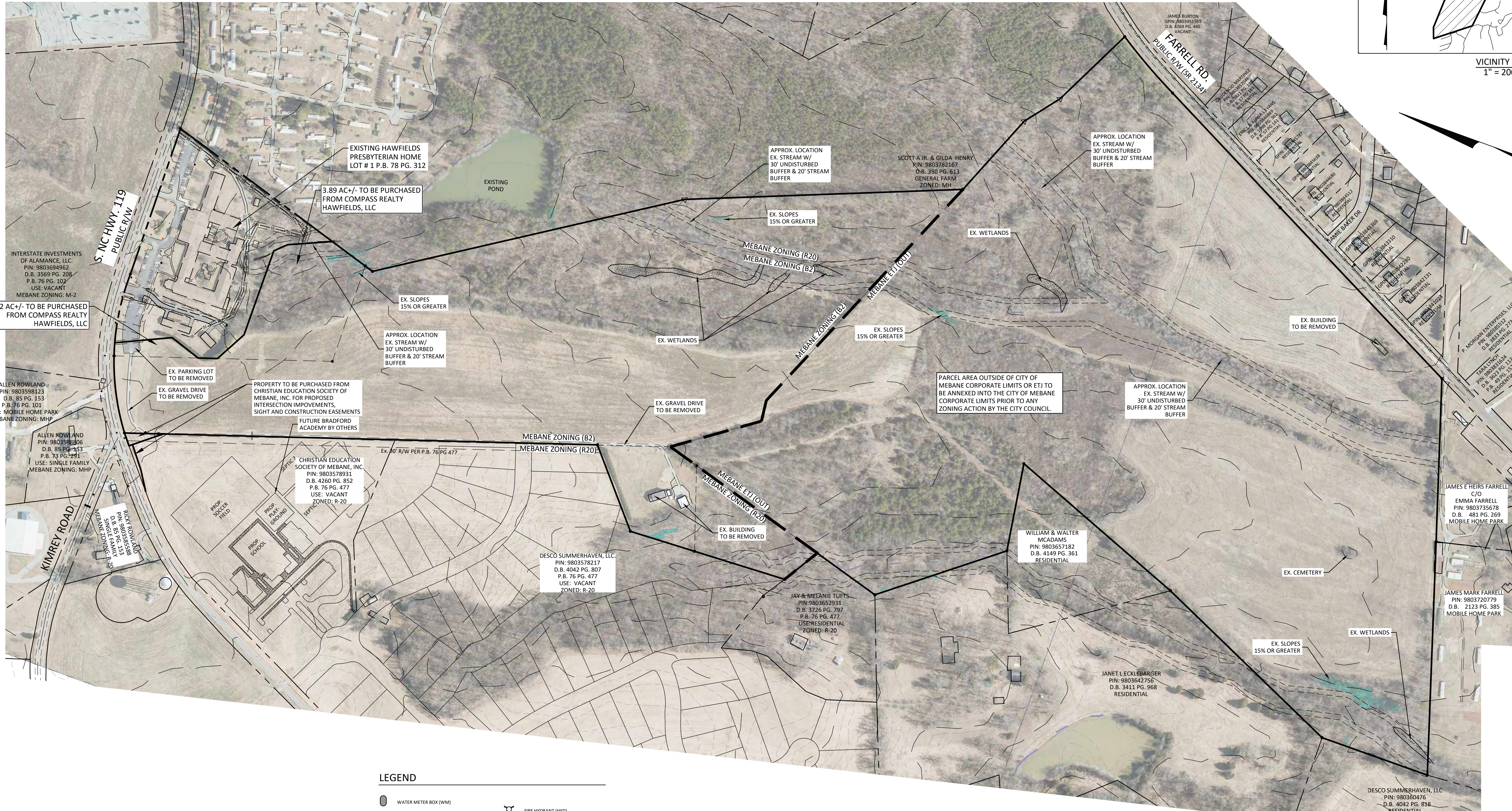
ZONING MAP

Hawfields Landing

1 inch = 900 feet

DATE: 04/05/2022

DRAWN BY: AO



Aden R. Stoltzfus, PE C-3812
 aden@seengineering.com
 336-904-0207
 683 Gralin Street
 Kernersville, NC 27284

Stoltzfus Engineering Inc.
 Civil Engineering Consultants

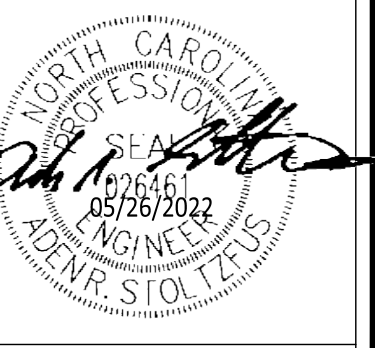
HAWFIELDS LANDING
EXISTING CONDITIONS PLAN

PROPERTY OWNER INFORMATION:
 LEO TERRA MEBANE, LLC
 110-A SHELDON PARK DRIVE
 KERNERSVILLE, NC 27284

PROJECT LOCATION:
 COUNTY: WAKE
 TOWNSHIP: MELVILLE

NO.	DATE	REVISION NOTE
1	11/17/21	MEBANE COMMENTS
2	12/17/21	MEBANE COMMENTS
3	03/22/22	MEBANE COMMENTS
4	03/24/22	MEBANE COMMENTS
5	04/22/22	MEBANE COMMENTS
6	05/26/22	DEVELOPER REVISION

DRAWN BY: SDT
 CHECKED BY: ARS
 DATE: 11/09/2020
 PROJECT NO.: 2201.05
 REF. NO.:
 SCALE: 1"=200'

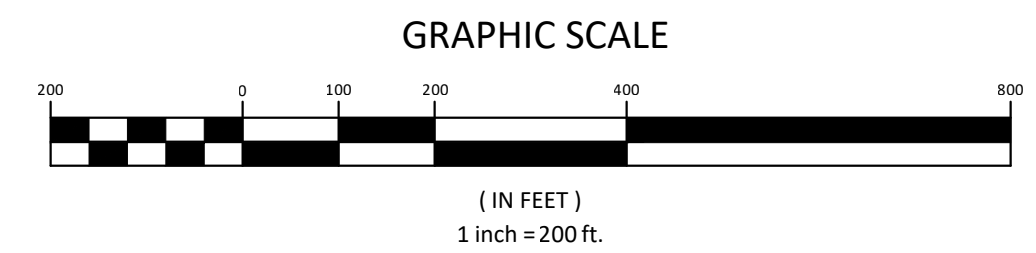


LEGEND

	WATER METER BOX (WM)		FIRE HYDRANT (HYD)
	WATER VALVE (WV)		SANITARY SEWER MANHOLE (SSMH)
	STORM MANHOLE (STMH)		CLEAN OUT
	UTILITY POLE		DRIED BOOK
	LIGHT POLE		PLAT BOOK
	GROUND LIGHT		PAGE
	GUY WIRE		RIGHT-OF-WAY
	YARD INLET (YI)		EDGE OF PAVEMENT
	GAS VALVE		EDGE OF GRAVEL
	OVERHEAD POWER LINE		CONCRETE
	GAS LINE		REINFORCED CONCRETE PIPE
	WATER LINE		DROP INLET
	UNDERGROUND ELECTRICAL		CURB INLET
	FENCE LINE		FINISH FLOOR ELEVATION
	WOODSLINE (TYP.)		BASEMENT
			TELEPHONE PEDESTAL
			TELEPHONE HAND HOLD
			DRAINAGE MAINTENANCE & UTILITY EASEMENT
			PROP. BMP
			15%+ SLOPES

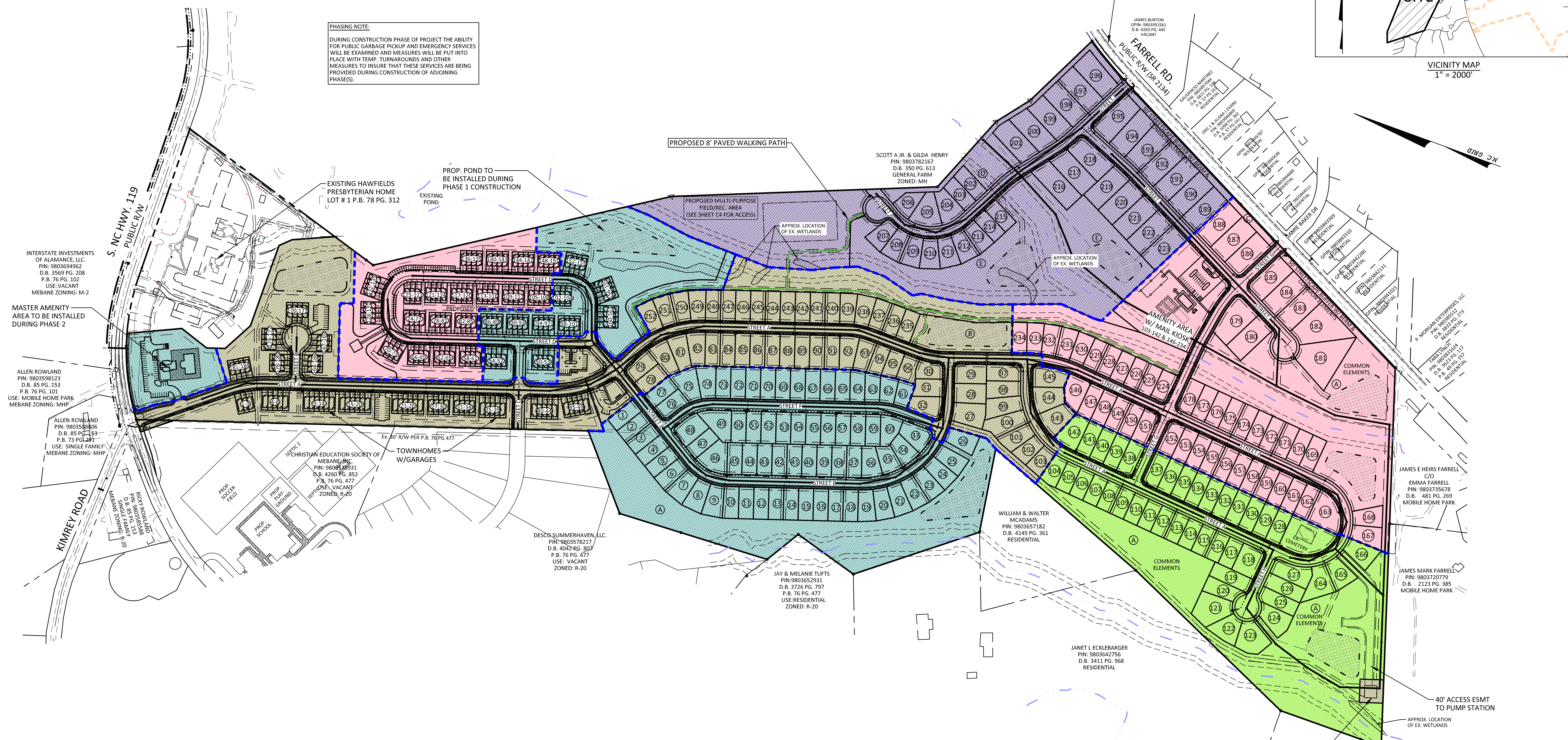
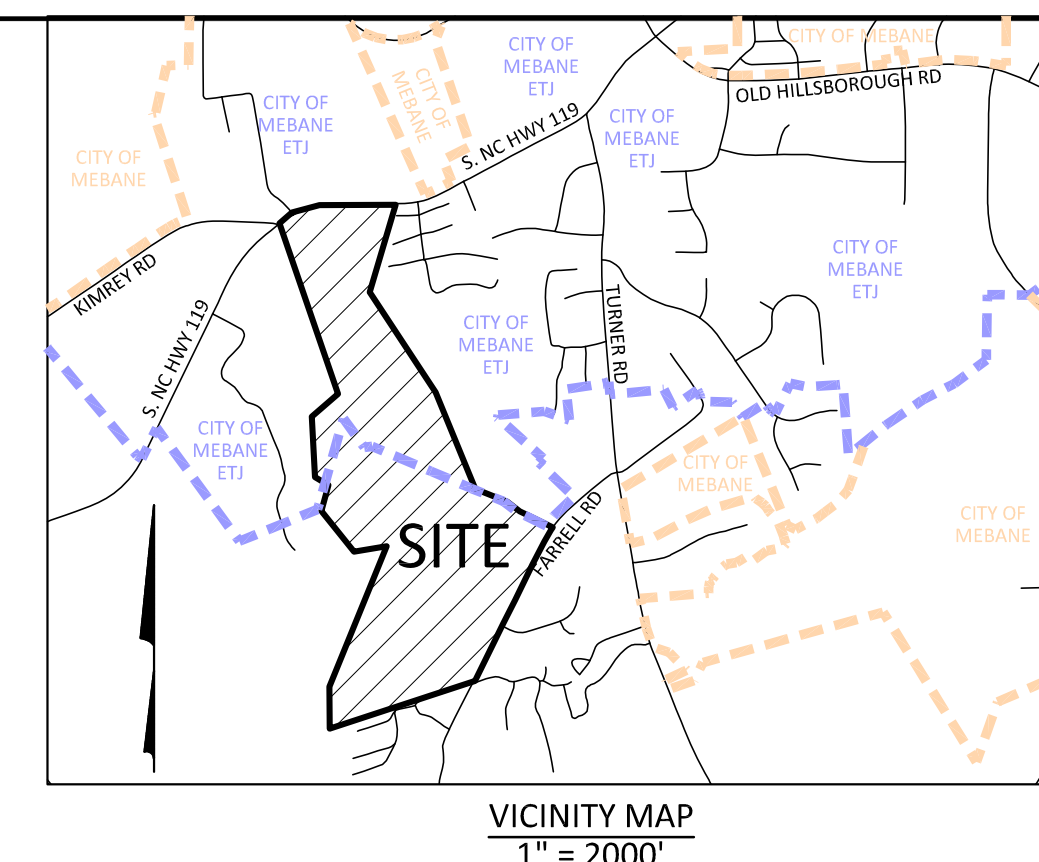
ALL CONSTRUCTION MUST CONFORM TO THE UNDERGROUND UTILITY PROTECTION ACT

BEFORE YOU DIG!
 CALL 811 N.C. ONE-CALL CENTER
 IT'S THE LAW!



PHASED UNIT COUNT			
PHASE	SINGLE FAMILY LOTS	TOWNHOME UNITS	
1	53	70	
2	71	39	
3	51	75	
4	35		
5	42		

PHASING NOTE:
 DURING CONSTRUCTION PHASE OF PROJECT THE ABILITY FOR PUBLIC GARBAGE PICKUP AND EMERGENCY SERVICES WILL BE EXAMINED AND MEASURES WILL BE PUT INTO PLACE WITH TEMP. TURNAROUNDS AND OTHER MEASURES TO INSURE THAT THESE SERVICES ARE BEING PROVIDED DURING CONSTRUCTION OF ADJOINING PHASES).



INTERSTATE INVESTMENTS OF ALAMANCE, LLC
 PIN: 9803694962
 D.B. 3509 PG. 208
 P.B. 76 PG. 102
 USE: VACANT
 MEBANE ZONING: M-2

MASTER AMENITY AREA TO BE INSTALLED DURING PHASE 2

ALLEN ROWLAND
 PIN: 9803598123
 D.B. 85 PG. 153
 P.B. 76 PG. 101
 USE: MOBILE HOME PARK
 MEBANE ZONING: MHF

ALLEN ROWLAND
 PIN: 9803588806
 D.B. 85 PG. 153
 P.B. 73 PG. 101
 USE: SINGLE FAMILY
 MEBANE ZONING: MHF

CHRISTIAN EDUCATION SOCIETY OF MEBANE, INC.
 PIN: 9806488331
 D.B. 4260 PG. 852
 P.B. 76 PG. 477
 USE: VACANT
 ZONING: R-20

TOWNHOMES W/GARAGES

DESCO SUMMERHAVEN, LLC
 PIN: 9803578217
 D.B. 4024 PG. 807
 P.B. 76 PG. 477
 USE: VACANT
 ZONED: R-20

JAY & MELANIE TUFTS
 PIN: 9803652931
 D.B. 3726 PG. 797
 P.B. 76 PG. 477
 USE: RESIDENTIAL
 ZONED: R-20

WILLIAM & WALTER MCDAMIS
 PIN: 9803657182
 D.B. 4149 PG. 361
 RESIDENTIAL

JANET L. ECKLEBARGER
 PIN: 9803642756
 D.B. 3411 PG. 968
 RESIDENTIAL

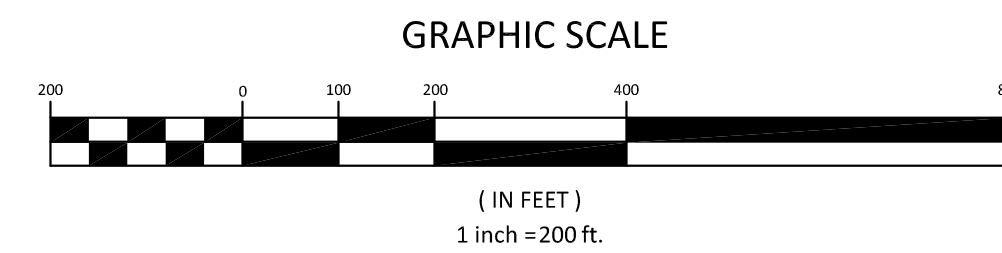
EMMA FARRELL
 PIN: 9803735678
 D.B. 481 PG. 269
 MOBILE HOME PARK

JAMES E HEIRS FARRELL
 C/O
 PIN: 9803720779
 D.B. 481 PG. 269
 MOBILE HOME PARK

JAMES MARK FARRELL
 PIN: 9803720779
 D.B. 2123 PG. 385
 MOBILE HOME PARK

DESCO SUMMERHAVEN, LLC
 PIN: 980360476
 D.B. 4042 PG. 818
 RESIDENTIAL

- LEGEND**
- WATER METER BOX (WM)
 - WATER VALVE (WV)
 - STORM MANHOLE (STMH)
 - UTILITY POLE
 - LIGHT POLE
 - GROUND LIGHT
 - GUY WIRE
 - YARD INLET (YI)
 - GAS VALVE
 - OVERHEAD POWER LINE
 - GAS LINE
 - WATER LINE
 - UNDERGROUND ELECTRICAL
 - FENCE LINE
 - WOODSLINE (TYP.)
 - FIRE HYDRANT (HYD)
 - SANITARY SEWER MANHOLE (SSMH)
 - CLEAN OUT
 - DEED BOOK
 - PLAT BOOK
 - PAGE
 - R/W RIGHT-OF-WAY
 - E/P EDGE OF PAVEMENT
 - E/G EDGE OF GRAVEL
 - CONC CONCRETE
 - RCP REINFORCED CONCRETE PIPE
 - DI DROPP INLET
 - CI CURB INLET
 - FFE FINISH FLOOR ELEVATION
 - BSMT BASEMENT
 - TRED TELEPHONE REDISTAL
 - THM TELEPHONE HAND HOLD
 - DMUE DRAINAGE MAINTENANCE & UTILITY EASEMENT
 - PROP. BMP



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 336-904-0207
 683 Gralin Street
 Kernersville, NC 27284

Stoltzfus Engineering Inc.
 Civil Engineering Consultants

HAWFIELDS LANDING

OVERALL PRELIMINARY PHASING PLAN

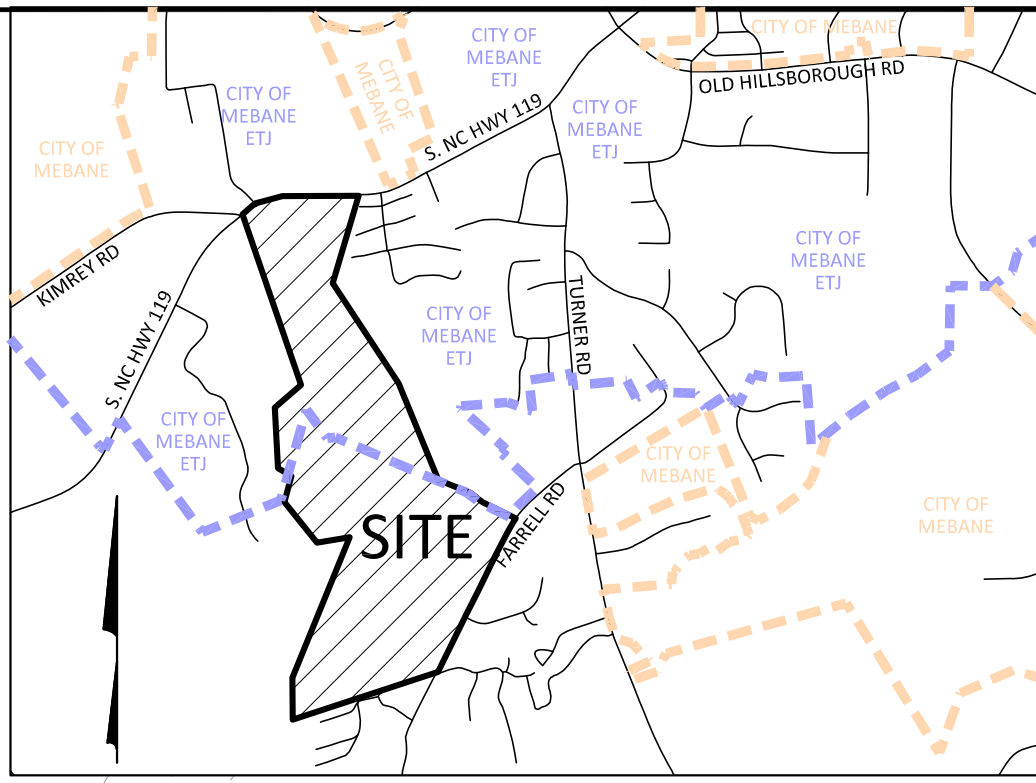
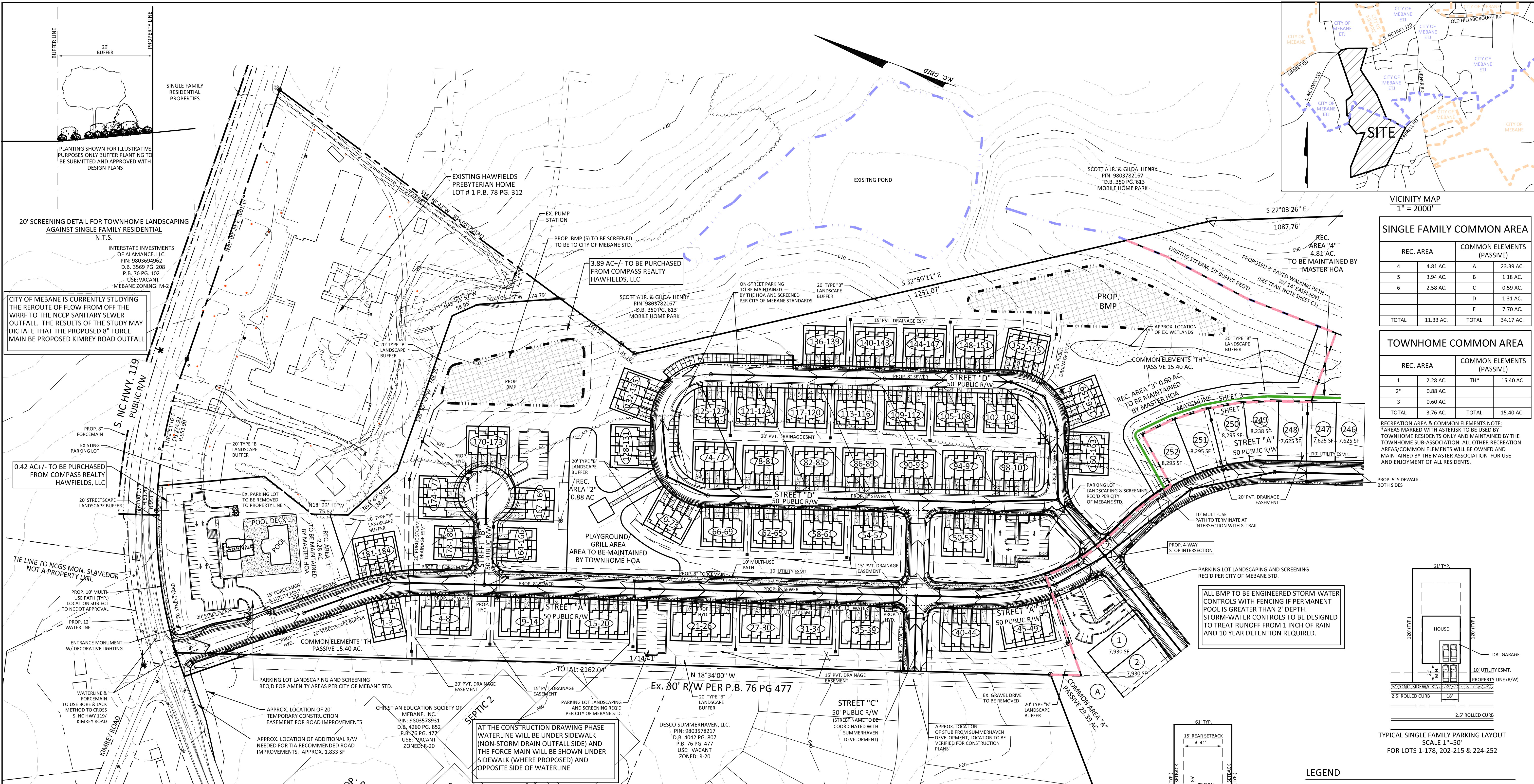
PROPERTY OWNER INFORMATION:
 LEOTERA MEBANE, LLC
 110-A SHIELDS PARK DRIVE
 KERNERSVILLE, NC 27284

PROJECT LOCATION:
 HAWFIELDS LANDING
 COUNTY: ALAMANCE
 TOWNSHIP: MELVILLE

NO.	DATE	REVISION NOTE
1	11/17/21	MEBANE COMMENTS
2	12/17/21	MEBANE COMMENTS
3	03/22/22	MEBANE COMMENTS
4	03/24/22	MEBANE COMMENTS
5	04/22/22	MEBANE COMMENTS
6	05/26/22	DEVELOPER REVISION

DRAWN BY: SDT
 CHECKED BY: ARS
 DATE: 11/09/2020
 PROJECT NO.: 2201.05
 REF. NO.:
 SCALE: 1"=200'

C3
3 OF 7



VICINITY MAP
1" = 2000'

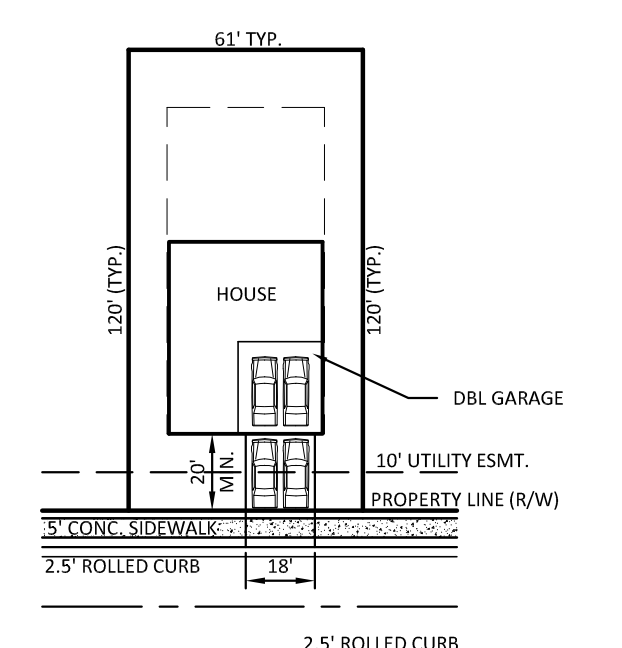
SINGLE FAMILY COMMON AREA

REC. AREA	COMMON ELEMENTS (PASSIVE)	COMMON ELEMENTS (PASSIVE)
4	4.81 AC.	A
5	3.94 AC.	B
6	2.58 AC.	C
		D
		E
TOTAL	11.33 AC.	TOTAL 23.39 AC.

TOWNHOME COMMON AREA

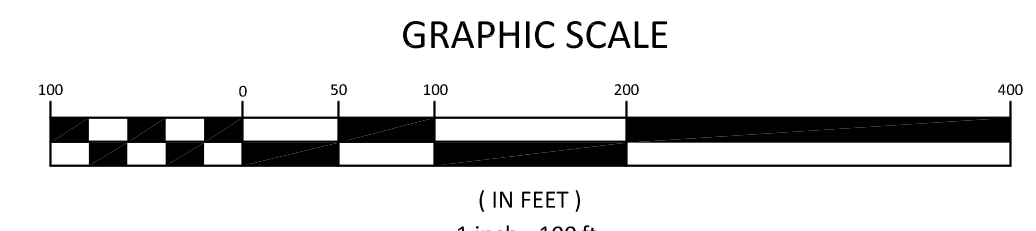
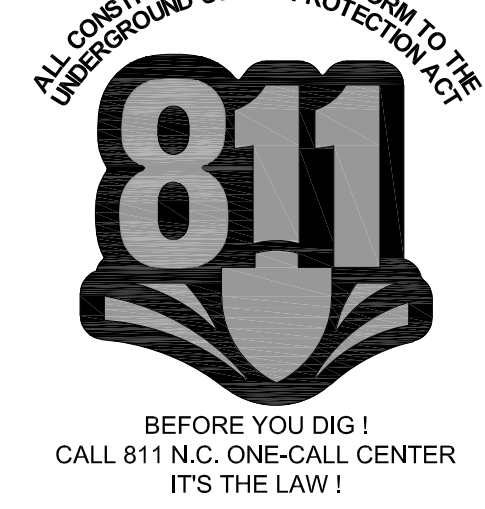
REC. AREA	COMMON ELEMENTS (PASSIVE)	COMMON ELEMENTS (PASSIVE)
1	2.28 AC.	TH*
2*	0.88 AC.	
3	0.60 AC.	
TOTAL	3.76 AC.	TOTAL 15.40 AC.

RECREATION AREA & COMMON ELEMENTS NOTE:
*AREAS MARKED WITH ASTERISK TO BE USED BY TOWNHOME RESIDENTS ONLY AND MAINTAINED BY THE TOWNHOME SUB-ASSOCIATION. ALL OTHER RECREATION AREAS/COMMON ELEMENTS WILL BE OWNED AND MAINTAINED BY THE MASTER ASSOCIATION FOR USE AND ENJOYMENT OF ALL RESIDENTS.



LEGEND

- WATER METER BOX (WMB)
- WATER VALVE (WV)
- STORM MANHOLE (STMH)
- UTILITY POLE
- LIGHT POLE
- GROUND LIGHT
- GUY WIRE
- YARD INLET (YI)
- GAS VALVE
- OVERHEAD POWER LINE
- GAS LINE
- WATER LINE
- UNDERGROUND ELECTRICAL
- FENCE LINE
- WOODS LINE (TYP.)
- FIRE HYDRANT (HYD)
- SANITARY SEWER MANHOLE (SSMH)
- CLEAN OUT
- DEED BOOK
- PLAT BOOK
- PAGE
- RIGHT-OF-WAY
- EDGE OF PAVEMENT
- EDGE OF GRAVEL
- CONC.
- CONCRETE
- RCP
- REINFORCED CONCRETE PIPE
- DI
- CURB INLET
- FFE
- FINISH FLOOR ELEVATION
- BSMT
- BASEMENT
- TPO
- TELEPHONE PEDestal
- THH
- DRAPING HAND HOLD
- DMUE
- DRAINAGE MAINTENANCE & UTILITY EASEMENT
- PROP. BMP

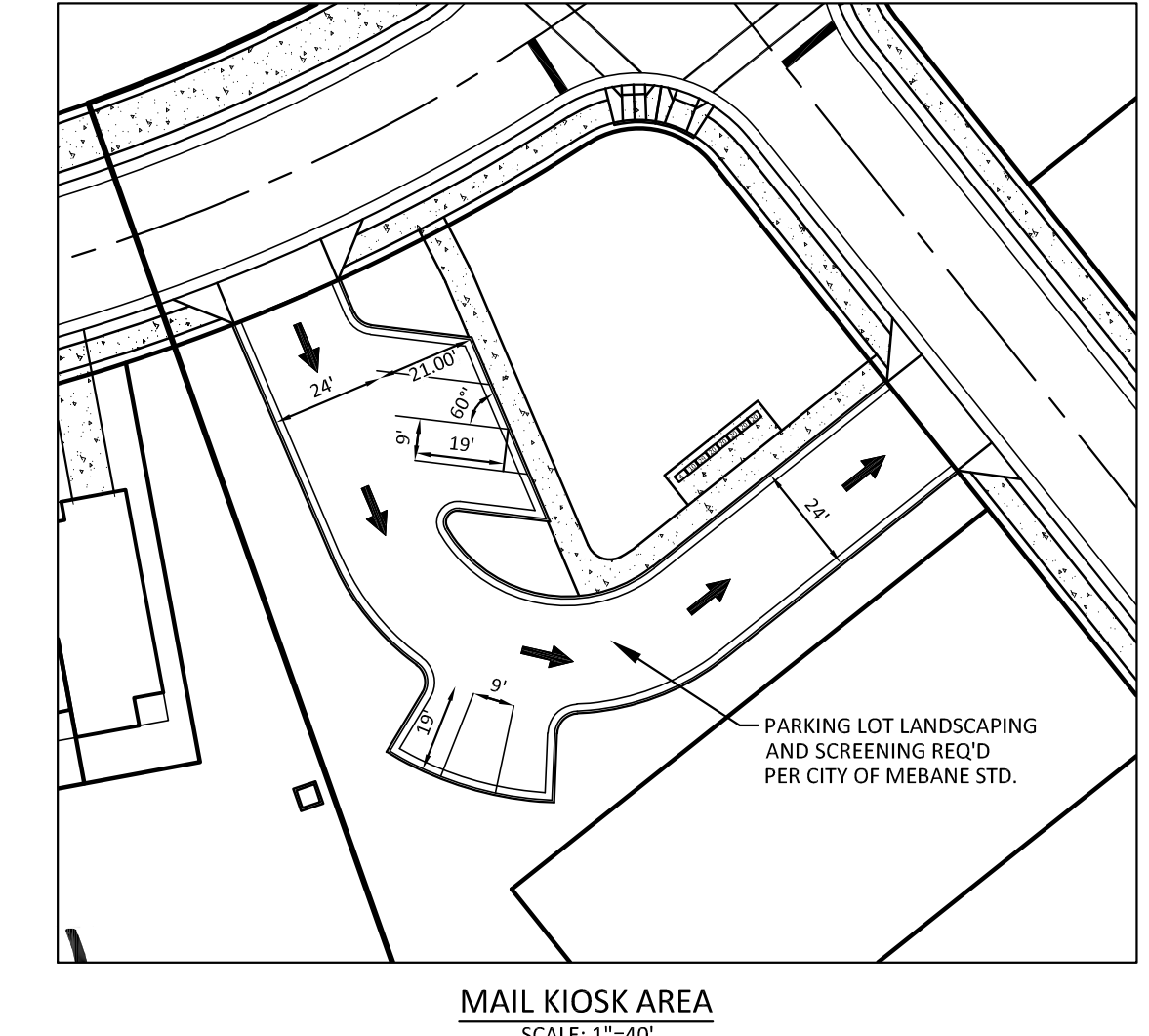
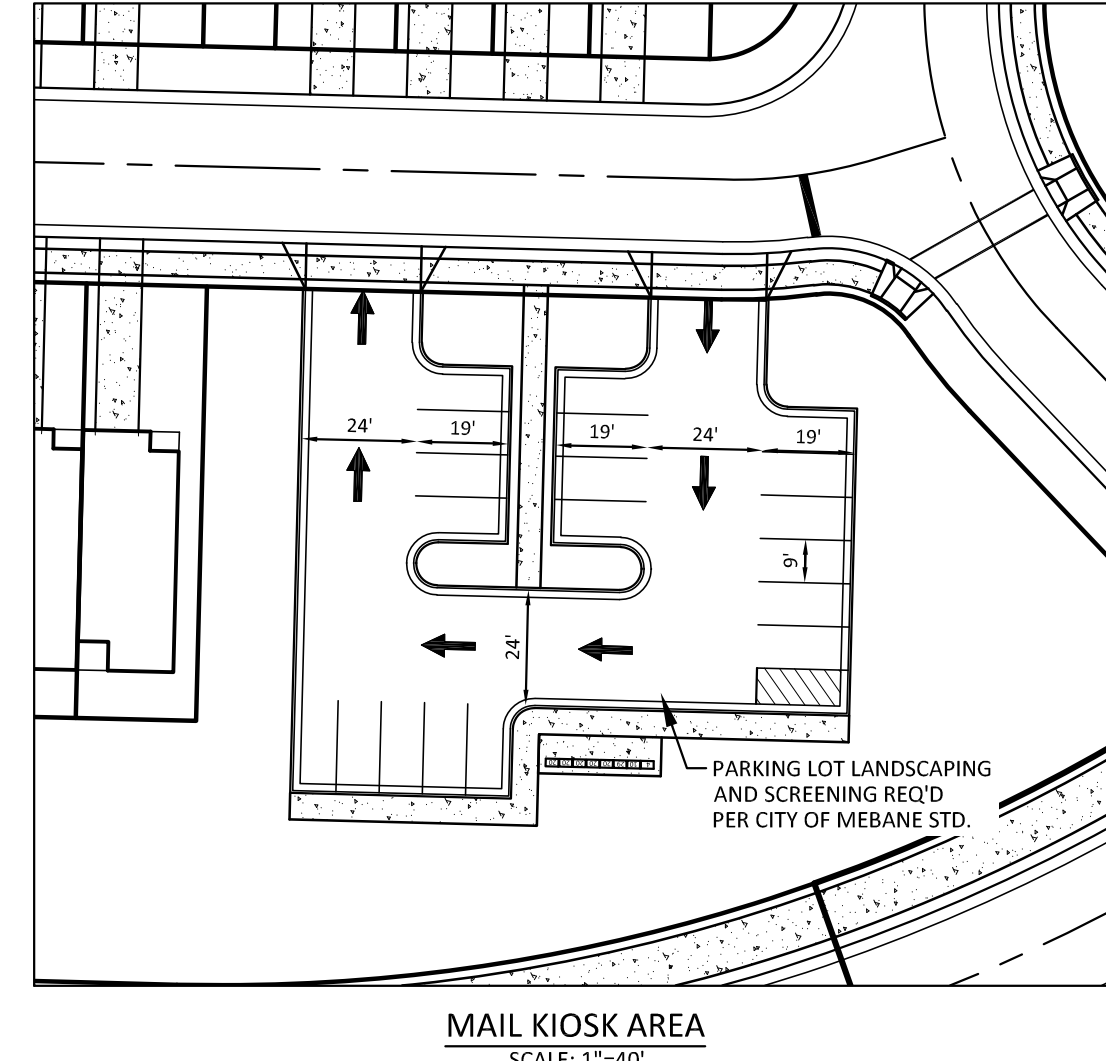
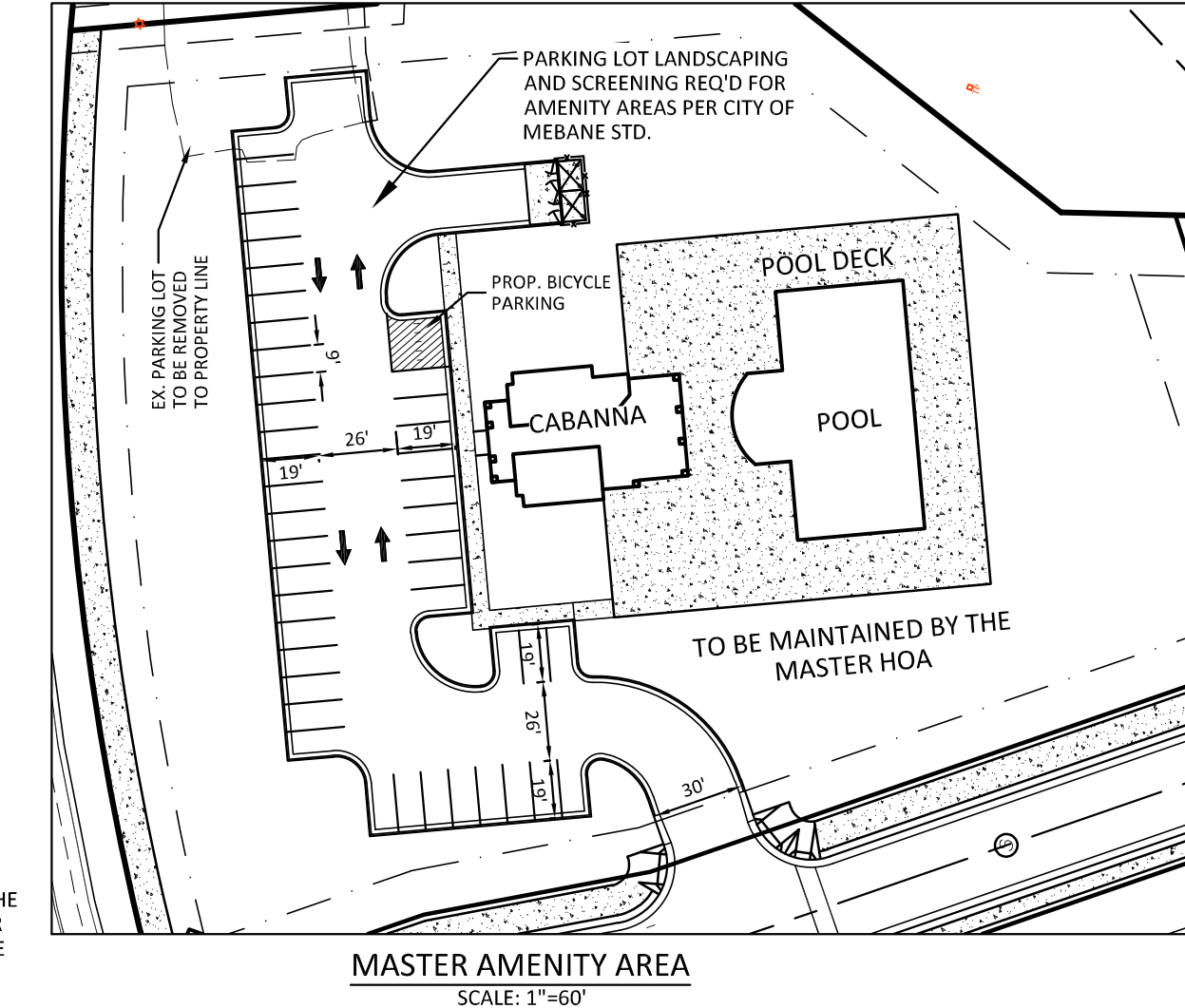
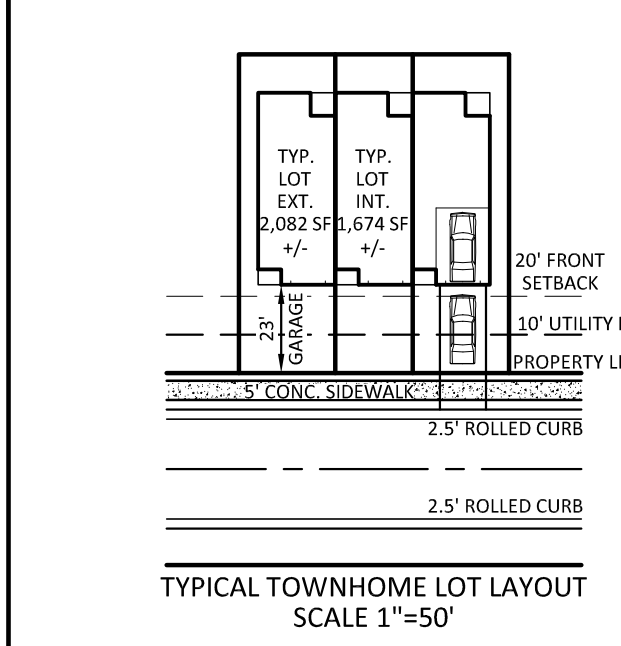


CITY OF MEBANE IS CURRENTLY STUDYING THE REROUTE OF FLOW FROM OFF THE WRRF TO THE NCCP SANITARY SEWER OUTFALL. THE RESULTS OF THE STUDY MAY INDICATE THAT THE PROPOSED 8" FORCE MAIN BE PROPOSED KIMREY ROAD OUTFALL

0.42 AC +/- TO BE PURCHASED FROM COMPASS REALTY HAWFIELDS, LLC

TIE LINE TO NCGS MON. SLAVEDOR NOT A PROPERTY LINE

APPROX. LOCATION OF 20' TEMPORARY CONSTRUCTION EASEMENT FOR ROAD IMPROVEMENTS



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aden@seengineering.com
336-904-0207
683 Gralin Street
Kernersville, NC 27284

Stoltzfus Engineering Inc.
Civil Engineering Consultants

HAWFIELDS LANDING
PRELIMINARY SITE PLAN

PROPERTY OWNER INFORMATION:
LEOTERA MEBANE, LLC
110-A SHIELDS PARK DRIVE
KERNERSVILLE, NC 27284

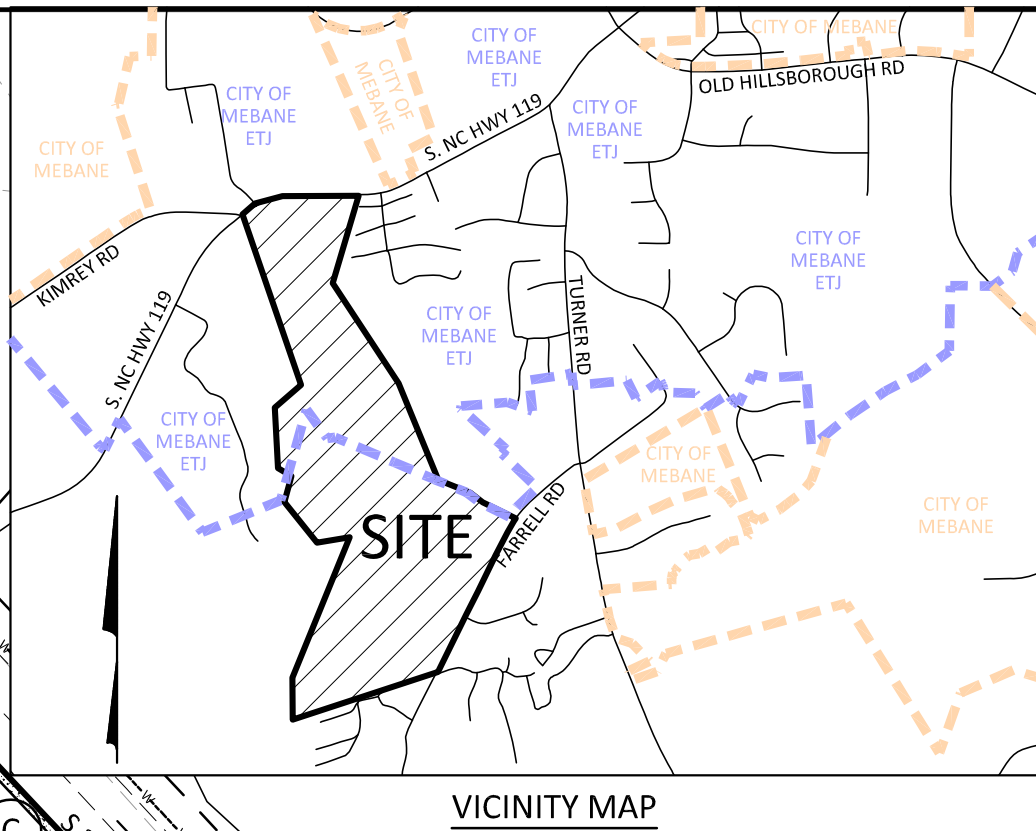
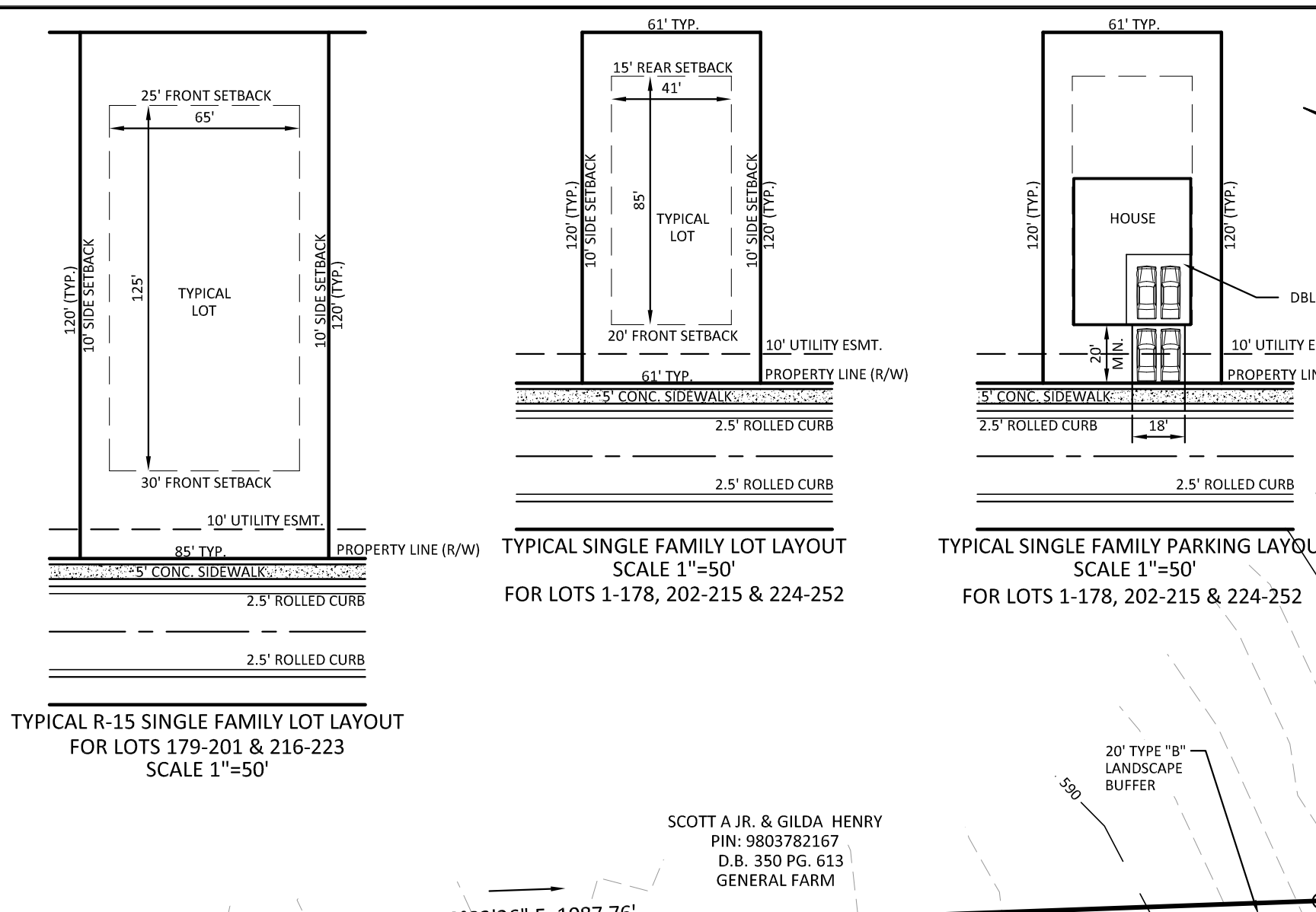
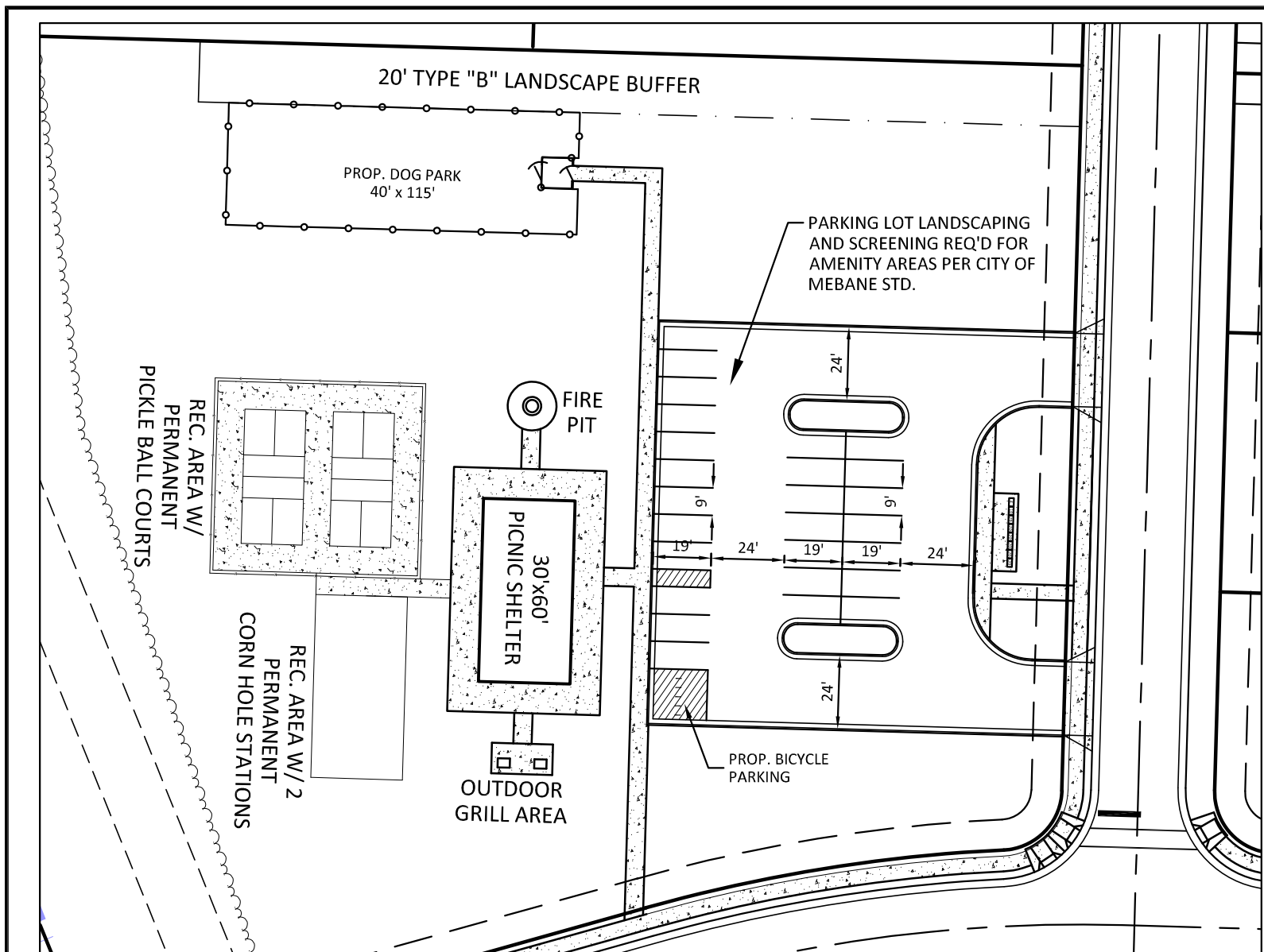
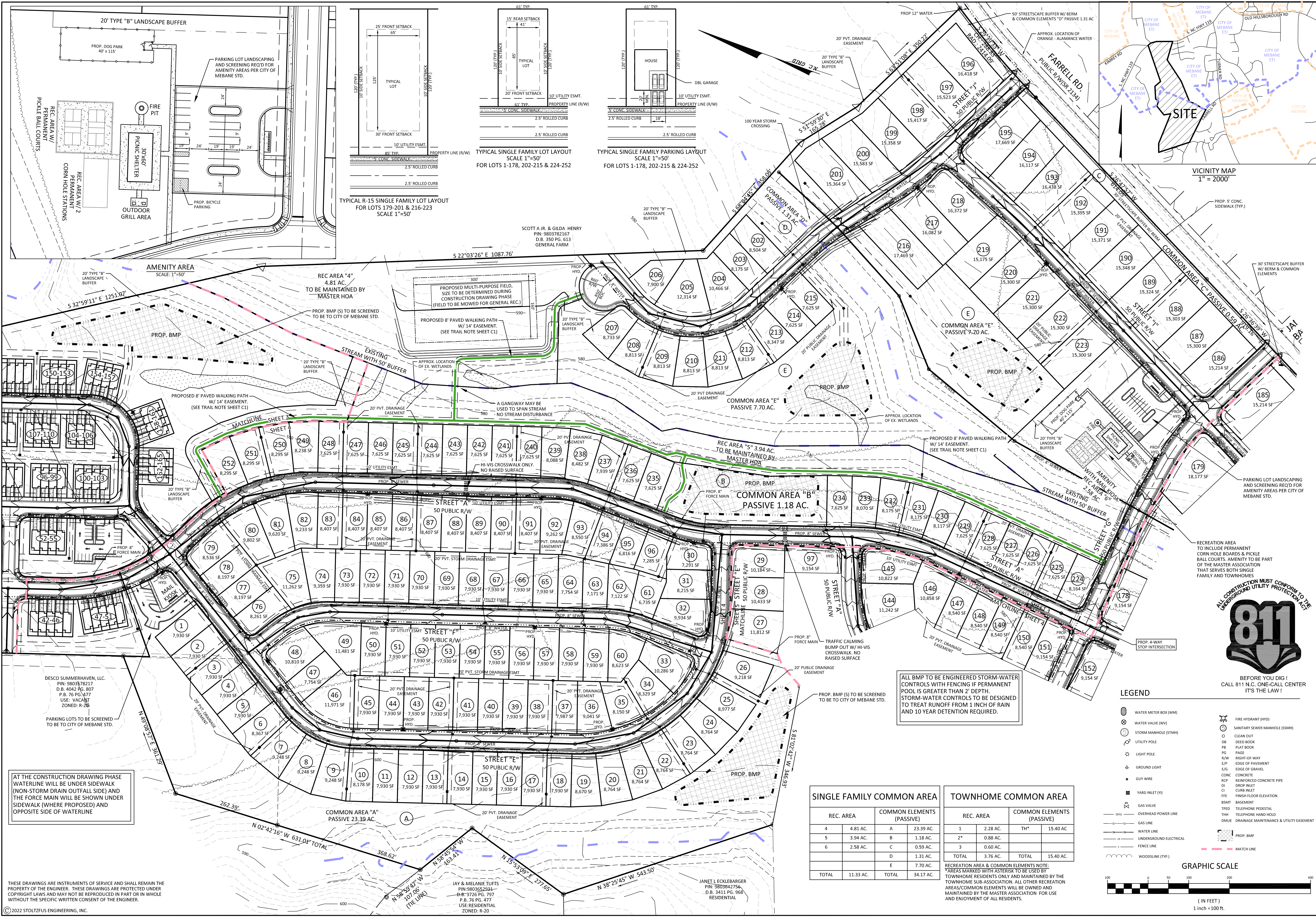
PROJECT LOCATION:
HAWFIELDS LANDING
COUNTY: MADISON
TOWNSHIP: MELVILLE

NO. DATE REVISION NOTE

1	11/17/21	MEBANE COMMENTS
2	12/17/21	MEBANE COMMENTS
3	03/24/22	MEBANE COMMENTS
4	03/24/22	MEBANE COMMENTS
5	04/22/22	MEBANE COMMENTS
6	05/26/22	DEVELOPER REVISION

DRAWN BY: SDT
CHECKED BY: ARS
DATE: 11/09/2020
PROJECT NO.: 2201.05
REF. NO.:
SCALE: 1"=100'

C4
4 OF 7



AT THE CONSTRUCTION DRAWING PHASE WATERLINE WILL BE UNDER SIDEWALK (NON-STORM DRAIN OUTFALL SIDE) AND THE FORCE MAIN WILL BE SHOWN UNDER SIDEWALK (WHERE PROPOSED) AND OPPOSITE SIDE OF WATERLINE

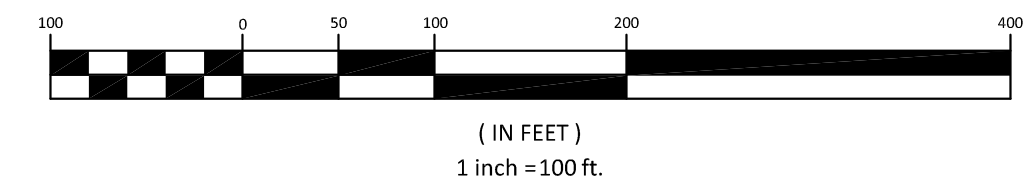
ALL BMP TO BE ENGINEERED STORM-WATER CONTROLS WITH FENCING IF PERMANENT POOL IS GREATER THAN 2' DEPTH. STORM-WATER CONTROLS TO BE DESIGNED TO TREAT RUNOFF FROM 1 INCH OF RAIN AND 10 YEAR DETENTION REQUIRED.



LEGEND

- WATER METER BOX (WMB)
- WATER VALVE (WV)
- STORM MANHOLE (STMH)
- UTILITY POLE
- LIGHT POLE
- GROUND LIGHT
- GUY WIRE
- YARD INLET (YI)
- GAS VALVE
- OVERHEAD POWER LINE
- GAS LINE
- WATER LINE
- UNDERGROUND ELECTRICAL
- FENCE LINE
- WOODSLINE (WPL)
- FIRE HYDRANT (HYD)
- SANITARY SEWER MANHOLE (SSMH)
- CLEAN OUT
- DEED BOOK
- PLAT BOOK
- PAGE
- RIGHT-OF-WAY
- EDGE OF PAVEMENT
- EDGE OF GRAVEL
- CONC
- RCP
- DROP INLET
- CURB INLET
- FFE
- FINISH FLOOR ELEVATION
- BSMT
- BASEMENT
- TELPD
- TELEPHONE PEDESTAL
- THH
- TELEPHONE HAND HOLD
- DMUE
- DRAINAGE MAINTENANCE & UTILITY EASEMENT
- PROP. BMP

GRAPHIC SCALE



SINGLE FAMILY COMMON AREA	
REC. AREA	COMMON ELEMENTS (PASSIVE)
4	4.81 AC.
5	3.94 AC.
6	2.58 AC.
	1.31 AC.
	7.70 AC.
TOTAL	11.33 AC.

TOWNHOME COMMON AREA	
REC. AREA	COMMON ELEMENTS (PASSIVE)
1	2.28 AC.
2	0.88 AC.
3	0.60 AC.
	TOTAL 15.40 AC.

RECREATION AREA & COMMON ELEMENTS NOTE: AREAS MARKED WITH ASTERISK TO BE USED BY TOWNHOME RESIDENTS ONLY AND MAINTAINED BY THE TOWNHOME SUB-ASSOCIATION. ALL OTHER RECREATION AREAS/COMMON ELEMENTS WILL BE OWNED AND MAINTAINED BY THE MASTER ASSOCIATION FOR USE AND ENJOYMENT OF ALL RESIDENTS.

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 683 Gralin Street
 Kernersville, NC 27284

Stoltzfus Engineering Inc.
 Civil Engineering Consultants

HAWFIELDS LANDING
PRELIMINARY SITE PLAN

PROPERTY OWNER INFORMATION:
 LEOTERA, MELBA, LLC
 110-A SHIELDS PARK DRIVE
 KERNERSVILLE, NC 27284

PROJECT LOCATION:
 110-A SHIELDS PARK DRIVE
 COUNTY: MADISON
 TOWNSHIP: MELVILLE

REVISION NOTE

NO.	DATE	REVISION
1	11/17/21	MEBANE COMMENTS
2	12/17/21	MEBANE COMMENTS
3	03/22/22	MEBANE COMMENTS
4	03/24/22	MEBANE COMMENTS
5	04/22/22	MEBANE COMMENTS
6	05/26/22	DEVELOPER REVISION

DRAWN BY: SDT
 CHECKED BY: ARS
 DATE: 11/09/2020
 PROJECT NO.: 2201.05
 REF. NO.:
 SCALE: 1"=100'

C5
5 OF 7



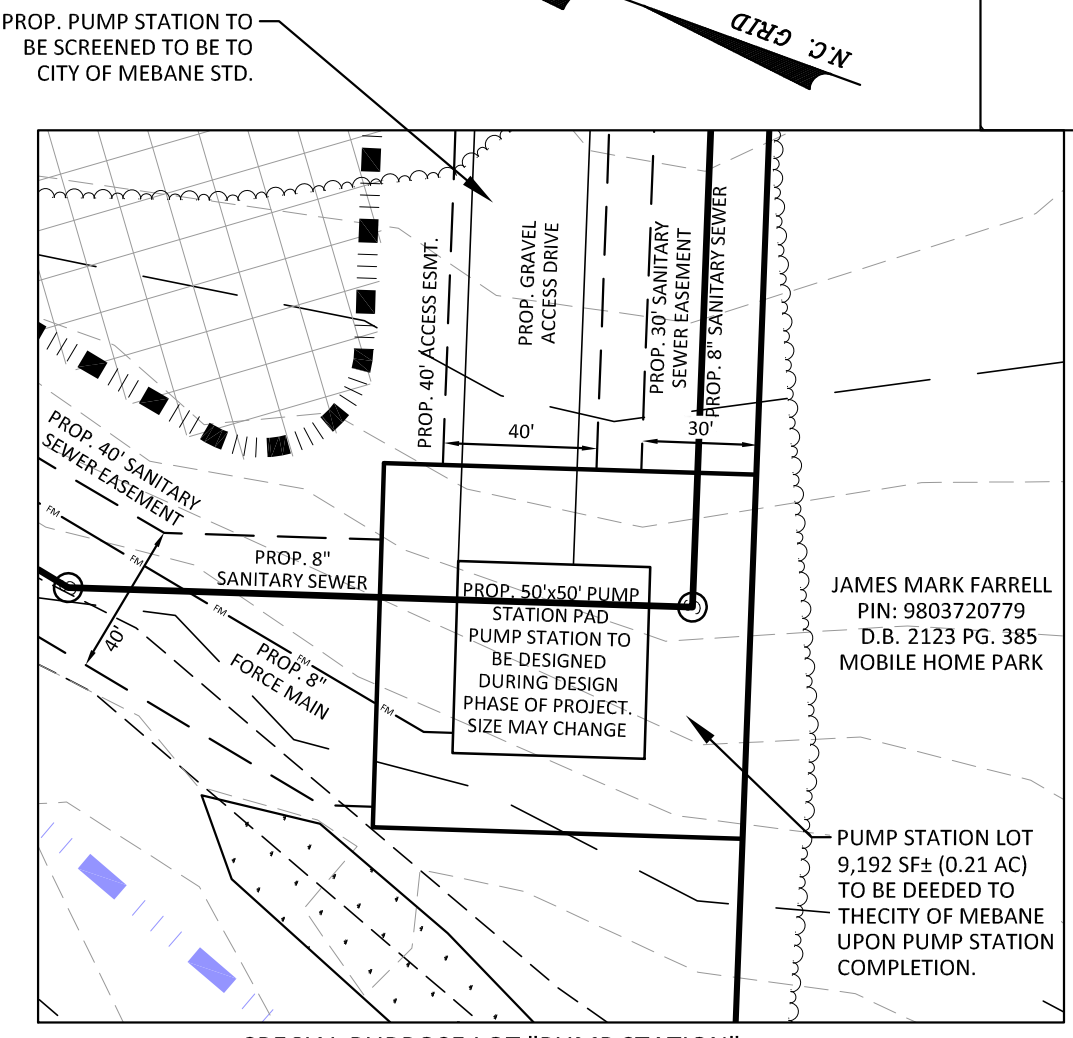
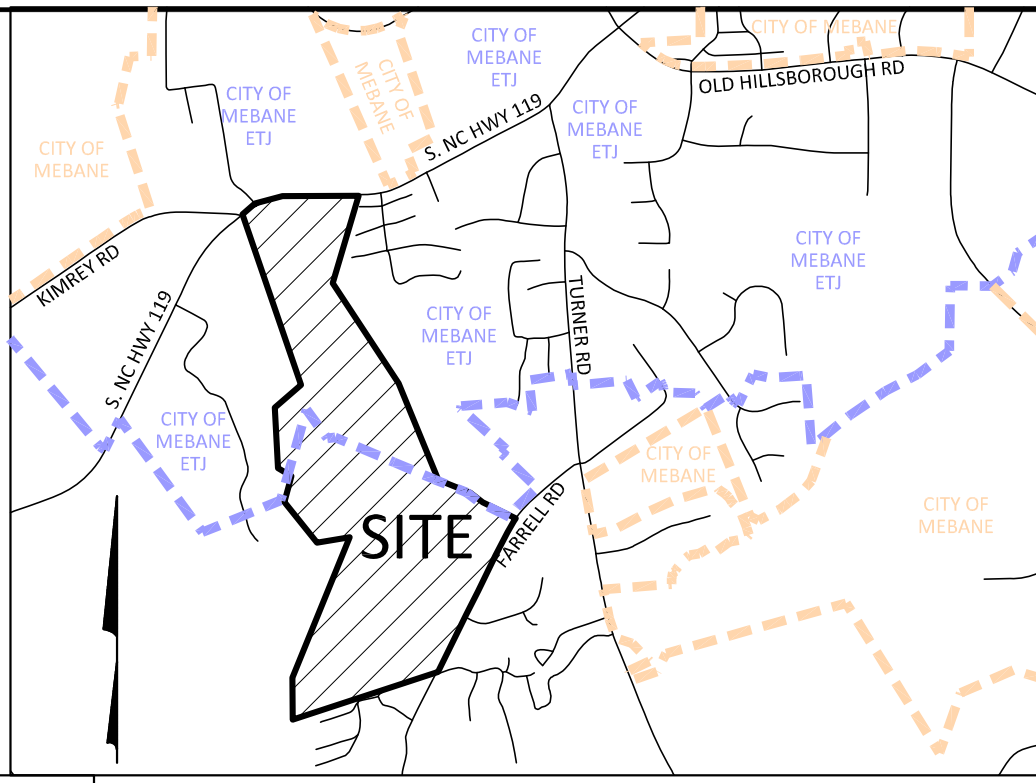
PROPERTY OWNER INFORMATION:
 LEOTERA, MEBANE, LLC
 110-A SHIELDS PARK DRIVE
 KERNERSVILLE, NC 27284

HAWFIELDS LANDING
PRELIMINARY SITE PLAN

PROJECT LOCATION:
 HAWFIELDS LANDING
 COUNTY: MADISON
 TOWNSHIP: MELVILLE

NO.	DATE	REVISION NOTE
1	11/17/21	MEBANE COMMENTS
2	12/17/21	MEBANE COMMENTS
3	03/22/22	MEBANE COMMENTS
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5	04/22/22	MEBANE COMMENTS
6	05/26/22	DEVELOPER REVISION

DRAWN BY: SDT
 CHECKED BY: ARS
 DATE: 11/09/2020
 PROJECT NO.: 2201.05
 REF. NO.:
 SCALE: 1"=100'



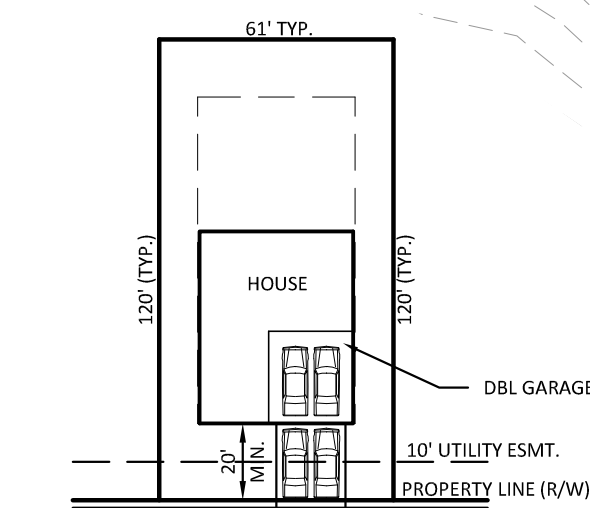
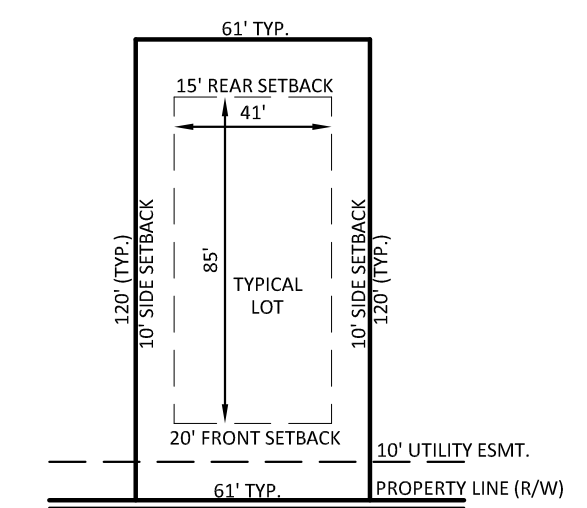
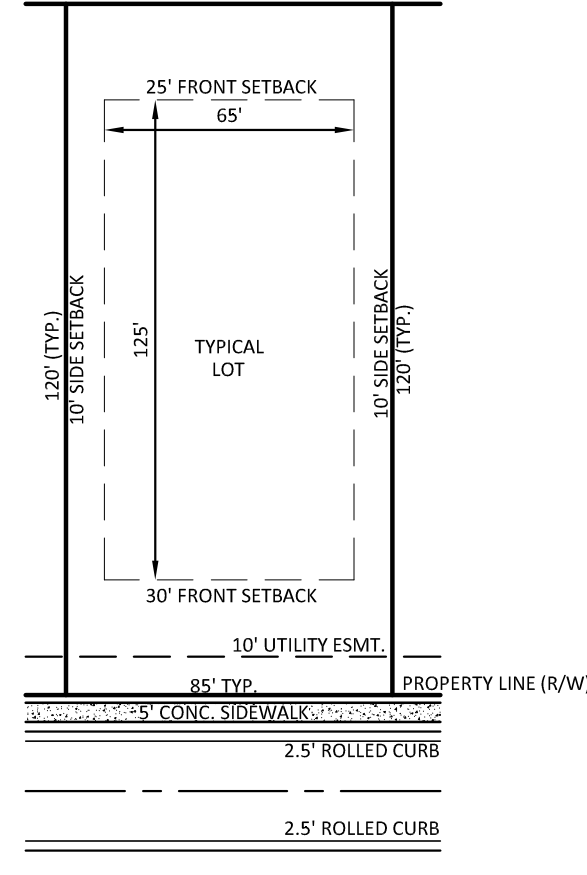
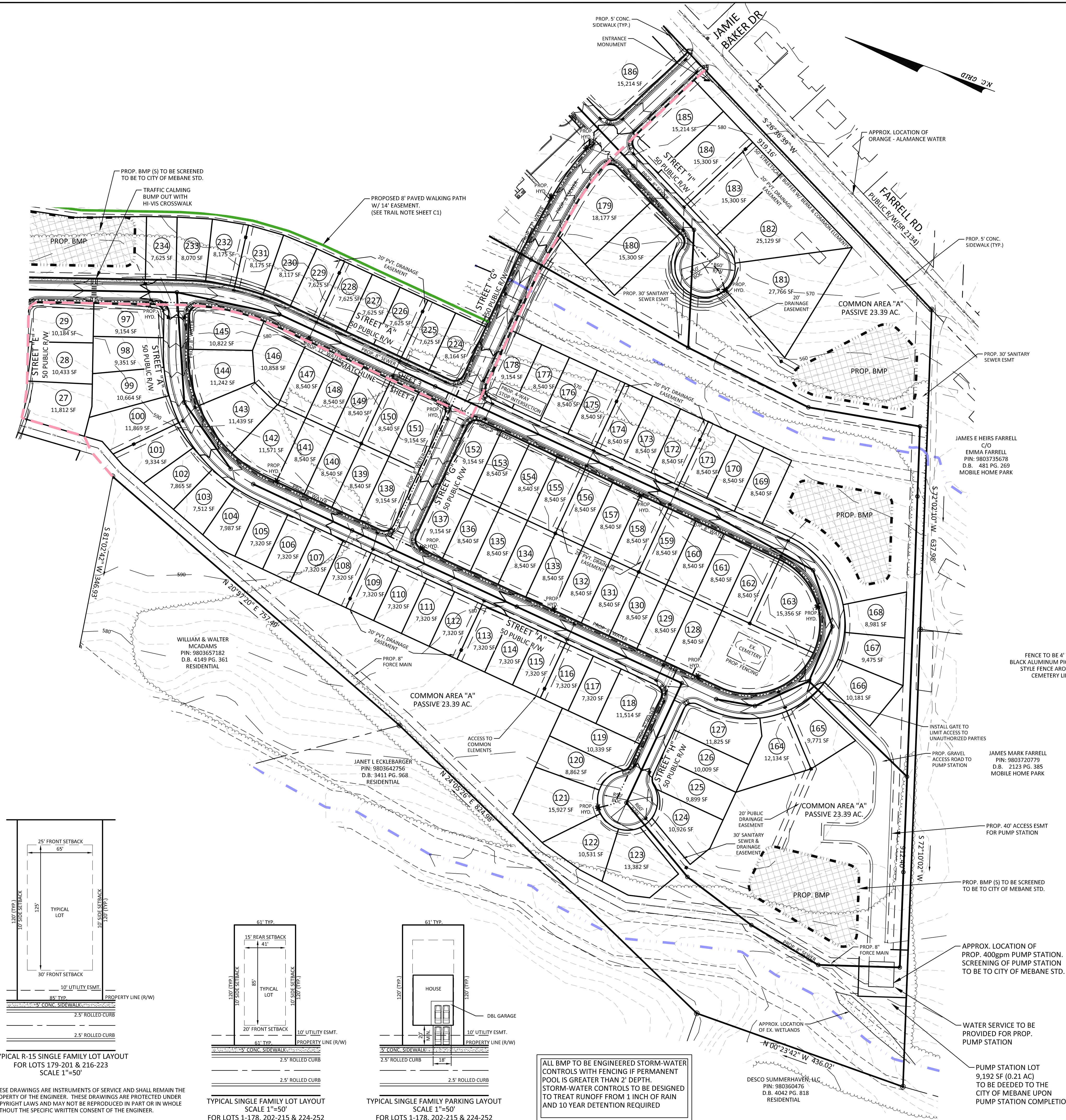
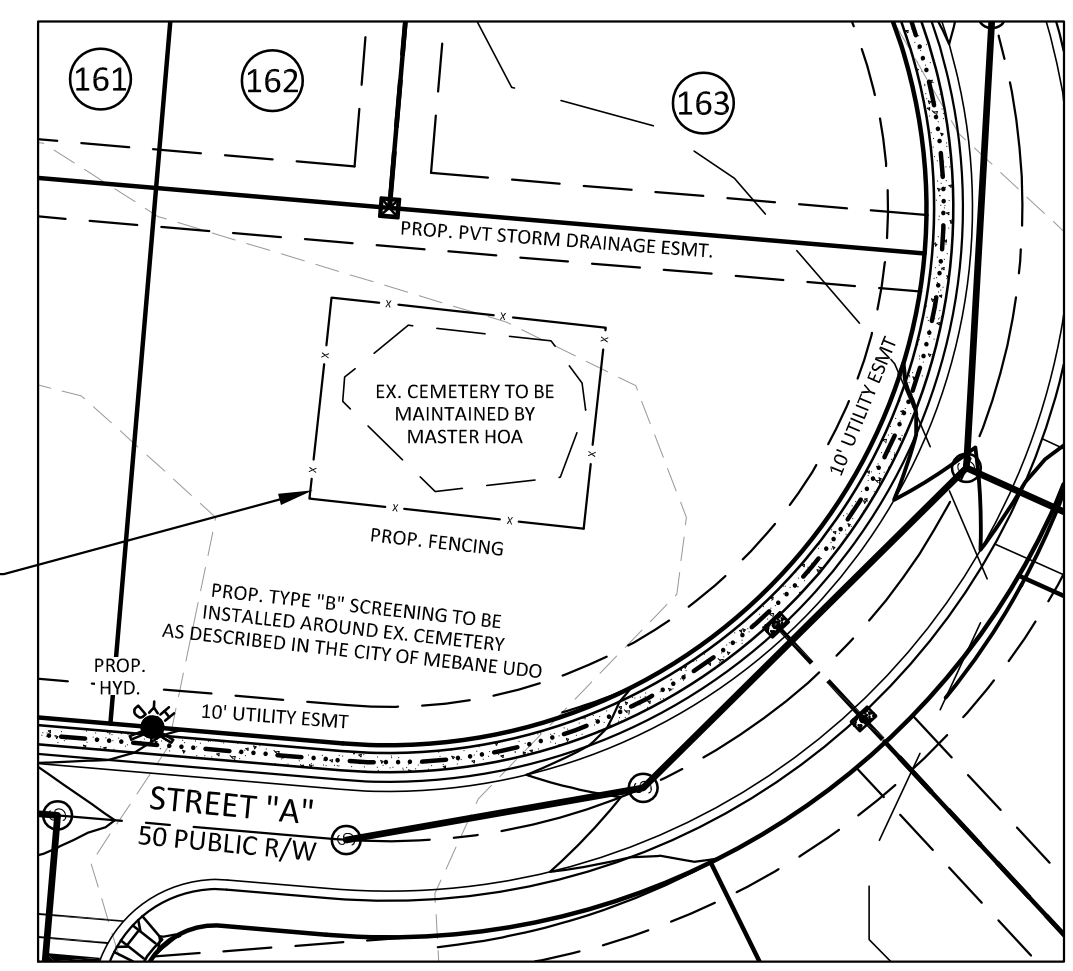
SINGLE FAMILY COMMON AREA

REC. AREA	COMMON ELEMENTS (PASSIVE)
4	A 23.39 AC.
5	B 1.18 AC.
6	C 0.59 AC.
	D 1.31 AC.
	E 7.70 AC.
TOTAL	TOTAL 34.17 AC.

TOWNHOME COMMON AREA

REC. AREA	COMMON ELEMENTS (PASSIVE)
1	TH* 15.40 AC
2*	0.88 AC.
3	0.60 AC.
TOTAL	TOTAL 15.40 AC.

RECREATION AREA & COMMON ELEMENTS NOTE:
 *AREAS MARKED WITH ASTERISK TO BE USED BY TOWNHOME RESIDENTS ONLY AND MAINTAINED BY THE TOWNHOME SUB-ASSOCIATION. ALL OTHER RECREATION AREAS/COMMON ELEMENTS WILL BE OWNED AND MAINTAINED BY THE MASTER ASSOCIATION FOR USE AND ENJOYMENT OF ALL RESIDENTS.

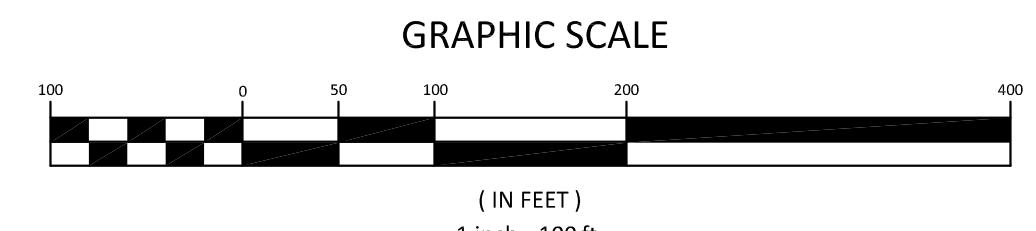


ALL BMP TO BE ENGINEERED STORM-WATER CONTROLS WITH FENCING IF PERMANENT POOL IS GREATER THAN 2' DEPTH. STORM-WATER CONTROLS TO BE DESIGNED TO TREAT RUNOFF FROM 1 INCH OF RAIN AND 10 YEAR DETENTION REQUIRED



LEGEND

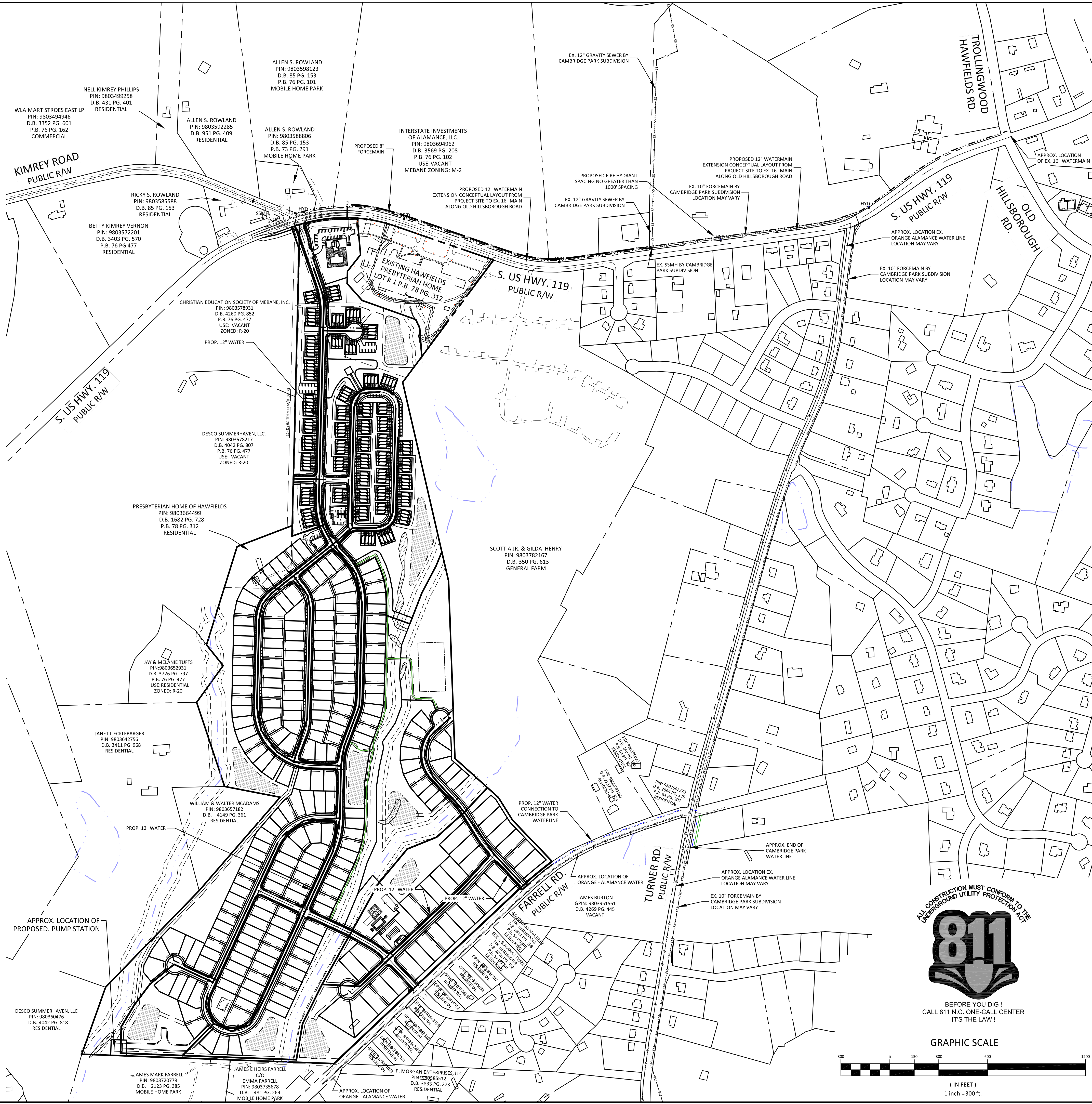
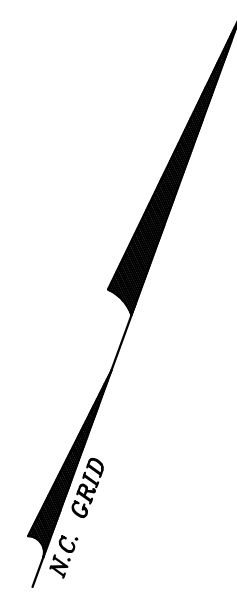
	WATER METER BOX (WMB)		FIRE HYDRANT (HYD)
	WATER VALVE (WV)		SANITARY SEWER MANHOLE (SSMH)
	STORM MANHOLE (STMH)		CLEAN OUT
	UTILITY POLE		DEAD BOOK
	LIGHT POLE		PLAT BOOK
	GROUND LIGHT		PAGE
	GUY WIRE		RIGHT-OF-WAY
	YARD INLET (YI)		EDGE OF PAVEMENT
	GAS VALVE		EDGE OF GRAVEL
	OVERHEAD POWER LINE		CONCRETE
	WATER LINE		REINFORCED CONCRETE PIPE
	UNDERGROUND ELECTRICAL		DROP INLET
	FENCE LINE		CURB INLET
	WOODLINE (TYP)		FINISH FLOOR ELEVATION
	MATCH LINE		BSMT BASEMENT
			TELEPHONE PEDESTAL
			TELEPHONE HAND HOLD
			DRAINAGE MAINTENANCE & UTILITY EASEMENT



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TYPICAL SINGLE FAMILY LOT LAYOUT SCALE 1"=50' FOR LOTS 1-178, 202-215 & 224-252

TYPICAL SINGLE FAMILY PARKING LAYOUT SCALE 1"=50' FOR LOTS 1-178, 202-215 & 224-252



LEGEND

	WATER METER BOX (WMB)		FIRE HYDRANT (HYD)
	WATER VALVE (WV)		SANITARY SEWER MANHOLE (SSMH)
	STORM MANHOLE (STMH)		CLEAN OUT
	UTILITY POLE		DEED BOOK
	LIGHT POLE		PLAT BOOK
	GROUND LIGHT		PAGE
	GUY WIRE		RIGHT-OF-WAY
	YARD INLET (YI)		EDGE OF PAVEMENT
	GAS VALVE		EDGE OF GRAVEL
	OVERHEAD POWER LINE		CONC
	GAS LINE		REINFORCED CONCRETE PIPE
	WATER LINE		DROP INLET
	UNDERGROUND ELECTRICAL		CURB INLET
	FENCE LINE		FINISH FLOOR ELEVATION
	WOODSLINE (WPL)		BSMT
			TELEPHONE PEDESTAL
			TELEPHONE HAND HOLD
			DMAUE DRAINAGE MAINTENANCE & UTILITY EASEMENT
			PROP. BMP
			PRODUCT TYPE BOUNDARY

NOTES:

THIS MAP DOES NOT MEET G.S. 47-30 AND IS NOT FOR RECORDING.

THIS PROPERTY IS SUBJECT TO ANY EASEMENTS, AGREEMENTS, OR RIGHTS-OF-WAY OF RECORD PRIOR TO THE DATE OF THIS MAP AND WHICH WERE NOT VISIBLE AT THE TIME OF INSPECTION.

THIS MAP WAS PREPARED WITH OUT THE BENEFIT OF A TITLE REPORT AND DOES NOT NECESSARILY INDICATE ALL ENCUMBRANCES UPON THIS PROPERTY.

TOPOGRAPHIC INFORMATION TAKEN FROM ALAMANCE COUNTY GIS

BOUNDARY INFORMATION TAKEN FROM BOUNDARY SURVEY BY ALLRED LAND SURVEYING, PLLC

NO SURVEYING OR SUBSURFACE INVESTIGATIONS PERFORMED BY STOLTZFUS ENGINEERING, INC.

THE SANITARY SEWER SHOWN IS APPROXIMATE SIZE AND SUBJECT TO DETAILED STUDY. THE DEVELOPER DOES REQUEST CITY OF MEbane COMPENSATION FOR INFRASTRUCTURE ABOVE REQUIRED TO SERVE THE PROPOSED PROJECT TO INCLUDE UPSIDE IN WATER AND SANITARY SEWER INFRASTRUCTURE THAT WILL BENEFIT THE SURROUNDING AREA.

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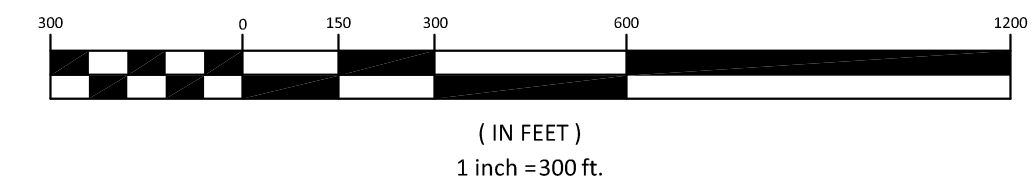
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ALL CONSTRUCTION MUST CONFORM TO THE UNDERGROUND UTILITY PROTECTION ACT



BEFORE YOU DIG!
CALL 811 N.C. ONE-CALL CENTER
IT'S THE LAW!

GRAPHIC SCALE



Aden R. Stoltzfus, PE C-3812
aden@seengineering.com
336-904-0207
683 Gralin Street
Kernersville, NC 27284

Stoltzfus Engineering Inc.
Civil Engineering Consultants

HAWFIELDS LANDING

PRELIMINARY OFFSITE SEWER & WATER PLAN

PROPERTY OWNER INFORMATION:
LEOTERA, MEBA NE, LLC
110-A, SHIELDS PARK DRIVE
KERNERSVILLE, NC 27284

NO.	DATE	REVISION NOTE
1	11/17/21	MEBANE COMMENTS
2	12/17/21	MEBANE COMMENTS
3	03/22/22	MEBANE COMMENTS
4	03/24/22	MEBANE COMMENTS
5	04/22/22	MEBANE COMMENTS
6	05/26/22	DEVELOPER REVISION

DRAWN BY: SDT
CHECKED BY: ARS
DATE: 11/09/2020
PROJECT NO.: 2201.05
REF. NO.:
SCALE: 1"=300'

C7
7 OF 7

PLANNING PROJECT REPORT

DATE	03/31/22, revised 05/31/22
PROJECT NUMBER	RZ 22-03; SU 22-03
PROJECT NAME	Hawfields Landing
APPLICANT	Leoterra Mebane, LLC 110-A Shields Park Drive Kernersville, NC 27284

CONTENTS

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LAND USE REPORT	PAGE 5
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STAFF ZONING REQUEST RECOMMENDATION & SPECIAL USE CONSISTENCY FINDING ..	PAGE 14

ZONING REPORT

EXISTING ZONE

B-2 (General Business District); R-20 (Residential District); Portion in Alamance County without Mebane Zoning

Rezoning to R-12 (CD) (Residential Conditional District) to allow for a Planned Unit Development (PUD)

REQUESTED ACTION

Application for a Special Use Permit for a Special Purpose Lot to allow for a public sewer pump station

CONDITIONAL ZONE?

YES NO

CURRENT LAND USE

Vacant, Forested, & Single-Family Residential

PARCEL SIZE

+/-148.98 acres

PROPERTY OWNERS

Leoterra Mebane, LLC
110-A Shields Park Dr.
Kernersville, NC 27284
GPIN: 9803752741

Compass Realty Hawfields, LLC
Attn: Todd Nunn
2206 W. Market St.
Greensboro, NC 27403
GPIN: 9803677687

Christian Education Society of Mebane, Inc.
417 S. Fourth St.
Mebane, NC 27302
GPIN: 9803578931

Jeanie Kernodle
2570-K S. NC Hwy 119
Mebane, NC 27302
GPIN: 9803664499

LEGAL DESCRIPTION

Request to establish R-12(CD) zoning on +/- 148.98 acres for a Planned Unit Development of ~~288~~ 252 single-family homes and 184 townhomes, by rezoning 2570 S NC 119 (GPIN 9803664499) from R-20; rezoning an adjacent unaddressed property (GPIN 9803752741) from B-2 and R-20 and establishing zoning on a portion of the property not zoned by the City of Mebane; rezoning portions of an adjacent unaddressed property (GPIN 9803578931) from R-20; and, rezoning portions of 2502 S NC 119 (GPIN 9803677687) from B-2 by Leoterra Development, Inc.

Request for a Special Use Permit for a Special Purpose Lot to allow for a public sewer pump station on the unaddressed property (GPIN 9803752741) by Leoterra Development, Inc.

AREA ZONING & DISTRICTS

The surrounding zoning is varied. Properties north of the site are zoned M-2 (Light Manufacturing), MHP (Manufactured Home Park), and R-20 (Residential District). A R-20 (Residential District) zoning district is to the west and a MHP (Manufactured Home Park) zoning district is to the east of the site. Properties south of the site are outside of Mebane's Extraterritorial Jurisdiction and not zoned by Mebane.

SITE HISTORY

Most of the site is either vacant or forested and was formerly used for agriculture. The site includes wetlands and a stream. Additionally, a home and small cemetery are present. The proposal includes rezoning of undeveloped portions of two adjacent properties, with one currently occupied by a healthcare and rehabilitation facility and the other approved for a private school.

STAFF ANALYSIS

CITY LIMITS? YES NO

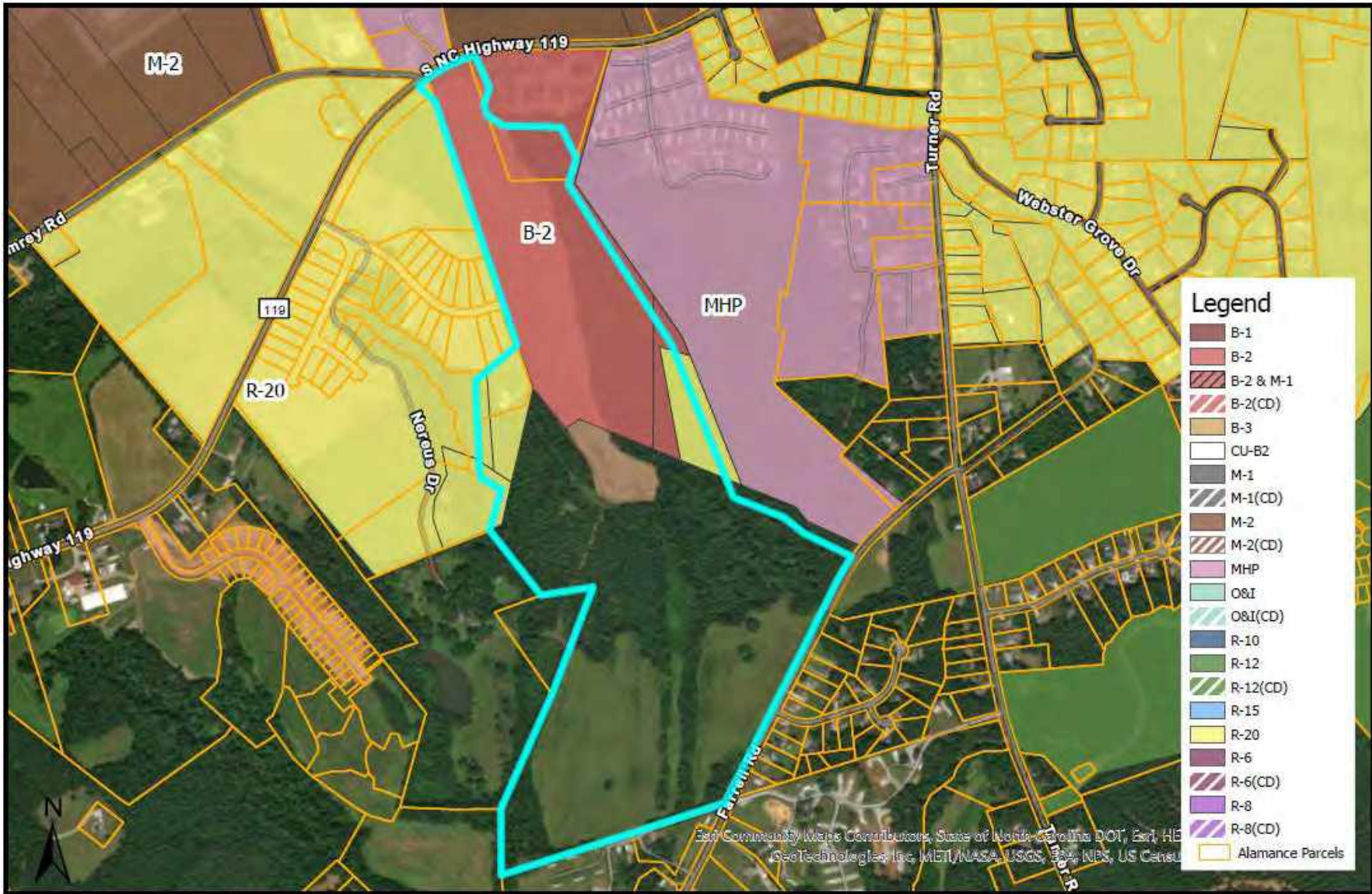
PROPOSED USE BY-RIGHT? YES NO

SPECIAL USE? YES NO Required for public sewer pump station

EXISTING UTILITIES? YES NO The applicant is proposing off-site water and sewer improvements.

POTENTIAL IMPACT OF PROPOSED ZONE

The proposed zoning district will support single-family residential use, consistent with surrounding residential zoning. It is similar to the nearby R-12 zoning for Cambridge Park, a Planned Unit Development with a mix of single-family detached and townhome units. The proposed zoning district introduces greater residential density than the immediately adjacent zoning districts and unzoned properties.



**CITY OF MEBANE
ZONING MAP**

Hawfields Landing

1 inch = 900 feet

DATE: 04/05/2022

DRAWN BY: AO

LAND USE REPORT

EXISTING LAND USE	Vacant, Forested, & Single-Family Residential
PROPOSED LAND USE & REQUESTED ACTION	The applicant is requesting a conditional rezoning to develop +/-148.98 acres for a Planned Unit Development that includes 184 townhome units and 288 252 single-family, detached homes, with the 31 lots along Farrell Road being a minimum lot area of 15,000 square feet.
PROPOSED ZONING	R-12(CD) (Residential Conditional District)
PARCEL SIZE	+/-148.98 acres
AREA LAND USE	<p>The North Carolina Commerce Park is north of the site, across NC 119, and includes warehouse uses. Manufactured home parks exist to the north, east, and south, along with a RV park south of the site. Recently approved developments are immediately west of the site and include Summerhaven, a residential subdivision with minimum lot sizes of 20,000 square feet; and Bradford Academy, a private school. Additionally, large-lot, single-family residential properties border the site to the west. Single-family residential neighborhoods, with average lot sizes ranging from a half-acre to an acre, are south of the site along Farrell Road. Cambridge Park, a 731-unit Planned Unit Development with townhomes and single-family, detached homes, is south of the site across Turner Road.</p> <p>The applicant proposes to provide +/-2,188 linear feet of a 10' public multi-use path along the eastern portion of the site's frontage on NC 119 and for a certain distance along one side of Street "A". The applicant is proposing the multi-use path terminate upon connection to an internal walking path. The walking path will be paved and 8' in width, with the width narrowing to 6' for a creek crossing. The applicant is proposing to dedicate a portion of the walking path (from Lot 288 to Lot 259) to the City of Mebane as part of the subdivision's public recreational requirements. Areas of the path not constructable to ADA requirements are proposed to remain private.</p>
ONSITE AMENITIES & DEDICATIONS	<p>The applicant is proposing to construct a public sewer pump station (400 GPM) on a special purpose lot, to be dedicated to the City of Mebane, in the southernmost corner of the lot.</p> <p>The applicant is proposing the following private amenities: swimming pool, cabana, playground, walking path, multi-purpose field, dog park, grill areas, picnic shelter with fire pit, and recreational games, including permanent cornhole stations and pickle ball courts.</p>

WAIVER REQUESTED

YES NO

The development standards for Planned Unit Developments (PUDs) permit deviations from typical lot area, lot coverage, lot width, and building setback requirements. Certain dimensions are specified in the standards and the applicant is requesting waivers from the following:

DESCRIPTION OF REQUESTED WAIVER(S)

- The development standards for PUDs require side yards of 10' for "individual and unattached buildings". ~~The applicant is requesting a minimum side setback of 7' for single family, detached homes.~~
- The development standards for PUDs specify the front setback should be "similar to the underlying zoning district." The R-12 Zoning District front setback is 30'. The applicant is requesting 20' front setbacks for the townhomes and single-family, detached homes.
- The development standards for PUDs specify periphery lots adjacent to single-family homes should meet minimum standards for the zoning district. The applicant is not showing any deviation in lot sizes for those on the periphery of the property adjoining residential properties to the west ~~or properties except for the 15,000-square foot lots~~ along Farrell Road. Common elements do separate the proposed homes from existing single-family homes.

A payment *in lieu* of providing 11.97 acres of required public recreational space.

CONSISTENCY WITH *MEBANE BY DESIGN* STRATEGY

LAND USE GROWTH STRATEGY DESIGNATION(S)	G-2 Residential Growth Area (Jones Drive & South Mebane Oaks Road) Conservation Area
--	---

<i>MEBANE BY DESIGN</i> GOALS & OBJECTIVES SUPPORTED	OPEN SPACE AND NATURAL RESOURCE PROTECTION 4.3 Support park, greenway, and open space expansion in developed and developing areas, prioritizing connectivity between each location.
---	--

<i>MEBANE BY DESIGN</i> GOALS & OBJECTIVES <u>NOT</u> SUPPORTED	
--	--



PLANS

THESE PLANS, SPECIFICATIONS, CONTRACT DOCUMENTS AND SCHEDULES (HEREINAFTER REFERRED TO AS "CONTRACT DOCUMENTS") SHALL BE READ IN CONJUNCTION WITH THE CITY OF MEBANE STANDARD SPECIFICATIONS FOR CONSTRUCTION AND THE CITY OF MEBANE STANDARD SPECIFICATIONS FOR UTILITIES.

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GENERAL NOTES

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF MEBANE STANDARD SPECIFICATIONS FOR CONSTRUCTION AND THE CITY OF MEBANE STANDARD SPECIFICATIONS FOR UTILITIES.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF MEBANE.
3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES.
5. THE CONTRACTOR SHALL MAINTAIN ADEQUATE DRAINAGE AND EROSION CONTROL MEASURES THROUGHOUT CONSTRUCTION.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND RESTORATION OF ALL TREES AND LANDSCAPE FEATURES.
7. THE CONTRACTOR SHALL MAINTAIN ADEQUATE ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND RESTORATION OF ALL TREES AND LANDSCAPE FEATURES.
9. THE CONTRACTOR SHALL MAINTAIN ADEQUATE DRAINAGE AND EROSION CONTROL MEASURES THROUGHOUT CONSTRUCTION.
10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND RESTORATION OF ALL TREES AND LANDSCAPE FEATURES.

CONSTRUCTION SCHEDULE

1. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.

2. THE CONTRACTOR SHALL MAINTAIN ADEQUATE ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.

3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND RESTORATION OF ALL TREES AND LANDSCAPE FEATURES.

4. THE CONTRACTOR SHALL MAINTAIN ADEQUATE DRAINAGE AND EROSION CONTROL MEASURES THROUGHOUT CONSTRUCTION.

5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND RESTORATION OF ALL TREES AND LANDSCAPE FEATURES.

OVERALL UNIT COUNT

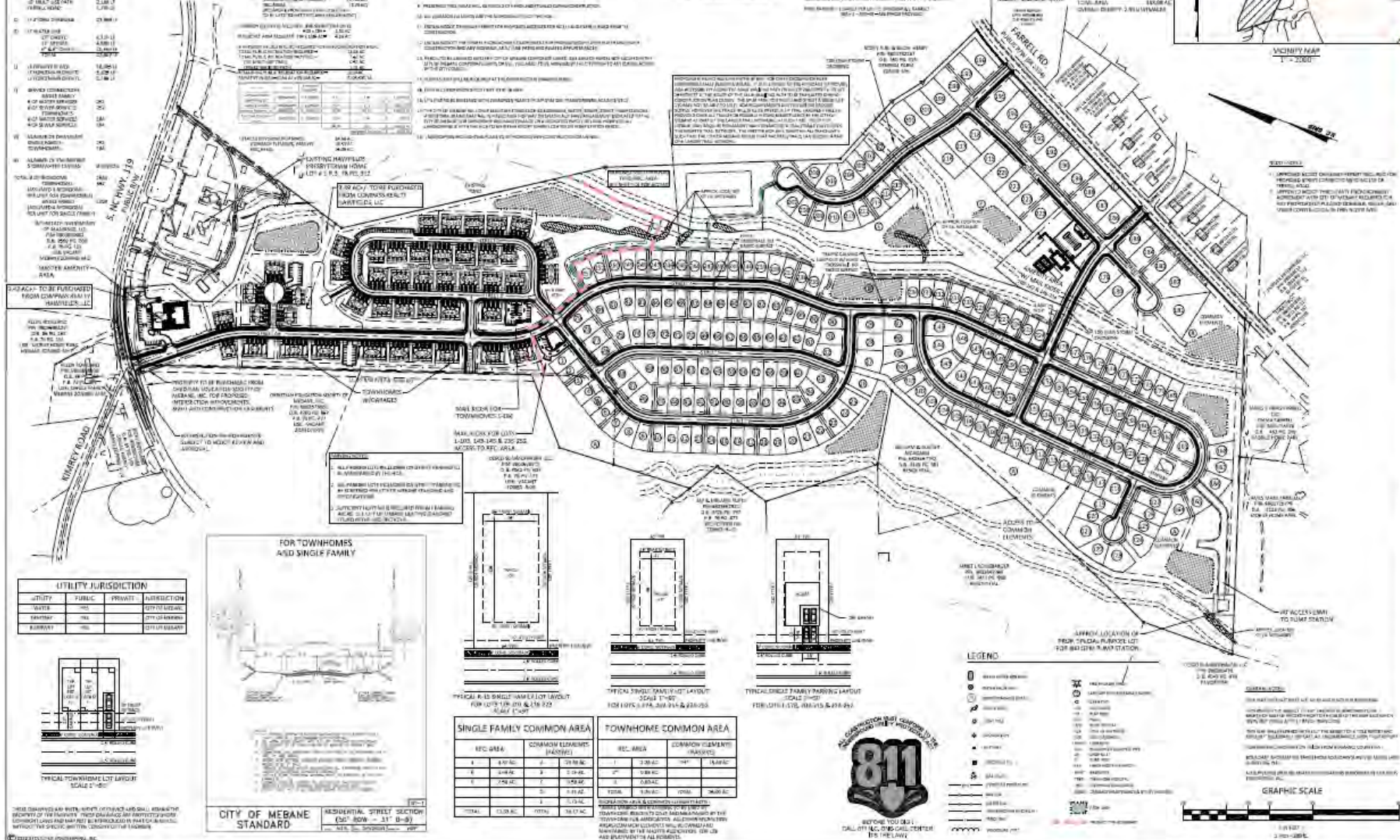
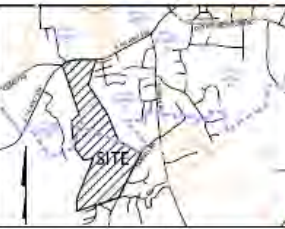
TYPE	QUANTITY	W/COMMON ELEMENTS	TOTAL
SINGLE-FAMILY	20	0	20
TOWNHOMES	10	0	10
TOTAL	30	0	30

LEGEND

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- 100" = 1" (AS SHOWN)

OVERALL UNIT COUNT

TYPE	QUANTITY	W/COMMON ELEMENTS	TOTAL
SINGLE-FAMILY	20	0	20
TOWNHOMES	10	0	10
TOTAL	30	0	30



Adrian B. Souders, P.E., C.E. (P) 252-336-1100
 asouders@seim.com
 3300 S.W. 100th Ave.
 Kennerly, NC 27284

SEIM
 SOUTHERN ENGINEERING & INFRASTRUCTURE MANAGEMENT

HAWFIELDS LANDING
 OVERALL PRELIMINARY PLAN

PROJECT: HAWFIELDS LANDING
 COUNTY: ALABAMA
 TOWNSHIP: FORESTBROOK

REVISIONS

DATE	DESCRIPTION
01/15/2024	ISSUE FOR PERMIT COMMENTS
02/01/2024	ISSUE FOR PERMIT COMMENTS
02/15/2024	ISSUE FOR PERMIT COMMENTS
03/01/2024	ISSUE FOR PERMIT COMMENTS
03/15/2024	ISSUE FOR PERMIT COMMENTS
04/01/2024	ISSUE FOR PERMIT COMMENTS
04/15/2024	ISSUE FOR PERMIT COMMENTS
05/01/2024	ISSUE FOR PERMIT COMMENTS
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11/01/2024	ISSUE FOR PERMIT COMMENTS
11/15/2024	ISSUE FOR PERMIT COMMENTS
12/01/2024	ISSUE FOR PERMIT COMMENTS
12/15/2024	ISSUE FOR PERMIT COMMENTS

DATE: 01/15/2024
 DRAWN BY: [Name]
 DATE: 01/15/2024
 CHECKED BY: [Name]
 DATE: 01/15/2024
 SCALE: 1"=200'

C1
 1 OF 7

UTILITIES REPORT

AVAILABLE UTILITIES	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
	<p>Per the memorandum from Franz Holt of AWCK, the project has an estimated domestic water and sewer demand of 73,800 65,400 gallons per day (gpd) to support the development's 492 436 dwelling units. The estimated sewer demand of 73,800 65,400 gpd is according to historical data. Per the NCDEQ 2T rules, the permitted wastewater flow totals 214,080 187,200 gpd for all residences.</p> <p>Water service requires off-site extension of a 12-inch public water main along NC 119 and connections to improvements of the Cambridge Park subdivision. Internal water lines will be 8-inch, with 6-inch lines on short cul-de-sacs. Sewer service requires construction of a public sewer pump station, 8-inch force main, and 8-inch gravity collection system. The pump station has a design capacity of 230,400 187,200 gpd, with allowance for an increase in capacity with the change of pump impeller size only. The public sewer pump station will be constructed on a Special Purpose Lot, with adequate screening, fencing, and access easements. All on- and off-site water and sewer lines and pump station improvements will be City-maintained when completed in accordance with requirements.</p>
PROPOSED UTILITY NEEDS	
UTILITIES PROVIDED BY APPLICANT	Applicant has pledged to provide all on-site utilities, including a publicly-dedicated sewer pump station as described in AWCK's Technical Memo.
MUNICIPAL CAPACITY TO ABSORB PROJECT	The City has adequate water & sewer supply to meet the domestic and fire flow demands of the project. Per City policy to limit accumulated paper flow, the permitting of wastewater will be by individual phase, with 50% of home starts (paid system development fees) before permitting the next phase. Additionally, the City is pursuing a flow reduction study to reduce the State's 120 GPD per bedroom to 80 GPD per bedroom to match with Mebane's Water Resource Recovery Facility.
CONSISTENCY WITH MEBANE LONG RANGE UTILITY PLAN?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
ADEQUATE STORMWATER CONTROL?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
INNOVATIVE STORMWATER MANAGEMENT?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

TRANSPORTATION NETWORK STATUS

The proposed development includes three driveway connections, with one on S NC Hwy 119 and two on Farrell Road.

CURRENT CONDITIONS

North Carolina 119 is a primary north-south route in the Mebane area, operating as a two-lane undivided highway between Trollingwood-Hawfields Road and Kimrey Road. In 2019, the average daily traffic volume in this area was 12,500 trips. North of the subject property, NC 119 registers a Safety Score of 66.7, reflecting a history of traffic incidents. South of the site, the Safety Score slightly improves to 55.5. This stretch of NC 119 is currently operating at a Level of Service D, which is expected to degrade in the next twenty years due to the presence of the new Alamance County high school. By 2026, the NCDOT is expected to complete a project to widen NC 119 north of Trollingwood-Hawfields Road/Old Hillsborough Road. Additionally, the developer of Cambridge Park is expected to provide improvements at the Trollingwood-Hawfields Road/Old Hillsborough Road intersection and construct an exclusive southbound left turn lane at the intersection with Turner Road.

Farrell Road and Turner Road are state-maintained secondary routes. NCDOT average daily traffic counts are only available for the portion of Turner Road between NC 119 and Webster Grove Drive, which recorded 2,700 daily trips in 2019. The TIA estimates 500 daily trips on Farrell Road during 2019. Turner Road has a poor safety score of 66.8 and recorded a fatal crash involving a pedestrian in 2020. The developers of Cambridge Park are to install a westbound left-turn lane on Turner Road at the intersection with NC 119.

TRAFFIC IMPACT ANALYSIS REQUIRED?

YES NO

DESCRIPTION OR RECOMMENDED IMPROVEMENTS

The TIA forecasts the NC 119 and Kimrey Road intersection to degrade in service under the "Build" scenario forecast. The applicant will install a traffic signal, provide a southbound left-turn lane with 100' of storage, and a northbound right-turn lane with 100' of storage at the intersection of NC 119 and the site driveway. Subject to available right-of-way and environmental/cultural constraints, the applicant will provide an eastbound right-turn lane with 100' of storage at the intersection of NC 119 and Trollingwood-Hawfields/Old Hillsborough Road.

The TIA reflects a currently failing level of service at the intersection of NC 119 and Turner Road. It is anticipated to slightly improve with the installation of a traffic signal at NC 119 and Kimrey Road but will continue to degrade at full build out of the project. The applicant is committing to dedicating \$600,000 to intersection improvements, including a traffic signal, upon the construction of the 215th home.

The applicant will construct the site driveway at NC 119 with one ingress and two egress lanes, consisting of a shared left/through lane and an exclusive right-turn lane.

**CONSISTENCY WITH THE
MEBANE BICYCLE AND
PEDESTRIAN TRANSPORTATION
PLAN?**

YES NO

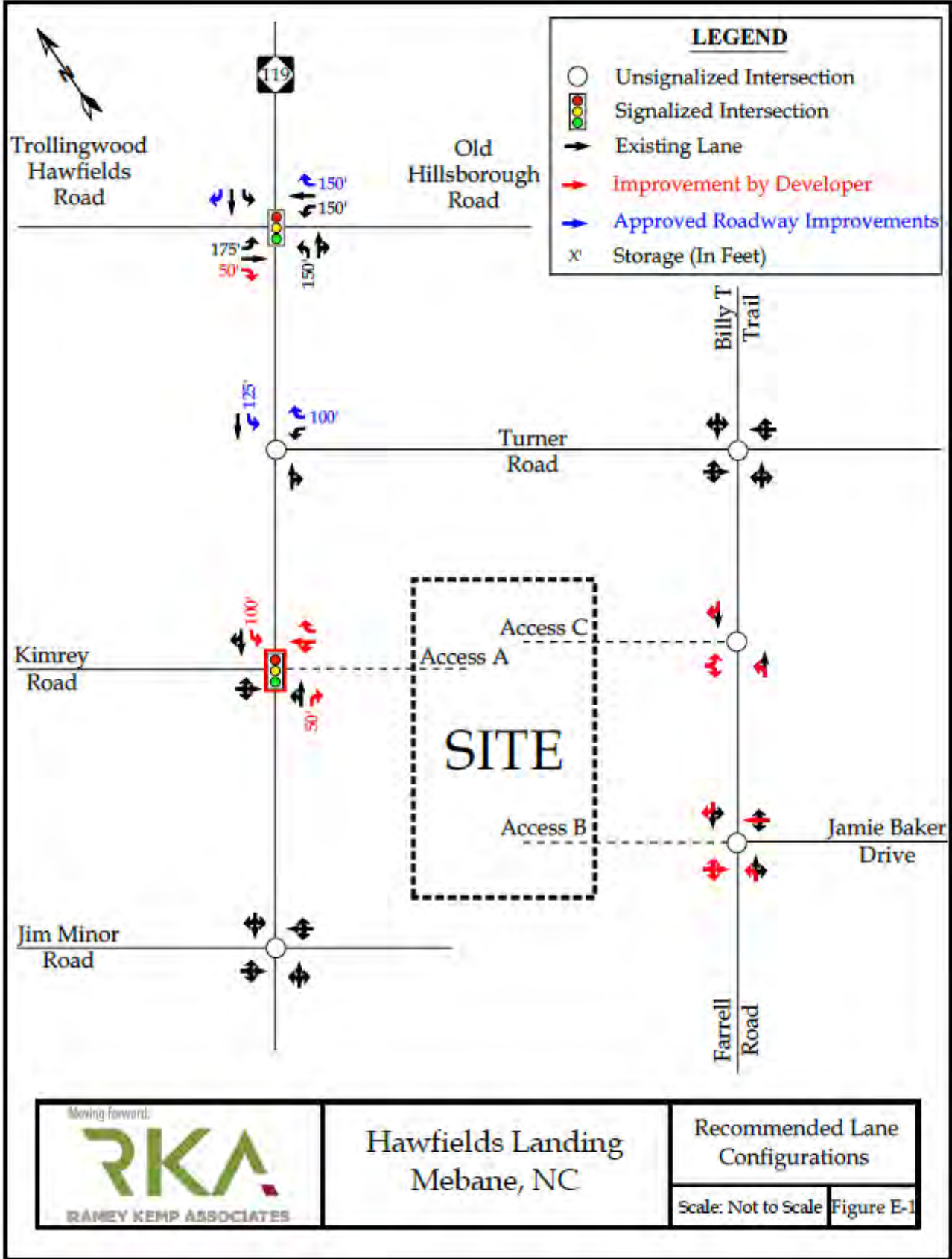
**MULTIMODAL IMPROVEMENTS
PROVIDED BY APPLICANT?**

YES NO

**DESCRIPTION OF MULTIMODAL
IMPROVEMENTS**

The applicant proposes to provide +/-2,188 linear feet of a 10' public multi-use path, including along frontage with NC 119 as required by the City of Mebane *Bicycle and Pedestrian Transportation Plan*. The multi-use path will continue for a certain distance along Street "A".

The applicant is proposing internal traffic calming, including four-way stop conditions and high-visibility crosswalks on Street "A".



STAFF RECOMMENDATION

STAFF ZONING RECOMMENDATION APPROVE DISAPPROVE

STAFF SPECIAL USE FINDING CONSISTENT NOT CONSISTENT.....WITH *MEBANE BY DESIGN*

RATIONALE

The proposed development “Hawfields Landing” is consistent with the guidance provided within *Mebane By Design*, the Mebane Comprehensive Land Development Plan. Specifically, the site is in a residential growth strategy area and serves Goal 4.3. The proposed project will be developed as a Planned Unit Development and is in harmony with the single-family residential uses of nearby properties. The Special Purpose Lot supporting this residential growth shall be screened and fenced in accordance with the City’s UDO and is consistent with the City’s adopted plans, including the Long-Range Utility Plan.

PUBLIC INTEREST CONFORMANCE?	
ENDANGER PUBLIC HEALTH OR SAFETY?	<input type="checkbox"/> YES <input type="checkbox"/> NO
SUBSTANTIALLY INJURE THE VALUE OF ADJOINING OR ABUTTING PROPERTY?	<input type="checkbox"/> YES <input type="checkbox"/> NO
HARMONIOUS WITH THE AREA IN WHICH IT IS LOCATED?	<input type="checkbox"/> YES <input type="checkbox"/> NO
CONSISTENT WITH <i>MEBANE BY DESIGN</i>, THE MUNICIPAL COMPREHENSIVE LAND DEVELOPMENT PLAN?	<input type="checkbox"/> The application is consistent with the objectives and policies for growth and development contained in the City of Mebane Comprehensive Land Development Plan, <i>Mebane By Design</i> , and, as such, has been recommended for approval.
	<input type="checkbox"/> The application is not fully consistent with the objectives and policies for growth and development of the City of Mebane Comprehensive Land Development Plan, <i>Mebane By Design</i> , but is otherwise in the public interest and has been recommended for approval. The Comprehensive Land Development Plan must be amended to reflect this approval and ensure consistency for the City of Mebane’s long-range planning objectives and policies.
	<input type="checkbox"/> The application is not consistent with the objectives and policies for growth and development of the City of Mebane Comprehensive Land Development Plan, <i>Mebane By Design</i> , and, as such, has been recommended for denial.



June 1, 2022

Aden Stoltzfus, PE
Stoltzfus Engineering Inc.
683 Gralin Street
Kernersville, NC 27284

Subject: Hawfields Landing – Water and Sewer System

Regarding the subject Preliminary Subdivision Plans and in accordance with the UDO, this letter indicates that I have reviewed the preliminary water and sewer system layout and find it acceptable and meets City standards based on the following:

- A. Water system – The developer plans to extend a public 12-inch water main along 119 from the intersection with Trollingwood-Hawfields Road. The 12-inch line will loop through the development, Farrell Road, and Turner Road connecting with the Cambridge Park water line extension when completed. Other internal water lines will be 8-inch with 6-inch lines on short cul-de-sacs. The city does not need the proposed 8-inch stub to Summerhaven served by Orange-Alamance Water System, Inc. All on and off-site water lines will be public, and city maintained when completed. The City has adequate water capacity available to meet the domestic demand at approximately 65,400 gallons per day (gpd) at 150 gpd per residence and fire flow requirements.
- B. Sanitary Sewer system – The developer plans to serve the project with a 325 gallon per minute (gpm) public pump station, an 8-inch force main, and 8-inch gravity collection system. The pump station will have a design capacity of 187,200 gpd. However, the design shall allow for an increase in capacity (1.33 times initial capacity) with the change of pump impeller size only. All on and off-site sewer line and pump station improvements will be city maintained when completed. The proposed pump station requires its own “*special purpose lot*” with adequate landscape buffering, fencing, access easement, as shown with the plans. The construction design must also ensure that equipment-producing noise or sound more than seventy decibels shall be located no closer than one hundred feet to the nearest residence.

The permitted wastewater flow based on 184 3-bedroom townhomes at 360 gpd or 120 gpd per bedroom per NCDEQ 2t rules is 66,240 gpd. Additionally, the 252 4-bedroom homes at 480 gallons per day or 120 gpd per bedroom per NCDEQ 2t rules totals 120,960 gpd for a grand total of 187,200 gpd for all proposed residences. Based on a historical water usage of less than 150 gpd per residence the anticipated sewer flow when tributary is approximately 65,400 gallons per day.

Wastewater will flow through Mebane and Graham sewer lines and receive treatment at the Graham WWTP per interlocal agreement which allows for 0.75 million gallons per day. Per city policy to limit accumulated paper flow, the permitting of wastewater will be by individual phase with 50% home starts (paid system development fees) before permitting the next phase. In addition, the city is pursuing a flow reduction study to reduce the state’s 120 gpd per bedroom to 80 gpd per bedroom to match Mebane’s Water Resource Recovery Facility.

If there are any questions, please let me know.

Sincerely,

Franz K. Holt, City Engineer

CC: Cy Stober, Development Director
Kyle Smith, Utilities Director



Technical Memorandum

Date: June 1, 2022

To: Cy Stober, Development Director

From: Franz K. Holt, P.E.

Subject: Hawfields Landing – City Engineering review

The Engineering Department has reviewed preliminary plans for Hawfields Landing Subdivision dated May 26, 2022, prepared by Aden Stoltzfus with Stoltzfus Engineering Inc. located in Kernersville, NC. Our technical review comments are as follows:

A. General

The Hawfields Landing Subdivision is a proposed 436 unit phased residential development which includes 184 townhomes (attached) and 252 single family homes (non-attached) on 149-acres located south of S. NC Hwy. 119 (119) near Kimrey Road Intersection.

The project includes stormwater management controls (SCMs) as planned built upon area exceeds 24%. The city requires fencing SCMs with two feet of pool depth. Proposed SCMs will treat the runoff from a 1-inch rain with 10-year peak flow detention. The city will also require a flood study with the construction plan submittal which may result in greater detention requirements.

Water service requires off-site extension of a 12-inch water line along 119 from the intersection with Trollingwood-Hawfields Road and in agreement with the city's long range utility plan. In addition, the city requires these proposed improvements looped through the development and connecting to the Cambridge Park improvements on Turner Road. Typical oversizing review will occur for water line sizes greater than project need per city policy.

Sewer service requires a sewer pump station at the low point on site. The proposed pump station and related sewer force main (which proposes to discharge at the same location of the Cambridge Park force main discharges on 119) is also in agreement with the city's long range utility plan. The city requires public pump stations being located on a special purpose lot with landscape buffers, fencing, an appropriate lot size and access, and sound or noise limitations. The public pump station will be able to serve other property draining to it and city maintained when completed.

Proposed internal streets are to be public and to the city standard of 31-ft. b-b roll curb for and gutter section for local residential streets. The preliminary plans show sidewalks on both sides of the streets that connect 119 to Farrell Road and on one side of all other streets. A ten' wide multi-use path will extend along the 119 frontage, along proposed Street A, and terminate at the intersection with the proposed eight' wide trail. Roadway connections are at 119, Farrell Road, and the adjacent Summerhaven residential subdivision.



The developer will need to acquire easements for proposed off-site utility improvements. In addition, the developer will need to acquire easements and or right-of-way may for the proposed turn lane and signal improvements on 119.

The developer will apply for NCDOT driveway permits and encroachment agreements for related improvements and street connections.

Amenities include a pool, internal walking path, play field, picnic shelter, outdoor grill, fire pit, corn hole and pickle ball courts all being private, and HOA maintained.

Any proposed stream and wetland impacts will require USACE and NCDEQ approvals. The City of Mebane conducts review and authorization of any proposed buffer impacts.

An existing private cemetery is located on site and will have its own dedicated lot with a fence around the grave sites.

B. Water and Sewer System Layout

Regarding the subject Preliminary Subdivision Plans and in accordance with the UDO, I have reviewed the preliminary water and sewer system layout and find it acceptable and meets City standards based on the following:

1. Water system – The developer plans to extend a public 12-inch water main along 119 from the intersection with Trollingwood-Hawfields Road. The 12-inch line will loop through the development, Farrell Road, and Turner Road connecting with the Cambridge Park water line extension when completed. Other internal water lines will be 8-inch with 6-inch lines on short cul-de-sacs. The city does not need the proposed 8-inch stub to Summerhaven served by Orange-Alamance Water System, Inc. All on and off-site water lines will be public, and city maintained when completed. The City has adequate water capacity available to meet the domestic demand at approximately 65,400 gallons per day (gpd) at 150 gpd per residential unit and fire flow requirements.
2. Sanitary Sewer system – The developer plans to serve the project with a 325 gallon per minute (gpm) public pump station and an 8-inch force main and 8-inch gravity collection system. The pump station will have a design capacity of 187,200 gpd. However, the design shall allow for an increase in capacity (1.33 times initial capacity) with the change of pump impeller size only. All on and off-site sewer line and pump station improvements will be city maintained when completed. The proposed pump station requires its own “*special purpose lot*” with adequate landscape buffers, fencing, and access easement (as shown with the plans). The construction design must also ensure that equipment-producing noise or sound more than seventy decibels shall be located no closer than one hundred feet to the nearest residence.



The permitted wastewater flow based on 184 3-bedroom townhomes at 360 gpd or 120 gpd per bedroom per NCDEQ 2t rules is 66,240 gpd. Additionally, the 252 4-bedroom homes at 480 gallons per day or 120 gpd per bedroom per NCDEQ 2t rules totals 120,960 gpd for a grand total of 187,200 gpd for all proposed residences. Based on a historical water usage of less than 150 gpd per home the anticipated sewer flow when tributary is approximately 65,400 gallons per day.

Wastewater will flow through Mebane and Graham sewer lines and receive treatment at the Graham WWTP per interlocal agreement (which allows for 0.75 million gallons per day). Per city policy to limit accumulated paper flow the permitting of wastewater will be by individual phase with 50% home starts (paid system development fees) before permitting the next phase. In addition, the city is pursuing a flow reduction study to reduce the state's 120 gpd per bedroom to 80 gpd per bedroom to match Mebane's Water Resource Recovery Facility.

C. Watershed Overlay District and Phase II Stormwater Requirements

1. Watershed Overlay District requirements provided under Sec. 5.2 of the UDO.

These requirements in the UDO are for the Back-Creek Watershed, which includes the Graham-Mebane Lake. The Hawfields Landing project is tributary to Haw Creek, a Class V watershed and the Watershed Overlay District requirements do not apply to this project. This type of watershed classification (Class V) does not have density restrictions or built upon restrictions as required for the Graham-Mebane Lake watershed.

2. Phase II Stormwater Post Construction Ordinance

Sec. 5.4 in the UDO provides standards for Storm Water Management and 5.4.F requires compliance with the Mebane Post Construction Runoff Ordinance (which is a stand-alone ordinance titled the Phase II Stormwater Post Construction Ordinance (SPCO)). The standards in the UDO are general standards as the Ordinance itself provides detailed standards. The SPCO does apply to this project as it will disturb more than one acre of land and will have built upon area more than 24% of the site. The project proposes nine engineered storm water control devices (noted as bmps on plans) which will require fencing if constructed as wet ponds or bio retention, sand filter, and or wetlands storing two feet or more of surface water. These devices are HOA maintained with financial guarantees provided to the City to ensure maintenance.

D. Storm Drainage System

Sec. 5-4. D. in the UDO provides requirements for storm drainage systems. The preliminary site plans include a preliminary piping layout that indicates certain pipe locations, inlets, and discharge points to engineered storm water control devices.



E. Street Access and TIA

All internal streets are to be public, and city maintained when completed. The city standard for local residential streets is a 31-ft. b-b roll curb and gutter section. Street connections are to 119, Farrell Road, and Summerhaven residential subdivision. Sidewalks and multi-use paths in street right-of-way or paralleling in appropriate easement will be city maintained when completed. The city may maintain the paved trail system if in acceptable condition, is ADA compliant, and serves other areas outside of the development.

The developer provided a Traffic Impact Analysis required for the project. City and NCDOT review agree with the recommended improvements and additional measures as follows:

NC 119 and Trollingwood-Hawfields Road/Old Hillsborough Road

- Subject to available right of way and environmental constraints, provide an exclusive eastbound right-turn lane with one hundred feet of storage and appropriate deceleration taper.

NC 119 and Kimrey Road

- Install traffic signal.
- Provide an exclusive northbound right-turn lane on NC 119 with one hundred feet of storage and appropriate deceleration taper.
- Provide exclusive northbound and southbound left-turn lanes on NC 119 with one hundred feet of storage and appropriate transitions.
- Construct Access A with one ingress lane and two egress lanes consisting of a shared left/through lane and an exclusive right-turn lane.

Farrell Road and Jamie Baker Drive/Access B

- Construct Access B with one ingress lane and one egress lane under stop control.

Farrell Road and Access C

- Construct Access C with one ingress lane and one egress lane under stop control.

Turner Road and NC 119

- The developer has indicated that he will contribute \$600,000 towards a NCDOT project for improvements to this intersection and the above mentioned exclusive eastbound right-turn lane at NC 119 and Trollingwood-Hawfields Road/Old Hillsborough Road. NCDOT is currently preparing a conceptual design and related cost estimate for signal and turn lane improvements at Turner Road/119. Additional NCDOT funding may include Cambridge Park commitments to this intersection.

F. Construction Plan Submittal

The UDO indicates that construction plans for all street facilities, including water and sewer facilities, shall follow preliminary plat or site plan approval (not at this stage). The provided utility plan shows the proposed water lines, sewer lines, and storm drainage and stormwater management devices to indicate that the project is feasible for utility service and providing stormwater management. Appendix E of the UDO includes a Construction Document checklist. The project engineer provides this check list with construction plan submittal. Based on city engineering review of the referenced preliminary site plans, it is my opinion that said plans are in substantial compliance with the UDO.



AGENDA ITEM #5F

Comprehensive Amendments to the Unified Development Ordinance

Presenter

Cy Stober, Development Director

Public Hearing

Yes No

Summary

The City Council shall consider the request to amend portions of Articles 2 – 7, 10, and 12, the Official Zoning Map, and Appendices A and G of the Unified Development Ordinance (UDO). The proposed amendments are the result of six months of collaborative discussions and work with Green Heron Consulting, LLC, and a two-month public input process to ensure that the Mebane UDO is A) responsive to local concerns and priorities, most notably the goals and objectives stated in plans adopted by the City Council; B) reflective of City staff concerns on application and interpretation of the existing language in the UDO; and C) bringing the UDO into alignment with current professional practices and standards.

The proposed amendments are the first of a two-phased approach to updating and amending the Mebane UDO; the second set of amendments will be presented later this calendar year. Staff is presenting a suite of amendments in Phase 1, provided in the attachments, but perhaps most prominently featuring changes to the Tables of Permitted Uses, Dimensional Standards, Perimeter Landscaping, and Streetscaping; introducing several new uses, some with development standards; providing definitions for all permitted uses; proposing a new Zoning Map that is compliant with NCGS 160D; reconfiguring existing language for improved reference and application by staff and the public; and providing clearer guidance on issues of nonconformance.

Background

The City of Mebane UDO regulates all development and land use in the City and extraterritorial jurisdiction. The City adopted the UDO in 2008 and has regularly amended it to reflect current and emerging needs; most UDOs are replaced every 15 – 20 years. The most significant recent change was to make the UDO consistent with North Carolina General Statutes (NCGS) 160D, adopted into law in 2019. While there a small number of amendments – all noted – required to keep the Mebane UDO compliant with State and Federal laws, the majority of the proposed amendments presented are voluntary and reflective of public input, professional opinions of staff and the City consultant, or updates consistent with contemporary best practices.

Concurrent with staff efforts on recommendations, a series of eight surveys on specific topics were released to the public to good response – the City received >150 responses to Fence standards. The feedback of these surveys is summarized and attached. Most of the feedback was informative regarding aesthetics and accessibility in the City, and the results guided staff recommendations on some specifics regarding some of the recommended amendments (e.g. fence materials).

Several of the proposed Mebane UDO amendments are likely to generate more discussion than others. In an effort to distribute comments and shepherd through amendments in a timely manner, staff has opted to present changes to the UDO in two “phases”. Staff is presenting a suite of amendments in Phase 1, detailed below, but generally features changes to the Tables of Permitted Uses, Dimensional Standards, Perimeter Landscaping, and Streetscaping; introducing several new uses, some with development standards; providing definitions for all permitted uses; reconfiguring existing language for improved reference and application by staff and the public; and providing clearer guidance on issues of nonconformance. Staff will be presenting the Phase 2 round of amendments later this year, which will feature 1) an entirely new set of sign standards, 2) new parking requirements, and 3) the inclusion of new supporting illustrations to aid in public and staff interpretation of the UDO. Furthermore, should the Planning Board take more than one meeting for discussion and deliberation on the proposed amendments, staff is requesting immediate action on the subjects of Accessory Structures, Walls and Fences, and Definitions, as well as the Official Zoning Map. A summary of the of the proposed changes is provided.

Summary of Proposed Amendments

Article 2

There are three recommended amendments to Article 2:

- 1) Clarify plot plan requirements;
- 2) Incorporate pedestrian access concerns, as recommended by the City’s adopted *Bicycle and Pedestrian Transportation Plan*; and
- 3) Relocate the Developer Agreements requirement for all Major Subdivisions, Conditional Zonings, and Special Use approvals from the City to a more logical location in the UDO. No changes to the text are recommended in this amendment – it is simply a translocation.

Article 3

The needs of Article 3 are largely “good housekeeping”:

- 1) A new zoning map (see attached) that brings the City’s zoning into conformance with NCGS 160D, which eliminated conditional use (CU) districts, and brings the City zoning map’s symbology into consistency with the profession’s best practices;
- 2) Recommended revisions to the descriptions of the “Office/Institutional” (O/I) and “Commercial Business District” (B-1) zoning districts to accurately reflect their applied use; and
- 3) Relocation of the Mobile Home Overlay (“MHO”) overlay district standards currently detailed in Article 5 to their more appropriate locations in Articles 3 and 4, where they are currently cross-referenced to the Article 5 language rather than stated. The current approach creates redundancies and muddles the purpose of Article 5, which is otherwise environmental regulations.

Article 4

Article 4 has substantial recommended amendments, including multiple changes to the Tables of Permitted Uses (“TPU”) and Dimensional Standards, as well as several new land use types, including three with development standards. City staff recommendations are as follows:

- 1) Proposed elimination of the RA-20 zoning district due to A) its lack of use; and B) the broad exemptions to local land use regulations offered by NC General Statutes for *bona fide* farms.
- 2) Change the current key to the TPU so it is more user-friendly and consistent with general professional practice, switching “Z” for “P” for uses “Allowed in the Zoning district”, and “CC” for “S” for a “Special Use Permit before the City Council”.
- 3) Switching of the M-1 and M-2 districts so that the former is “Light Manufacturing” and the latter is “Heavy Manufacturing”, which is both more logical and consistent with zoning classification practices in general (the higher number, the more intensive the use).
- 4) Elimination of all accessory uses that are regulated in Section 4-2.
- 5) Elimination of uses that are not presented to staff often, are obsolete, and/or are redundant with other, more comprehensive uses:
 - Bingo Parlor
 - Fishing Lake
 - Orphanage
 - Blacksmith
 - Photocopying and Duplicating Services
 - Photofinishing Laboratory
 - Roofing Shop
 - Newsstand
 - Video Tape Rental and Sales, except Adult Video Store
 - Printing and Publishing, Incidental to a Newspaper Office
 - Manufacturing or Industrial, not listed elsewhere
 - Commercial Feeder/Breeder Operation
 - Billboard, Outdoor Advertising Sign
 - Planned Multiple Occupancy Group (Commercial, Office or Industrial)
- 6) Reassignment of several uses as having to meet the development standards provided in the UDO but, technically, not currently enforceable to due to the symbology of the Table showing them allowed by-right.
- 7) Introduction of the following new “Educational/Institutional” Uses:
 - Crematorium
 - Urgent Care Facility
 - Wellness Center
 - Vocational, Business, or Technical School (relocated from Service menu)

- 8) Introduction of the following new “Business, Professional, and Personal Services” uses:
- Automobile, ATV, and Motorcycle Repair Services, Minor
 - Automobile Repair Services, Major
 - Craft Studio
 - Makerspace
 - Medical or Dental Offices
 - Medical Office Park
 - Tattoo Parlor & Body Piercing
- 9) Introduction of “Other Hazardous Materials Trade and Storage” to the Wholesale Trade uses.
- 10) Introduction of the following new “Transportation, Warehousing, and Utilities” uses:
- Broadcast Station
 - Broadcast Studio
 - Composting Facility (as a prohibited use)
 - Data Center
 - Distribution Center
 - Junkyard or Recycling Facility (as a prohibited use)
 - Landfill, Construction & Demolition Debris (as a prohibited use)
 - Landfill, Municipal Waste (as a prohibited use)
 - Landfill, Land Clearing & Inert Debris (as a prohibited use)
 - Railyard
 - Telephone Exchange, Transformer Stations
 - Transfer Station, Municipal Solid Waste
- 11) Introduction of the following new “Temporary” uses:
- Health Care Structure
 - Temporary Debris Storage and Reduction Sites
- 12) Reallocation of multiple B-3 uses to O/I to reflect the need for larger parcels and potential impacts to neighboring properties for several uses.
- 13) Requirement of Special Use Permits for the following Manufacturing Uses:
- Batteries
 - Carpets, Bedding (M-2 only)
 - Chemicals, Paints, and Allied Products
 - Furniture and Fixtures (M-2 only)
 - Hardware and Housewares (M-2 only)
 - Manufactured Housing and Wood Buildings
 - Paper Products (M-2 only)
 - Rubber and Plastics
 - Tobacco Products
 -
- 14) Identification of the following land uses as not being permitted anywhere in Mebane:
- Four categories of Junkyards/Landfills

- Compost Facilities
 - Mining/Extraction
- 15) Established the “Microbrewery/Microdistillery” use, allowed by right in M-1 and M-2 districts and as a special use in B-1 and B-2 districts. It establishes a “micro” establishment as one having 15,000 barrels of beer or 50,000 gallons of spirit produced per site per year, as now defined in Article 12.
- 16) Amendment to Table of Dimensional Standards to reflect City needs resulting from an analysis of twelve peer communities. These amendments will allow for
- narrower residential lots with homes closer to the street in higher zoning districts;
 - more appropriately allow office and business zoning districts on properties sized to accommodate them;
 - bring businesses closer to the street by reducing front setbacks so that the frontage will primarily be the façade and landscaping; and
 - appropriately locate large employers in Manufacturing zones farther from the street and their non-Manufacturing neighbors
- 17) Clarify that garages/carports are allowed in side yards.
- 18) Clarify that accessory structures’ exterior material may only be regulated in the nationally-registered historic districts (see also Article 6 for details). This proposed amendment has been altered based upon feedback at the Planning Board meeting and further staff research.
- 19) Relocate Dumpster criteria (without change) to focus other discussion concentrating on accessory uses and structures from its current location in Article 6-3 “Landscaping”.
- 20) Revision to Fence/Wall standards for clarity, which is largely informed by the public survey regarding materials and height for side yards on corner lots.
- Prohibit welded wire as a fencing material
 - Restrict the use of chain link on residential lots to side and rear yards
 - Reduce from 15’ to 5’ the distance a corner lot side yard is allowed to have a 6’ fence
- 21) Consolidation of all Single Family Lot Standards – including Flag Lots – here, from where they are currently located in Article 7, with the few recommended changes shown. These lot standards are universal and should not be relegated to events of “subdivision”; nonconforming lots can be addressed as allowed by Article 10.
- 22) Require that Flag Lots – unless allowed by statutory exemption – to require a BOA public hearing.
- 23) Provide reference to Article 7 standards (water and sewer, sidewalk, street, and TIA requirements) for universal application, which will accordingly allow for their universal application.
- 24) Provide a cross-reference to the City Ordinance for Noise Levels and remove any/all quantitative criteria from the UDO. Noise is a police matter already addressed by the City Ordinance.
- 25) As discussed in Article 3 amendments, Mobile Home standards are proposed to be relocated to 4-7.3.A, where they were already reserved and cross-referenced to Article 5.

- 26) Allow for Patio Homes, Townhomes, Multifamily complexes (for rent and sale) to be placed closer to each other (10' vs. 20'), reflecting contemporary practices.
- 27) Provide for bicycle and pedestrian access, as recommended by the City's adopted *Bicycle and Pedestrian Transportation Plan*.
- 28) Allow all B-1 uses in PUDs and TNDs, as well as for Live/Work situations.
- 29) Remove some burdensome development standards for the Live/Work land use.
- 30) Reduce lot area threshold to allow for a detached ADU to required lot size for zoning district from the current 150% minimum lot area requirement.
- 31) Eliminate Development Standards for Public parks, though any stadiums, athletic fields, swimming pools, or other large, constructed features would remain subject to the development standards of those separate, defined uses.
- 32) Introduction of Farm Supplies and Equipment development standards – largely based on existing criteria for “Superstores” – to respond to market demand for these establishments in B-2 districts.
- 33) Introduction of Warehouse (self-storage) development standards – largely based on Burlington and Greensboro’s standards – to respond to market demand for these establishments in B-2 districts.
- 34) Introduction of Temporary Health Care Structures as a by-right use for all residential districts, as required by NCGS 160D-910.
- 35) Provide eliminate the Planned Multiple Occupancy Group land use, which is satisfactorily served already by the Shopping Center criteria (which restrict uses for facilities <15,000 s.f. in gross area and require special use permits if larger), and by the Planned Nonresidential Group standards of Section 4-4, which allows for multiple buildings on a single property by right, provided they meet development standards.
- 36) Relocation of the Highway Corridor Overlay (“MHO”) overlay district standards currently detailed in Article 5 to their more appropriate location in Article 4. The current approach places all land use types in Article 4, including overlay districts, and eliminates redundancies with Article 5, which is otherwise environmental regulations

Article 5

The only proposed amendments are the elimination of the Mobile Home and Highway Corridor Overlay districts to focus article on environmental regulations, with the descriptions relocated to Article 3 and MHO standards relocated to Article 4.

Article 6

Staff has not provided any proposed changes to the Sign standards except to bring the “Non-Commercial” signs into consistency with Supreme Court rulings (Reed v. Town of Gilbert). The following amendments are otherwise proposed:

- 1) Reference to relevant Article 7 standards here and for universal application.
- 2) Reduction of the building size to which architectural standards are applied to make it consistent with the thresholds elsewhere established for greater scrutiny (e.g. footprint to qualify as a “Neighborhood Shopping Center”).
- 3) Architectural Standards definitions have been relocated to Article 12.
- 4) Establish that the front entrance to a building must face a street.
- 5) Allow for high-quality metals, as described, as an exterior building material.
- 6) Provide amendments as recommended by the City’s adopted *Bicycle and Pedestrian Transportation Plan*.
- 7) Reduce the redevelopment threshold from 45% to 35% to require landscaping conformance.
- 8) Clarifying the small lot exemption for landscaping.
- 9) Provide reference to NCSU and NCDA documents regarding what plants qualify as “invasive” and are prohibited in Mebane (note that Appendix G has been correspondingly amended).
- 10) Eliminate the 50% landscaping reduction for development next to vacant lots and simply establish standards for that situation, as proposed in Table 6-3-1.
- 11) Proposed increases to perimeter buffers for Manufacturing zones in Table 6-3-1.
- 12) Provide for two new uses that have specified Land Use Classes for buffering and relocate “Adult Establishments” and “Warehousing” from Class 6 to Class 7.
- 13) Clarify the planting standards for Type B and Type C buffers (staff will be presenting new illustrations to support this written description to be presented in Phase 2).
- 14) Increase the streetscape requirements for Manufacturing zones and streetscaping along the interstate corridor.
- 15) Clarify the Tree Survey requirements and purpose to reflect staff application and contemporary practices/technology.
- 16) Relocation of Dumpster criteria to Article 4.
- 17) Proposed parking amendments to accommodate more modes of transportation and simplify Table 6-4-2 while allowing for more standard 9’x18’ perpendicular parking spaces.
- 18) Allow curb and gutter waiver for parking areas by City Engineer rather than City Council.
- 19) Proposed restructuring of the Open Space and Recreation requirements to allow for simpler interpretation while not significantly altering current approach, except to require public recreation dedication by for-rent multifamily and townhome developments; and create new

- standards for B-1 and infill development types so that they do not have impossible recreation and open space criteria to meet in small, constrained lots.
- 20) Removing stormwater wet ponds as creditable open space, and giving 50% credit for other environmental features (floodplains, steep slopes, etc.).

Article 7

- 1) Repeat subdivision exemptions in this section so that they are not only located in the definition for “Subdivision” in Article 12.
- 2) Relocate Lot Standards to Article 4 for universal application with very few changes.
- 3) Address driveway requirement at 50+ lots, to ensure that staff is evaluating these for constructability prior to getting to City Council discussion.
- 4) Expressly discourage private streets.

Article 10

- 1) Clarifying nonconformance language for staff enforceability purposes.
- 2) Clarify that the condemnation/acquisition process – whether voluntary or forced – allows for continued nonconformance of affected lots and structures, including signs.
- 3) Allow for continued improvement of nonconforming structures without penalty until property is redeveloped.
- 4) Clarify need for sign and site conformance with redevelopment/improvement.
- 5) Clarify application of planning police powers to address nonconformances by establishing thresholds for enforcement that also allow for minor improvements to sites and structures, including the provision of conforming features (e.g. new signs).

Article 12

- 1) Integrates all Permitted Uses and Architectural definitions into definitions
- 2) Provides statutory cross-references for Adult Uses, Temporary Health Care Structures, and Hazardous Waste facilities.
- 3) Provide clarity on lot frontages, yards, and setbacks. Currently, the UDO is either ambiguous or contradictory on whether staff should recognize only one “front” to a lot or that every street frontage of a lot should be treated as a “front”, with the appropriate setbacks, landscaping, etc., applied. The definitions proposed are intended to clarify the matter and make it clear that every lot in Mebane has one front; all other frontages are “sides”, including dual frontage and corner lots. The definition provides an iterative approach to making the determination on which frontage is the primary frontage.

Appendix A

Brings Plot Plan requirements up to date with staff needs and to maintain NPDES Phase II and MS4 compliance, ensuring that onsite drainage accesses private and public stormwater infrastructure.

Appendix G

Updates Plant list to eliminate invasive species and promote native species

Financial Impact

N/A

Staff Recommendation

Staff recommends approval of the presented amendments for amendment of the Mebane UDO.

Suggested Motion

Motion to approve the amendments to the City of Mebane Unified Development Ordinance as presented. The amendments are consistent with the objectives and policies for growth and development in the Comprehensive Land Development Plan *Mebane By Design*, and are mostly required by State law.

Attachments

1. UDO Survey Report
2. Proposed new Zoning Map
3. Proposed amendments to the Table of Permitted Uses
4. Proposed text amendments to the Unified Development Ordinance

SUMMARY OF UDO SURVEY RESPONSES

As part of the Planning Department's efforts to revise the Mebane Unified Development Ordinance (UDO), we launched a series of surveys to gather input on the following topics:

- Fences and Accessory Structures
- Property Standards
- Open Space and Landscaping
- Parking
- Signs
- Table of Permitted Uses
- Nonconformities

These surveys were open from mid-January 2022 through the end of February. They were advertised on the City's website and Facebook page.

This report summarizes the responses from the following surveys:

- Parking - Page 2
- Property Standards - Page 3
- Fences and Accessory Structures - Pages 4&5
- Open Space and Landscaping - Page 6

Copies of each survey form are provided in a [separate appendix](#).

Prior to launching the surveys, the Planning Department held an open house and information session on December 13th, 2021. Posters on each topic were presented during the open house. These posters influenced the design of the public input surveys and are available on the City's Website: <https://cityofmebanenc.gov/udo-info-posters/>.

PARKING STANDARDS

WHAT DID WE ASK?

We asked respondents to consider where more parking is needed for bicycles, ADA spaces, electric vehicle charging stations, and compact cars.

We asked if there were any locations with too much or too little parking for standard motor vehicles.

WHO RESPONDED?

- 97 survey responses
- 96% of respondents live in or around Mebane
- 9% own a business in Mebane

WHAT DID WE LEARN?

Respondents would like to see MORE...

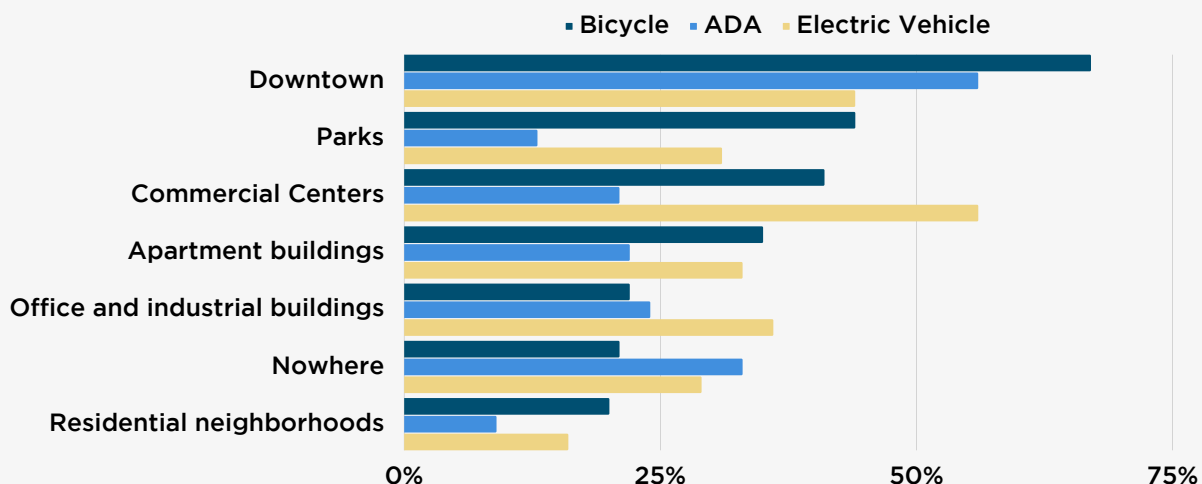
- Bike parking in Downtown, at Parks, and in Commercial Centers.
- ADA spaces in Downtown.
- Electric vehicle charging in Commercial Centers and Downtown.

A majority of respondents do not want dedicated compact car parking.

Large commercial sites were often mentioned as having too much parking for standard motor vehicles. While, Downtown was listed as having too little parking for standard motor vehicles.

WHERE IS MORE PARKING NEEDED?

Percentages are calculated from 97 unique responses. Respondents could select multiple options.



PROPERTY STANDARDS

WHAT DID WE ASK?

We asked respondents to consider four illustrations of development and asked if those are preferred near Downtown and other commercial centers, on the fringes of Mebane, nowhere, or other.

WHO RESPONDED?

- 123 survey responses
- 97% of respondents live in or around Mebane.
- 6% own a business in Mebane.
- 6% work in Mebane as developer, engineer, etc.

WHAT DID WE LEARN?

Outside of Mebane's Downtown and commercial centers, respondents indicated a preference for larger lot developments. Walkability is preferred nearer Downtown.

Respondents were in general agreement on the following:

- Houses with bigger yards are preferred on the fringes of Mebane (82.1%).
- Parking in driveways is preferred on the fringes of Mebane (61.8%).
- On-street parking is not desired (65.9%).
- Walkability to businesses is preferred near Downtown and other commercial centers (72.4%).
- Neighborhoods with privacy and quiet is preferred on the fringes of Mebane (79.7%).

Less agreement existed for three of the illustrations:

- Houses closer to the street are slightly preferred nowhere.
- Limited businesses in neighborhoods is not clearly preferred in a particular area.
- Tight knit, walkable neighborhoods are not clearly preferred in a particular area.



FENCE MATERIALS AND LOCATION

WHAT DID WE ASK?

We asked respondents to consider if various types of fence materials should be permitted in residential yards.

We asked if fences greater than four feet in height should be setback a certain distance from the street.

WHO RESPONDED?

- 142 survey responses
- 98% of respondents live in or around Mebane
- 3% own a business in Mebane
- 2% work in Mebane as developer, engineer, etc.

WHAT DID WE LEARN?

Most respondents indicated that the following should be permitted fence materials:

- Aluminum, Iron, Steel (86%)
- Vinyl (68%)
- Wood & Welded Wire (63%)
- Wood (61%)

About half of the respondents indicated that chain link and vinyl-coated chain link should be a permitted fence materials. 40% of respondents indicated that these chain link materials should only be permitted for use in rear and side yards.

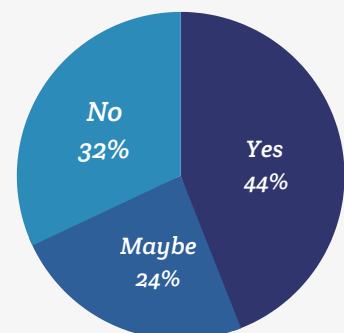
The following themes about fence materials emerged among the public comments:

- Any non-hazardous materials should be allowed.
- More affordable materials should not be prohibited.
- Fences should be neat and in good repair.

Responses varied for the questions about fence height and location, however some key themes emerged:

- Fences should not impede visibility at intersections.
- Property owners should be able to have privacy and maximize the use of their land.

Should fences greater than 4 ft in height be set back a certain distance from the street or sidewalk?



METAL AS A BUILDING MATERIAL

WHAT DID WE ASK?

We asked respondents to consider if metal should be a permitted building material for residential accessory buildings and commercial buildings.

WHO RESPONDED?

- 142 survey responses
- 98% of respondents live in or around Mebane
- 3% own a business in Mebane
- 2% work in Mebane as developer, engineer, etc.

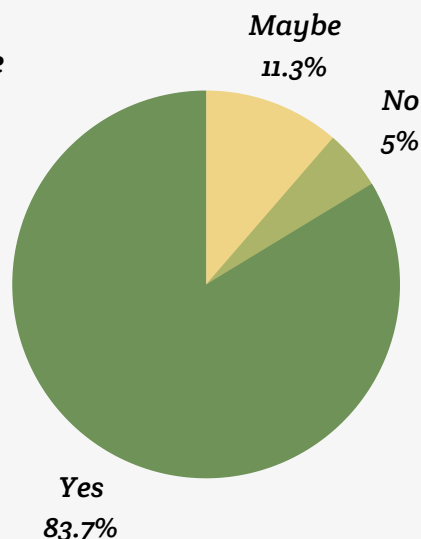
WHAT DID WE LEARN?

84% of respondents indicated that metal should be allowed as a material for accessory structures and 76% said it should be allowed for commercial buildings.

The following themes emerged among the public comments:

- Commercial buildings should be held to a higher standard if metal is permitted and should be in harmony with surrounding businesses.
- Metal structures must be well maintained.
- Metal can be attractive and cost effective.

Do you think metal should be allowed as a material for accessory structures?



OPEN SPACE & LANDSCAPING

WHO RESPONDED?

- 102 survey responses
- 98% of respondents live in or around Mebane.
- 5% own a business in Mebane.
- 5% work in Mebane as developer, engineer, etc.

OPEN SPACE

WHAT DID WE ASK?

We asked respondents to determine if various types of outdoor areas typically provided in major residential developments should be considered as and counted towards "open space" requirements.

WHAT DID WE LEARN?

- 70% of respondents consider landscaping to be open space.
- 68% of respondents consider recreation areas to be open space.
- 32% of respondents consider stormwater devices to be open space.

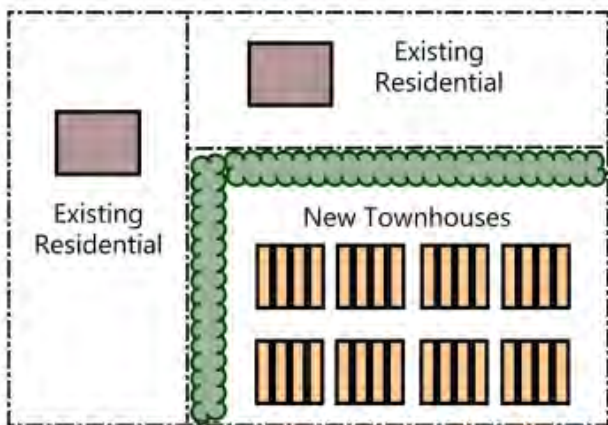
LANDSCAPE BUFFERS

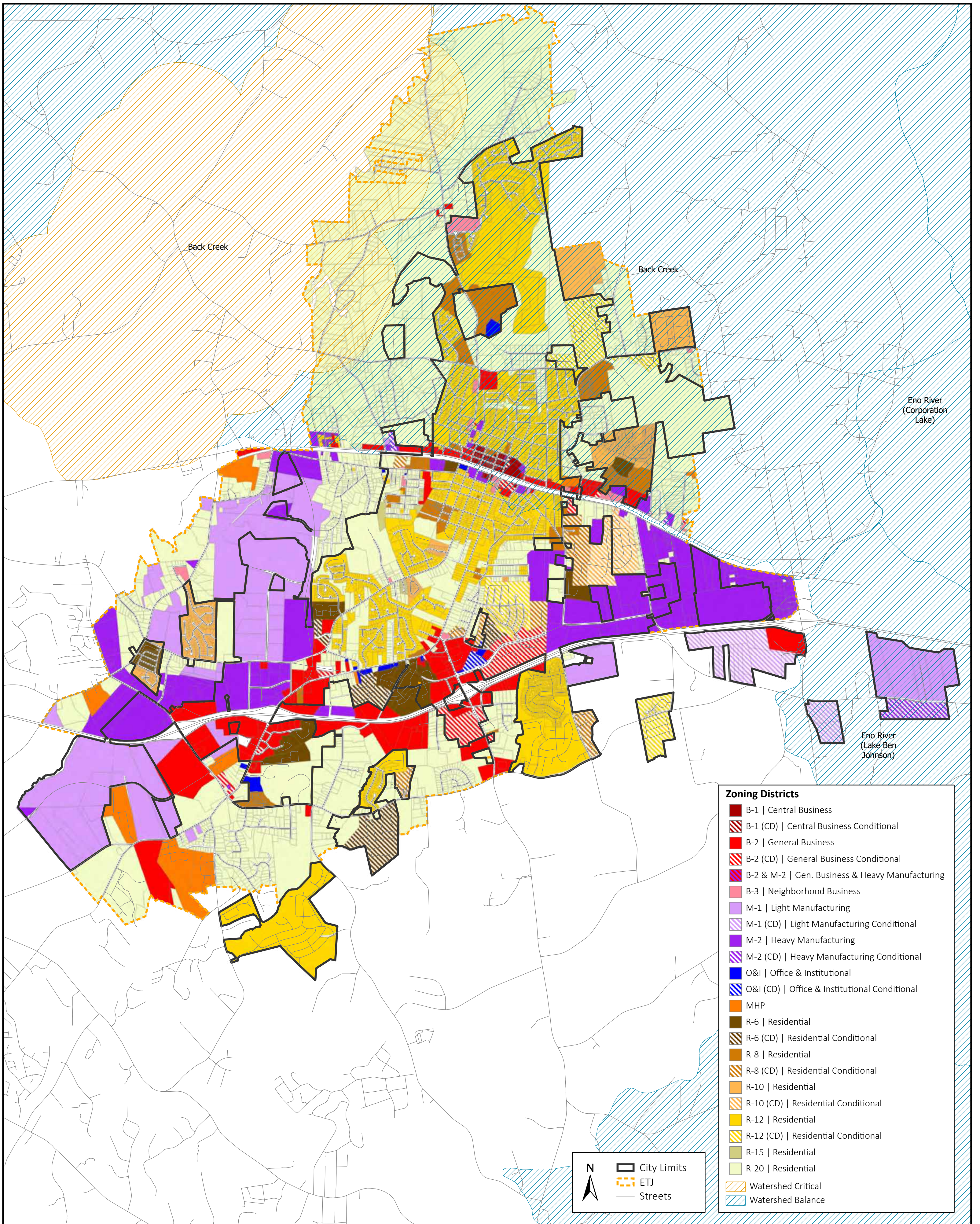
WHAT DID WE ASK?

We asked respondents to consider some examples that illustrate the City's current buffering requirements for a variety of land uses.

WHAT DID WE LEARN?

- 65% of respondents indicated that a 50-ft buffer between residential and industrial uses is not enough.
- 65% of respondents indicated that a 40-ft buffer between higher and lower density residential is not enough.
- 48% percent of respondents indicated that a 40-ft buffer between residential non-residential uses such as bank or a church is not enough.





CITY OF MEBANE

Proposed Zoning Symbology

1 inch = 3,000 feet

DATE: 05/27/2022

DRAWN BY: AV

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	Zoning Districts												
SIC	Standards		RA20	R20	R15	R12	R10	R8	R6	OI	B1	B2	B3	M1	M2
RESIDENTIAL USES															
Single Unit Residential															
Single-Family Detached Dwelling	0000		P	P	P	P	P	P	P						
Modular Home	0000		P	P	P	P	P	P	P						
Manufactured Home, on individual lot (within MH Overlay District Only)	0000	Sec. 4-7.3 A					S								
Patio Home Dwelling	0000	Sec. 4-7.3 B						D	D						
Multiple Unit Residential															
Condominium, less than 2 acres in area	0000	Sec. 4-7.3 C						D	D		D				
Condominium, 2 or more acres in area	0000	Sec. 4-7.3 C						D	D		D				
Manufactured Home Park (within MH Overlay District Only)	0000	Sec. 4-7.3 D					S								
Multifamily Dwelling, less than 2 acres in area	0000	Sec. 4-7.3 E						D	D		D				
Multifamily Dwelling, 2 or more acres in area	0000	Sec. 4-7.3 E						D	D		D				
Townhouse Dwelling, less than 2 acres in area	0000	Sec. 4-7.3 F					D	D	D		D				
Townhouse Dwelling, 2 or more acres in area	0000	Sec. 4-7.3 F					D	D	D		D				
Two-Family Dwelling (duplex)	0000							P	P						
Group Residential															
Boarding and Rooming House	7021	Sec. 4-7.3 G	D								D	D			
Family Care Home	8361	Sec. 4-7.3 H	D	D	D	D	D	D	D						
Group Care Facility	8361	Sec. 4-7.3 I								D		D			
Temporary Emergency Shelter	0000	Sec. 4-7.3 L	D	D	D	D	D	D	D	D	D	D	D	D	D
Nontraditional Innovative Residential Developments															
Live/Work Combination Dwelling & Nonresidential Use	0000	Sec. 4-7.3 M						D	D	D	D	D	D		
Planned Unit Development	0000	Sec. 4-7.3 N		D	D	D	D	D	D	D	D				
Residential Cluster Development	0000	Sec. 4-7.3 O		D	D	D	D	D	D						
Traditional Neighborhood Development	0000	Sec. 4-7.3 P		D	D	D	D	D	D						
ACCESSORY USES AND STRUCTURES															
Accessory Dwelling Unit (on single-family lots)	0000	Sec. 4-7.4 A	D	D	D	D	D	D	D						
Accessory Dwelling Unit to an Office Use	0000	Sec. 4-7.4 B								BA D	P	D			
Accessory Uses and Structures (customary)	0000	Sec. 4-1 G	P	P-D	P-D	P-D	P-D	P-D	P-D	P	P-D	P	P	P	P
Automatic Teller Machine	6099									P	P	P	P	P	P
Caretaker Dwelling	0000	Sec. 4-7.4 C	D	D	D	D	D	D	D	D	D	D	D	D	D
Communication Tower Under 50' in Height	0000	Sec. 4-7.4 D	D	D	D	D	D	D	D		P	P	P	P	P
Fence, Wall	0000	Sec. 4-2 C	P	P	P	P	P	P	P	P	P	P	P	P	P

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E = Exempt from UDO regulation

BA = Special Use request, Board of Adjustment

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			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		D			
Satellite Dish Antenna	0000	Sec. 4-7.4 F	D	D	D	D	D	D	D	D	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
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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			RA20	R20	R15	R12	R10	R8	R6	OI	B1	B2	B3	M1	M2
Sports and Recreation Club, Indoor	7997										P	P	P	P	P
Swim and Tennis Club	7997	Sec. 4-7.5 N	BA	BA	BA	BA	BA	BA	BA		P	P	P	P	P
EDUCATIONAL AND INSTITUTIONAL USES															
Ambulance Service	4119										P	P	P	P	P
Cemetery, Columbarium or Mausoleum (Principal Use)	0000	Sec. 4-7.6 A	S	S	S	S	S						D		P
Cemetery, Columbarium or Mausoleum on Same Property as Church or Other Place of Worship	0000	Sec. 4-7.6 B	D	D	D	D	D	D	D	D	D	D	D	D	P
Church Or Other Place of Worship	8661	Sec. 4-7.6 C	D	D	D	D	D	D	D	D	D		P		S
College, University, Technical Institute	8220	Sec. 4-7.6 D									S	S	S		D
Crematorium													S		P
Day Care Center, Adult and Child, 5 or Less Clients (accessory use)	8322	Sec. 4-7.6 F	D	D	D	D	D	D	D	D	P	P	P	P	P
Day Care Center, Adult and Child, 6 -12 Clients (principal use)	8322	Sec. 4-7.6 G	S	S	S	S	S	S	S	S	P	P	P	P	P
Day Care Center, Adult and Child, 13 or More Clients (principal use)	8322	Sec. 4-7.6 G.1	S	S	S						D	D	P	D	S
Elementary or Secondary School	8211	Sec. 4-7.6 H	BA	BA	BA	BA	BA	BA	BA	BA	BA		BA	BA	
Fire Station/Emergency Medical Service	9224	Sec. 4-7.6 I	D	D	D	D	D	D	D	D	P	P	P	P	P
Government Office	9000										P	P	P	P	P
Hospital	8062										P				
Library	8231	Sec. 4-7.6 J	D	D	D	D	D	D	D	D	P	P	P	P	
Museum or Art Gallery	8412										P	P	P	P	
National Guard /Military Reserve Center	0000										P	P			P
Nursing and Convalescent Home, Rest Home	8050	Sec. 4-7.6 K	D	D	D	D	D	D	D	D	P	P	P	P	
Orphanage	8364	Sec. 4-7.6 L	D	D	D	D	D	D	D	D	P	P	P		
Police Station	9221										P	P	P	P	P
Post Office	0000										P	P	P	P	P
Retreat/Conference Center	0000	Sec. 4-7.6 M	D								P		P		D
School Administration Facility	9411										P		P		P
Urgent Care Facility	8093										P		P		P
Vocational, Business or Technical Secretarial School	8240										P		P		P
Wellness Center	8052										P	BA	P	BA	P
BUSINESS, PROFESSIONAL and PERSONAL SERVICES															
Advertising, Outdoor Services	7312											P	P	P	P
Automobile Parking Lot (Commercial)	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	D	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		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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			RA20	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
Photography, Commercial Studio	7335										P	P	P	P	
Refrigerator or Large Appliance Repair	7623														P
Research, Development or Testing Services	8730														P
Roofing Shop	1761														P
Services, Miscellaneous Not Listed Elsewhere	7699										BA		P		P
Shoe Repair or Shoeshine Shop	7251											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
Theater (indoor), except Adult Theater**	7832										P	P	P		
Theater (outdoor)	7833										P		P		
Tire Recapping	7534														P
Truck Driving School	8249														P
Truck and Utility Trailer Rental and Leasing	0000														P
Truck Washing	7542														
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														
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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			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
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-D	P	
Fuel Oil Sales	5980											P		P	P
Furniture Sales	5712									P	P	P			
Garden Center or Retail Nursery	5261											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		
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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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. SIC	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

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. SIC	Development Standards	Zoning Districts												
			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, Assembly & Distribution (general storage, enclosed)	4220													P	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														PS
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														PS
Computer and Office Equipment	3570													P	P
Asphalt, Concrete, Cut Stone and Clay Products	3200														PS
Dairy Products	2020													P	P
Drugs and Pharmaceuticals	283													P	P
Electronic and Other Electrical Equipment	36														P
Food Preparation and Related Products, Miscellaneous	209													P	P
Furniture and Fixtures	2500													S	P
Glass	3200														P
Hardware and Housewares	0000													S	P
Heating, Equipment and Plumbing Fixtures	3430														P
Ice	2097											P		P	P

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			RA20	R20	R15	R12	R10	R8	R6	OI	B1	B2	B3	M1	M2
Industrial and Commercial Machinery	3500														P
Jewelry and Silverware Fabrication, No Plating	3915										P	P		P	
Machine Shop	3599											S		P	P
Manufactured Housing and Wood Buildings	2450													PS	P
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														PS
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														PS
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 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 P
Concerts, Stage Show	7920	Sec. 4-7.13 B										D	S D		
Convention, Trade Show	0000											P	P	P	P P

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			RA20	R20	R15	R12	R10	R8	R6	OI	B1	B2	B3	M1	M2
Corn Maze, Hay Rides, and Similar Temporary Uses Associated with a Bona Fide Farm Operation Agritourism	0000	Sec. 4-7.13 C	D	D											
Fireworks Stand	0000	Sec. 4-7.13 D										D	D	D	P
Health Care Structure		Sec. 4-7.13 F		D	D	D	D	D	D						
Horse Show, Rodeo	7999			S											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
Temporary Debris Storage and Reduction Sites		Sec. 4-7.13 L		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
Temporary Construction Office or Security Residence	0000	Sec. 4-7.13 H	D	D	D	D	D	D	D	D		D			P
Temporary Portable Storage Containers	0000	Sec. 4-7.13 K	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
Turkey Shoot	0000	Sec. 4-7.13 J													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
Billboard, Outdoor Advertising Sign	0000	Sec. 4-7.14 A													D
Planned Multiple Occupancy Group (Commercial, Office or Industrial)	0000	Sec. 4-7.14 C								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>															

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	SIC	Standards	RA20	R20	R15	R12	R10	R8	R6	OI	B1	B2	B3	M1
** 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														

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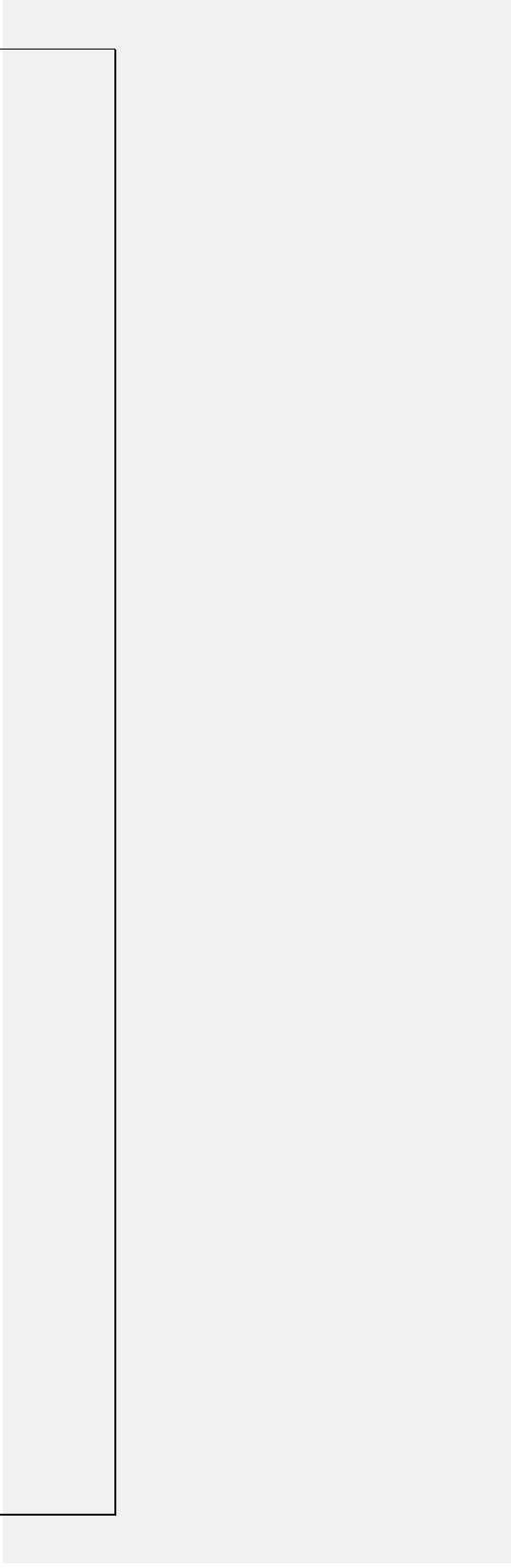
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**ARTICLE 1
GENERAL PROVISIONS**

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 5-1.4, 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 ~~4-7.14.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
USE REGULATIONS, DENSITY AND DIMENSIONAL STANDARDS,
DEVELOPMENT STANDARDS FOR INDIVIDUAL USES**

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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	R5	O1	B1	B2	B3	M1
RESIDENTIAL USES														
Single Unit Residential														
		0000	P	P	P	P	P	P	P					
		0000	P	P	P	P	P	P	P					
		0000					S							
		0000						D	D					
Multiple Unit Residential														
		0000						D	D		D			
		0000						D	D		D			
		0000					S							
		0000						D	D		D			
		0000						D	D		D			
		0000					D	D	D		D			
		0000					D	D	D		D			
		0000						P	P					
Group Residential														
		7021	D								D	D		
		8361	D	D	D	D	D	D	D					
		8361								D		D		
		0000	D	D	D	D	D	D	D	D	D	D	D	D
Nontraditional Innovative Residential Developments														
		0000						D	D	D	D	D	D	
		0000		D	D	D	D	D	D	D	D			
		0000		D	D	D	D	D	D					
		0000		D	D	D	D	D	D					
ACCESSORY USES AND STRUCTURES														
		0000	D	D	D	D	D	D	D					
		0000								BA	D	P	D	
		0000	P	P	P	P	P	P	P	P	P	P	P	P
		0000								P	P	P	P	P
		0000	D	D	D	D	D	D	D	D	D	D	D	D
		0000	D	D	D	D	D	D	D		P	P	P	P
		0000	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
4-2

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	O1	B1	B2	B3	M1
0000		Sec. 4-7.4 E	D	D	D	D	D	D	D	D	D	D		
0000		Sec. 4-7.4 F	D	D	D	D	D	D	D	P	P	P	P	P
0000		Sec. 6-6	P	P	P	P	P	P	P	P	P	P	P	P
0000		Sec. 4-2-B	P	P	P	P	P	P	P	P	P	P	P	P
RECREATIONAL USES														
7996														
0000		Sec. 4-7.5 A	S	S	S	S	S	S	S			S	S	S
0000		Sec. 4-7.5 B									S	S	S	S
7999		Sec. 4-7.5 C	D								D		D	
7999											P			
7999											P	P	P	
7999											P	P		
7933												P		P
7033		Sec. 4-7.5 D		BA									BA	BA
8641		Sec. 4-7.5 E	BA	BA	BA	BA	BA	BA	BA	BA	D	D	D	
7993											P	P	P	
7999		Sec. 4-7.5 F	BA	BA	BA	BA	BA	BA	BA	BA				
7997		Sec. 4-7.5 G	BA	BA	BA	BA	BA	BA	BA	BA		BA	BA	
7911											P	P	P	
7999														P
7999											P	P	P	
7992		Sec. 4-7.5 H	BA	BA	BA	BA	BA	BA	BA		BA	BA	BA	BA
7999											P	P	P	
7999											P		P	
7991										P	P	P	P	P
7997		Sec. 4-7.5 I	D	D	D	D	D	D	D	P-D	P-D	P	P-D	P
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
7948		Sec. 4-7.5 J												S
7999		Sec. 4-7.5 H	S	S	S									S
7999		Sec. 4-7.5 L											D	D
7999												P		P

P = Permitted by right
D = Development standards must be met
E = Exempt from UDD 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													
		RA20	R20	R15	R12	R10	R8	R6	O1	B1	B2	B3	M1	M2	
Sports and Recreation Club, Indoor	7997										P	P	P	P	P
Swim and Tennis Club	7997	Sec. 4-7.5 N	BA	BA	BA	BA	BA	BA	BA		PD	P	PD	P	P
EDUCATIONAL AND INSTITUTIONAL USES															
Ambulance Service	4119										P	P	P	P	P
Cemetery, Columbarium or Mausoleum (Principal Use)	0000	Sec. 4-7.6 A	S	S	S	S	S					D		P	P
Cemetery, Columbarium or Mausoleum on Same Property as Church or Other Place of Worship	0000	Sec. 4-7.6 B	E	D	D	D	D	D	D	D	D	D	D	P	P
Church Or Other Place of Worship	8551	Sec. 4-7.6 C	E	D	D	D	D	D	D	D		P		S	S
College, University, Technical Institute	8220	Sec. 4-7.6 D									S	S	S	D	D
Crematorium												S		P	
Day Care Center, Adult and Child, 5 or Less Clients (accessory use)	8322	Sec. 4-7.6 F	D	D	D	D	D	D	D	P	P	P	P	P	P
Day Care Center, Adult and Child, 6 - 12 Clients (principal use)	8322	Sec. 4-7.6 G	S	S	S	S	S	S	S	P	P	P	P	P	P
Day Care Center, Adult and Child, 13 or More Clients (principal use)	8322	Sec. 4-7.6 G.1	S	S	S					D	D	P	D	S	S
Elementary or Secondary School	8211	Sec. 4-7.6 H	BA	BA	BA	BA	BA	BA	BA	BA		BA	BA		
Fire Station/Emergency Medical Service	9224	Sec. 4-7.6 I	E	D	D	D	D	D	D	P	PD	P	PD	P	P
Government Office	9000									P	P	P	P	P	P
Hospital	8052									P					
Library	8231	Sec. 4-7.6 J	D	D	D	D	D	D	D	P	PD	P	PD		
Museum or Art Gallery	8412									P	P	P	P		
National Guard /Military Reserve Center	0000									P	P			P	P
Nursing and Convalescent Home, Rest Home	8050	Sec. 4-7.6 K	D	DS	DS	DS	DS	DS	DS	DS	DS	DS	DS		
Orphanage	8384	Sec. 4-7.6 L	D	D	D	D	D	D	D	P		P			
Police Station	9221									P	P	P	P	P	P
Post Office	0000									P	P	P	P	P	P
Retreat/Conference Center	0000	Sec. 4-7.6 M	D							P	P	P		D	
School Administration Facility	9411									P		P		P	P
Urgent Care Facility	8093									P		P		P	
Vocational, Business or Technical Secretarial School	8240									P		P		P	
Wellness Center	8052									P	BA	P	BA	P	
BUSINESS, PROFESSIONAL and PERSONAL SERVICES															
Advertising, Outdoor Services	7312										P	P	P	P	P
Automobile Parking Lot (Commercial)	7521									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

SIC	Ref.	Development Standards	Zoning Districts													
			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	2699												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	P
Equipment Rental and Leasing (with outside storage)	7350	Sec. 4-7.7 D													D	D
Equipment Repair	7690											P			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	P	
Medical or Dental Offices	8021									P	P	P	P			

P = Permitted by right
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BA = Special Use request, Board of Adjustment
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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																
SIC	Ref.	Development Standards	Zoning Districts													
			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			
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		
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	8249										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		
Bicycle, Motorcycle Sales	5571											P	P		P	

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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															
SIC	Ret.	Development Standards	Zoning Districts												
			HA20	R20	R15	R12	R10	R8	R6	O1	B1	B2	B3	M1	M2
Boat Sales	5551											P		P	E
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
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	P	P	P	
Fuel Oil Sales	5980											P		P	P
Furniture Sales	5712									P	P	P			
Garden Center or Retail Nursery	5261											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		
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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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. SIC	Development Standards	Zoning Districts													
			RA20	R20	R15	R12	R10	R8	R6	O1	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 Store¹⁵	5944												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
Communication or Broadcasting Studio Facility	4800														P	P
Communications Tower, Public Safety	0000	Sec. 4-7.9 G	E	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	E	S	S	S	S	S	S	S	S	S	S	S	S	S
Railroad Station	4010									E	S	S	S		P	P

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4-1-1 Table of Permitted Uses																
02/04/08; amended 04/07/06, 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; 05/01/20																
SIC	Ref.	Development Standards	Zoning Districts												M1	M2
			RA20	R20	R15	R12	R10	R8	R6	O1	B1	B2	B3			
															S	P
															P	P
															S	S
															D	D
															S	S
															P	P
															BA	BA
															BA	BA
																P
															P	P
															P	P
															S	S
															D	D
MANUFACTURING and INDUSTRIAL USES																
															P	P
															P	P
																PS
															P	P
															S	P
															S	P
																PS
															P	P
															P	P
															P	P
															P	P
															S	P
																P
															P	P
															P	P
															S	P
																P
															P	P

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SIC	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													PS	P
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														PS
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														PS
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. 4-7.1 A	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													E
TEMPORARY USES															
Arts and Crafts Show	0000									P	P	P	P		
Camivals and Fairs	7999	Sec. 4-7.13 A	S							S	S	SD		SD	SD
Farm Products, Christmas Tree, Pumpkin, Seafood, Firework Stand and Similar Outdoor Seasonal Sales	0000	Sec. 4-7.13 D								PD	PD	PD	PD	P	P
Concerts, Stage Show	7920	Sec. 4-7.13 B									D	SD			
Convention, Trade Show	0000										P	P	P	P	P
Gem Mine, Hay Rides, and Similar Temporary Uses Associated with a Bona Fide Farm Operation Agritourism	0000	Sec. 4-7.13 C	D	D											

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4-1-1 Table of Permitted Uses																
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Ref.	Development Standards	Zoning Districts														
		AA20	R20	R15	R12	R10	R8	R6	O1	B1	B2	B3	M1	M2		
0000	Sec. 4-7.13 D											D	D	D	P	P
	Sec. 4-7.13 F		D	D	D	D	D	D								
7999			S												P	P
5431	Sec. 4-7.13 E	D	D	D							D	D	D	D		
0000	Sec. 4-7.13 G		S						S	S D	S D			S D	S D	
	Sec. 4-7.13 J		D							D	D	D	D	D	D	D
0000		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
0000	Sec. 4-7.13 H	D	D	D	D	D	D	D	D	D	D	D	D	D	P	P
0000	Sec. 4-7.13 K	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D
0000	Sec. 4-7.13 I								D	D	D	D	D	D	D	D
0000	Sec. 4-7.13 J														D	D
0000		P	P	P	P	P	P	P								
MISCELLANEOUS USES																
0000	Sec. 4-7.14 B															S
0752															P	P
0000	Sec. 4-7.14 A														D	D
0000	Sec. 4-7.14 C									P	P	P	P	P	S	S
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>																

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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.

Commented [CS13]: While building permits are prohibited for structures fitting this description, a zoning permit is needed to verify setback and materials conformance with Section 4-2.B.

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 [CS14]: 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 [CS15]: 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 [CS16]: 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.

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.
- ~~(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) As allowed by NCGS 160D-702, no accessory building in a designated historic district on the National Register of Historic Place shall have an exterior façade constructed of metal materials unless such accessory building (i) is located on a parcel containing at least two acres, (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 [CS17]: Creates a class of accessory land uses allowed in a side yard

Commented [CS18]: Allows for BOA discretion to permit more accessory structures on larger lots.

Commented [CS19]: 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 [CS20]: 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:

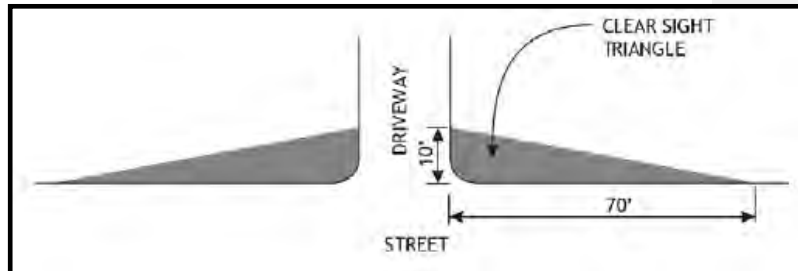
- (a) All trash containment areas shall be enclosed so as to not be seen off-site and be enclosed with solid gates to contain windblown litter.
- (b) The enclosure shall be at least 8 feet tall or 2 feet taller than (whichever is greater) the highest point of the compactor or dumpster.
- (c) The enclosure 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 [CS21]: 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 [CS22]: Reflective of other high quality materials on the market

Commented [CS23]: See standards but staff is proposing to prohibit chain link fencing in front yards

Commented [CS24]: Reflective of other high quality materials on the market

Commented [CS25]: Clarifies how such materials will be reviewed

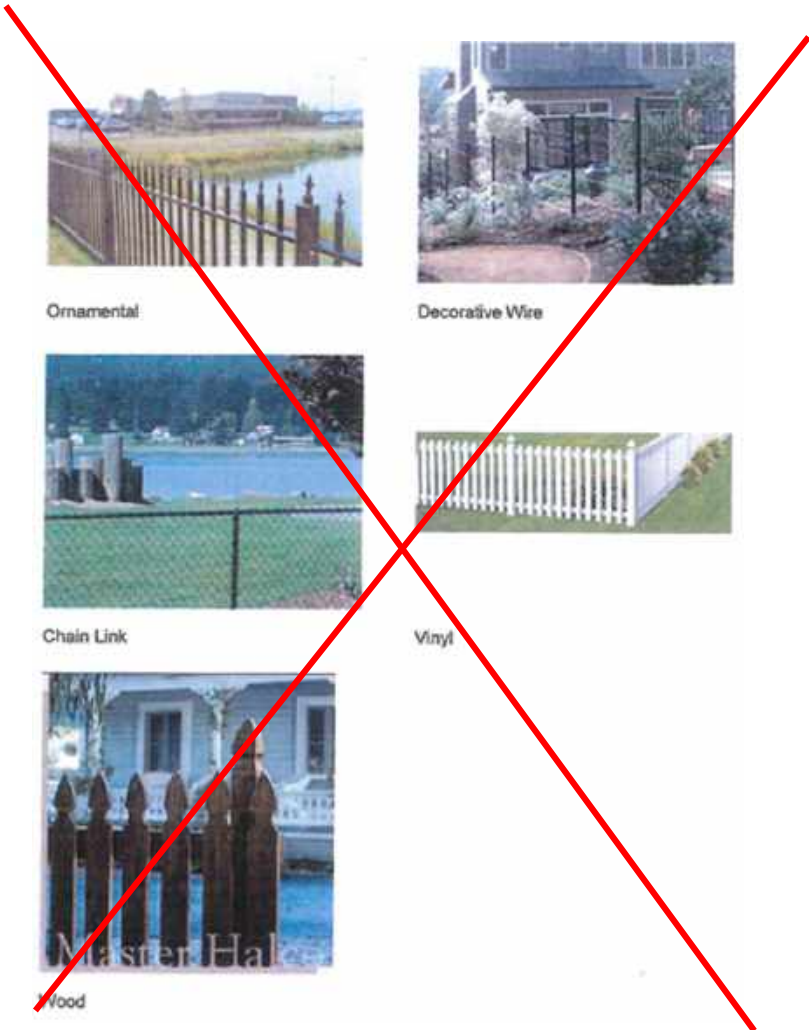


Figure 4-1: Permitted Fence Types



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 [CS26]: 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 [CS27]: Common practice for screening athletic facilities for shade and noise buffering purposes.

Commented [CS28]: 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 [CS29]: 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.~~

Commented [CS30]: 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

- (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.~~

Commented [CS31]: 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.

8. Other Fence Requirements

- (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 [CS32]: 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 [CS33]: 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 [CS34]: 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 [CS35]: 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 [CS36]: Cross-reference allows for universal application of Subdivision Standards for Street Access, Street Design Standards, Sidewalk Construction.

Commented [CS37]: Per adopted Bike and Ped Plan

Commented [CS38]: 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 [CS39]: 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 [CS40]: 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 [CS41]: 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 [CS42]: 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.

Commented [CS43]: 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.

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.

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

Commented [CS44]: 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.

~~(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;

- (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 [CS45]: 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 [CS46]: 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 [CS47]: 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 [CS48]: 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 [CS49]: 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 [CS50]: No longer a commonly used light

Commented [CS51]: 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 [CS52]: 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.

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- (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 [CS53]: 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 [CS54]: 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 [CS55]: 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 [CS56]: 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 [CS57]: 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 [CS58]: 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 [CS59]: 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 [CS60]: 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 [CS61]: 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 [CS62]: 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 [CS63]: 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.

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- (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 [CS64]: "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.

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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.

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- (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 [CS65]: 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 [CS66]: 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 [CS67]: 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 [CS68]: 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 [CS69]: 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 [CS70]: 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 [CS71]: 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 [CS72]: 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 [CS73]: 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 [CS74]: 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 [CS75]: 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

Commented [CS76]: 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.

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.

E. ~~(Reserved)~~

E. Farmers Market Outdoor Fruit and Vegetable Market, Seasonal

Commented [CS77]: 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.

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

- (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 [CS78]: 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 [CS79]: 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 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 located on a single parcel within a residential zoning district. No more than two containers may 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 [CS80]: 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 [CS81]: 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 [CS82]: 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

Commented [CS83]: 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 [CS84]: Relocated to Article 3 & 4

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;~~

- ~~(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.

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- 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>			
<p>Stormwater BMPs: Wet detention, bioretention, and constructed wetlands in Zone Two if diffuse flow of discharge is provided into Zone One Wet detention, bioretention, and constructed wetlands in Zone One</p>		X	X
Scientific studies and stream gauging	X		
Streambank or shoreline stabilization		X	
<p>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 Greater than 2,500 square feet of buffer disturbance Associated with culvert installation or bridge construction or replacement.</p>	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>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

* 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, Cheri 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 within 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 [CS85]: 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 [CS86]: Bring this into consistency with the Shopping Center threshold for spaces exempt from the Special Use Permit requirement.

Commented [CS87]: This term in 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 [CS88]: 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 [CS89]: This applies to residential structures, which has not been permitted by the General Assembly since 2015.

Commented [CS90]: 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 [CS91]: 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.

Commented [CS92]: 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.

(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.

5. **Outdoor Plazas**

Outdoor plazas shall contain benches spaced every 250 feet and at least two of the following features:

Commented [CS93]: 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 [CS94]: 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 [CS95]: 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 [CS96]: 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 [CS97]: 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 [CS98]: 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 [CS99]: 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 [CS100]: 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 [CS101]: 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 [CS102]: 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 [CS103]: 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 [CS104]: 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 [CS105]: 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 [CS106]: Requires a variety of trees, which is aesthetically pleasing and deters disease.

Commented [CS107]: 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 [CS108]: 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 [CS109]: 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 [CS110]: 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

Commented [CS111]: 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.

* 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 [CS112]: 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 [CS113]: Protective of residents. Not all residences zoned for non-residential uses necessarily reflect a harmonious land use situation, if developed by right.

Commented [CS114]: 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 [CS115]: Emerging land use

Commented [CS116]: Relocated as a Class 7

Commented [CS117]: Brings this section into consistency with height thresholds established in Article 4.

Commented [CS118]: 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 [CS119]: 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**

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.

Performance Standards: This perimeter buffer functions as an ~~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.

- (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.

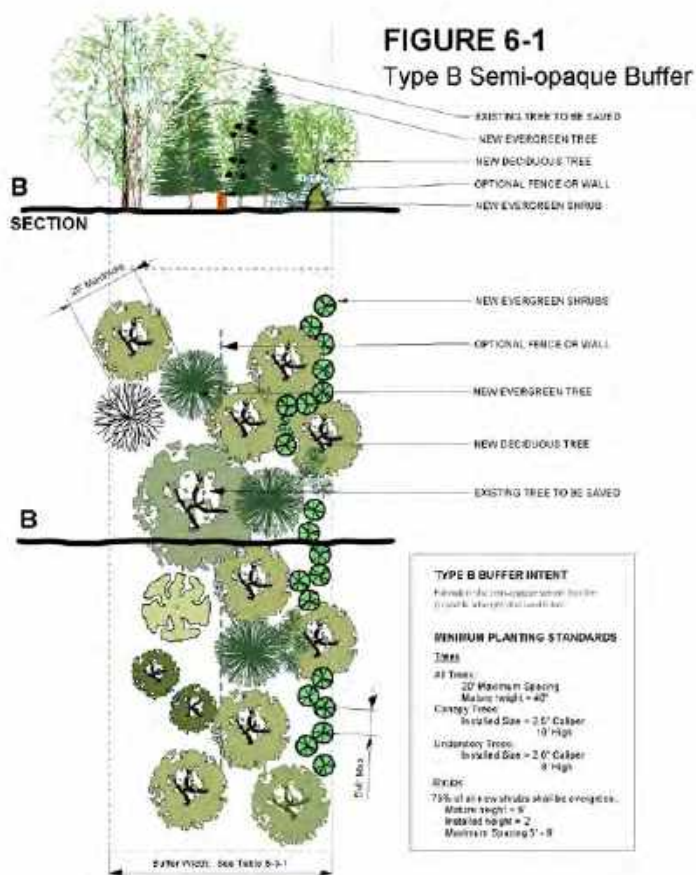


Figure 6-g: Type B Semi-Opaque Buffer

(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 [CS121]: 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

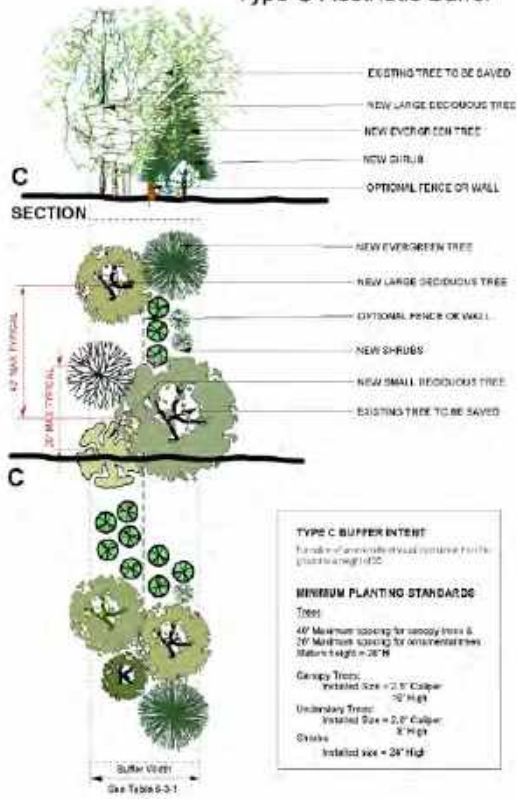


Figure 6-h: Type C Aesthetic Buffer

~~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 [CS122]: Allows for flexibility and greater perimeter buffering of Manufacturing land uses from surrounding area.

Commented [CS123]: 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 [CS124]: 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 [CS125]: 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 [CS126]: 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	50'5"	50'	15'	10'
7	50'5"	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 [CS127]: Reflects recent Council discussions and approvals on buffering of Manufacturing sites from area

Commented [CS128]: Current allowance is confusing and can actually allow for two different requirements, depending upon interpretation of this language.

Commented [CS129]: Reflects recent Council discussions and approvals on buffering of Manufacturing sites from area

Commented [CS130]: 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 [CS131]: 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.

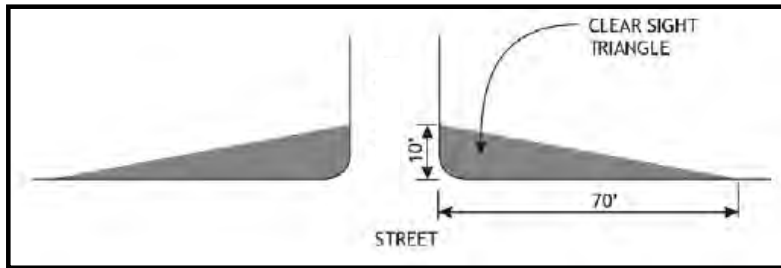


Figure 6-i: Required 10'x70' Sight Triangle

(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 [CS132]: 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 [CS133]: 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 [CS134]: 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 [CS135]: 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 [CS136]: 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 [CS137]: The goal is to have tree protection fencing everywhere on a site.

Commented [CS138]: 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 [CS139]: 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 [CS140]: 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 [CS141]: 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 [CS142]: 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 [CS143]: Allows for staff flexibility in realizing landscaping that better buffers such sites.

FIGURE 6-4
Parking Lot Landscaping

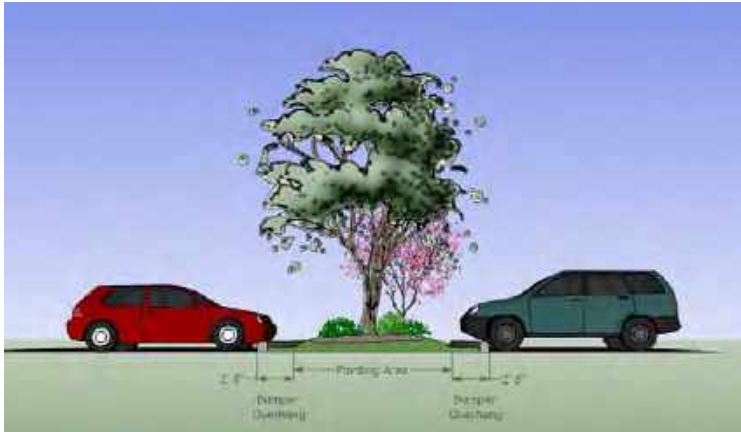


Figure 6-j: Required Parking Lot Landscaping

- (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 [CS144]: 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 [CS145]: 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 [CS146]: 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 [CS147]: 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 [CS148]: 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 [CS149]: 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 [CS150]: 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 [CS151]: 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 [CS152]: 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 [CS153]: 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.

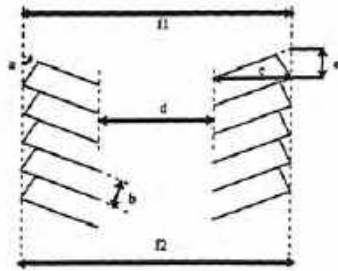
**Table 6-4-2
Parking Space Geometric Design Standards**

a	b	c	d	e	f1	f2
PARKING ANGLE (degrees)	STALL WIDTH (*)	STALL TO CURB (ft.)	AISLE WIDTH (ft.)	CURB LENGTH (ft.-)	CENTER-TO-CENTER WIDTH OF TWO ROW BIN-WITH ACCESS ROAD-BETWEEN (ft)	
					CURB-TO-CURB	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 [CS154]: 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 [CS155]: 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 [CS156]: 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 [CS157]: 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 [CS158]: 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 [CS159]: 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 [CS160]: 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 [CS161]: 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 [CS162]: 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 [CS163]: 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 [CS164]: 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 [CS165]: 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 [CS166]: 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 [CS167]: 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 [CS168]: 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 [CS169]: 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 [CS170]: 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 [CS171]: 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 [CS172]: 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 [CS173]: 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:~~

~~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~~

Commented [CS174]: Consolidates all criteria currently separated on different tables for ease of use and application.

~~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.~~

(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;

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.

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.
- 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.**
- 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.**
 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.

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.

Commented [CS177]: Clarifies the environmental protection goal of this language

Commented [CS178]: Reflective of Council comments on this topic and stated Goals in the City’s adopted Comprehensive Plan

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 innovative subdivisions addressed by subsection I immediately below are not subject to these criteria.

I. Design Standards for ~~Nontraditional~~ Innovative 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.

Amended June 7, 2021

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.

Amended June 7, 2021

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.

Amended June 7, 2021

- 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

Amended June 7, 2021

- (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.

Amended June 7, 2021

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

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 NCDEM, 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 as 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 <u>Certificate of Ownership and Dedication (for use with major subdivision plats only)</u>		X
C <u>Certificate of Minor Subdivision Plat Approval</u>	X	
D <u>Certificate of Preliminary Major Subdivision Plat Approval</u>		X
E <u>Certificate of Approval for Recording in Public Water Supply Watershed</u>	X	X
F <u>Certificate of Final Major Subdivision Plat Approval and Acceptance of Dedication</u>		X
G <u>Certificate of Approval of the Design and Installation of Streets, Utilities, and Other Required Improvements</u>		X
H <u>Certificate of Survey and Accuracy</u>	X	X
I <u>NCDOT Division of Highways District Engineer Certificate</u>		X
J <u>Private Streets Disclosure Statement</u>		X
K <u>Certification of the Applicable County Health Department</u>	X	X
L <u>Utilities Certificate</u>	X	X
M <u>Public Water Supply Watershed Protection Statement</u>	X	X
N <u>Certificate of Purpose of Plat</u>	X	X
O <u>Certificate of Exemption</u>	--	--
P <u>Certificate Regarding Erosion and Sedimentation Control Plan</u>	X	X
Q <u>Certificate of Warranty</u>		X
R <u>NCDOT Public Street Maintenance Disclosure Statement</u>		X
S <u>City of Mebane Certificate of Approval</u>	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

C. Certificate of Minor Subdivision Plat Approval

I hereby certify that the minor subdivision shown on this plat is in all respects in compliance with the City of Mebane Unified Development Ordinance, and that therefore this plat has been approved by the City of Mebane Planning Director, subject to its being recorded in Office of the Alamance/Orange County Register of Deeds within thirty days of the date below.

Planning Director

Date

Amended September 11, 2017

D. Certificate of Preliminary Major Subdivision Plat Approval

I hereby certify that the City of Mebane Planning Board approved on the _____ day of _____, _____ the Preliminary Plat of subdivision as shown on this plat. Preliminary Plat approval is valid for a period of 12 months from the above date or as established under the vested rights procedures, if applicable.

Planning Director

Date

E. Certificate of Approval for Recording in Public Water Supply Watershed

I certify that the plat shown hereon complies with Article 5, Section 4 Watershed Overlay Districts of the Mebane Unified Development Ordinance and is approved for recording in the Register of Deeds Office. **NOTICE: This property is located within a public drinking water supply watershed. Development restrictions may apply.**

Date

Zoning Administrator
(Authorized Official)

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

S. City of Mebane Certificate of Approval

Plot Plan, Site Plan, Subdivision Plan Approved by the Technical Review Committee is effective for 12 months, subject to the approval of any required street and utility plans and profiles and approval of a separate land-disturbing permit.

Planning Director

Date

Public Works Director

Date

City Engineer

Date

City Clerk

Date

Fire Chief

Date

Police Chief

Date

Stormwater Administrator

Date

Owner/Applicant

Date

Note: Plan Approval represents the maximum possible built density on the site. Additional reviews in the process could reduce potential on-site development density.

Conformance with this approved plan is the Owner/Applicant's responsibility; and any change in land use, lot lines, building locations, parking, utility lines, landscaping, etc. must be resubmitted to the Planning Department to eliminate delays in the review process.

Amended September 11, 2017

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	

			<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>
--	--	--	---

- A. Residential Buildings
 - 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.
- B. Commercial/Business Users-----2000 GPM minimum, but refer to Table B105.1 in the NC Fire Prevention Code if more applies.
- C. Industrial Users-----2500 GPM minimum, but refer to Table B105.1 in the NC Fire Prevention Code if more applies.

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. 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>
--	--	--	---

			<p>Valves should be installed on all branches from feeder mains and between mains and hydrants according to the following schedule:</p> <ul 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
--	--	--	--

All fittings, valves, hydrants, plugs, etc. shall be indicated in a fitting box with the number of items.
 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.

			<p>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.</p>
--	--	--	---

			<p>Multi-family, Commercial and Industrial Developments - Hydrants shall be located within 250 feet of most remote portion of building(s).</p>
--	--	--	--

_____	_____	_____	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)																												
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24	0.08																												
27	0.07																												
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

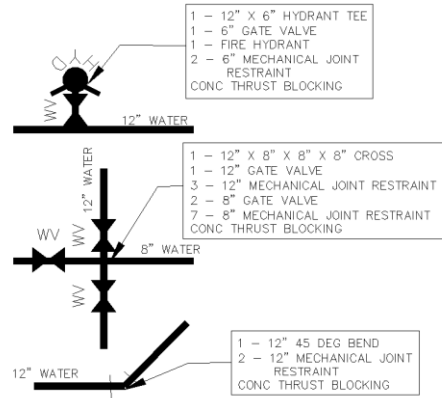
Applicant Validation		COM Staff Check	
N/A	Included		
_____	_____	_____	Street typical sections shall be on the cover sheet or the first sheet of plan and profiles and will include street and right-of-way width, sidewalk location, cross-slopes, and pavement design. Do not place aggregate under curb for 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:

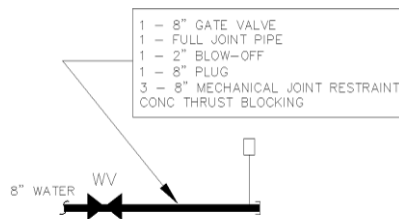
1. Comply with the Mebane Storm Sewer Design Manual and the Mebane Flood Damage Prevention Ordinance.
2. Water Supply Watershed requirements may apply.
3. State Stormwater rules may apply.
4. The Department of Transportation may have additional requirements.
5. This document shall be submitted with all 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.

Section 5: Examples

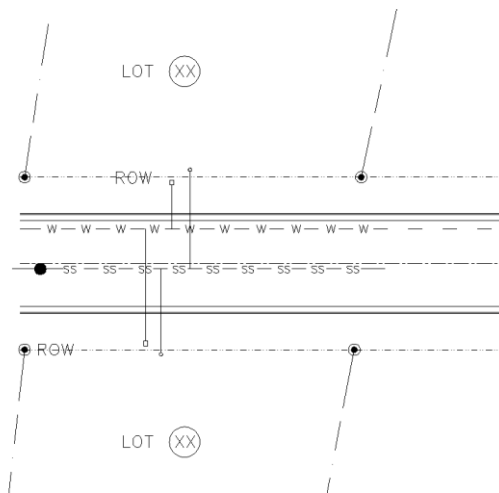
Water Main Fitting Box



End of Water Line with Future Connection



Typical Service Layout



**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 <i>Cornus Florida</i> 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> cultivars	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> cultivars	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	Indeterminate	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	Indeterminate	Sun	Fast-growing screen for wire fences or trained on masonry walls. Handsome foliage and flower.
<i>Clematis armandii</i>	Armand Clematis	15-20	Indeterminate	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	Indeterminate	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	Indeterminate	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	Indeterminate	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	Indeterminate	Pt Shade/ Shade	May be used as ground cover. Aggressive in adapted conditions.
<i>Lonicera sempervirens</i>	Trumpet Honeysuckle	50	Indeterminate	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	Indeterminate	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	Indeterminate	Sun/Shade	Handsome foliage. Forms dense screen on trellises and fences. Spreads by underground shoots. Thorny.
<i>Smilax smallii</i>	Jackson vine	10	Indeterminate	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.



AGENDA ITEM #5g

2022-23 Budget Ordinance & 2023-2027 Capital Improvement Plan (CIP)

Date June 6, 2022

Presenter

Chris Rollins, City Manager
Daphna Schwartz, Finance Director

Public Hearing

Yes No

Summary

The manager's recommended budget was presented at the May regular meeting. The budget ordinance for the fiscal year ending June 30, 2023, is presented for a public hearing and consideration by the City Council for adoption. The Five-Year Capital Improvement Plan is also provided for approval.

General Fund

The proposed General Fund is balanced without increasing the property tax which will stay at 47 cents. The General Fund is proposed to increase by 1.7% to \$28,276,326. Eight full-time positions and three restructured positions are included, as well as four police vehicles, a fire engine, a fire prevention vehicle, a new life safety education vehicle, a leaf truck, garbage truck, four pick-up trucks, and two SUV's. Debt will be issued for the rolling stock and the Holt Street Greenway project.

Since the May Council meeting, a few adjustments were made to the budget. Health insurance was reduced from an estimated 20% increase to a 16.4% increase. An IT expense was added to allow the City to expand the contract with its third-party IT vendor to provide a wide array of technical support. The Lake Michael expenses the City shares with Graham increased \$35,800 due to a marina renovation project. Therefore, the appropriated fund balance increased by \$8,307 from \$2,157,078 to \$2,165,385. This brings the unassigned fund balance slightly below 50%, to 49.9%.

Utility Fund

The Utility Fund is proposed to decrease 3.1% from the FY21-22 original budget, with a total budget of \$10,054,333. Two full-time positions are included. The proposed budget includes a 6% rate increase for both water and sewer rates. The increase was planned and will be used to fund the revenue bonds issued for the WRRF renovation project.

Since the May Council meeting, the Utility Fund was adjusted for the change in the health insurance rate which saved \$7,645, and for the City's share in the capital and operations of the City of Graham's WTP and WWTP which increased expenses by \$141,175. The outcome of the changes resulted in an overall increase in expenses of \$133,530 which was added to appropriated fund balance. The appropriated fund balance is now \$1,180,742.

Water and Sewer Rates					
Fiscal Year	Inside Water	Outside Water	Inside Sewer	Outside Sewer	Increase
FY21-22	\$6.72	\$13.44	\$7.22	\$14.43	10%
FY22-23	\$7.13	\$14.26	\$7.66	\$15.30	6%

Utility Capital Reserve Fund

This fund is used to account for system development fees. The estimated revenues for FY22-23 are \$1,601,000 which is an increase of 44.3% over the FY22 revised budget. Growth projections support this estimate.

Capital Improvement Plan 2023-2027

The plan identifies needs in the amount of \$103.3 million, with General Fund needs of \$42.9 million and Utility Fund needs of \$60.4 million. Over \$5.2 million of the projects will be cash funded by general fund revenues and over \$13.1 million by utility fund revenues and capital reserves. Most of the remaining \$85 million in projects will be funded by some sort of financing which might include a bond referendum or installment purchase agreements (bank loans). As noted at the May meeting, the City will be unable to fund these kinds of projected needs at the current tax rate.

Fee Schedule FY22-23

Changes are in red font.

Recommendation

Staff recommends approval of the Budget Ordinance, Fee Schedule, Position Classification and Pay Plan, and Capital Improvement Plan as presented.

Suggested Motion

I make a motion to approve the Budget Ordinance for the Fiscal Year Ending June 30, 2023, the Fee Schedule, the Position Classification and Pay Plan, and the Capital Improvement Plan for 2023-2027 as presented.

Attachments

1. Budget Ordinance for 2022-23
2. Fee Schedule for 2022-23
3. Position Classification and Pay Plan 2022-23
4. Capital Improvement Plan 2023-2027

BE IT ORDAINED BY the City Council of Mebane, North Carolina:

Section 1.

The following amounts are hereby appropriated in the General Fund for the operation of the city government and its activities for the fiscal year beginning July 1, 2022, and ending June 30, 2023, in accordance with the chart of accounts heretofore established for the City:

City Council	\$	88,237
Administration		1,236,601
Finance		707,108
Information Technology		861,411
Police		5,578,640
Fire		4,717,982
Economic Development		909,569
Planning		602,596
Downtown Development		150,000
Inspections		876,982
Engineering		445,500
Public Works		2,978,468
Public Facilities		868,219
Sanitation		2,152,118
Recreation & Parks		2,390,782
Non-Departmental		3,712,113
Total General Fund Appropriations	\$	<u>28,276,326</u>

Section 2.

It is estimated that the following revenues will be available in the General Fund for the fiscal year beginning July 1, 2022, and ending June 30, 2023:

Current Year Property Tax	\$	12,278,405
Sales Tax		5,585,356
Utility Franchise Tax		1,124,100
Other Property Tax		866,365
Fire District Tax		518,500
Powell Bill Allocation		498,000
Sanitation User Fees		533,664
Permits and Fees		1,259,760
Proceeds of Debt		2,466,006
All Other Revenues		980,785
Appropriated Fund Balance		2,165,385
Total General Fund Revenues	\$	<u>28,276,326</u>

Section 3.

There is hereby levied a tax at the rate of forty-seven cents (\$0.47) per one hundred dollars (\$100) valuation of property as listed for taxes as of January 1, 2022, for the purpose of raising the revenue listed "Current Year's Property Taxes" in the General Fund in Section 2 of this ordinance.

This rate is based on a valuation of property for the purposes of taxation of \$2,622,918,349 and an estimated rate of collection of 99.6%. The estimated rate of collection is based on the fiscal year 2020-21 collection rate.

Section 4. The following amounts are hereby appropriated in the Utility Fund for the operation of the water and sewer utilities for the fiscal year beginning July 1, 2022, and ending June 30, 2023, in accordance with the chart of accounts heretofore approved for the City:

Administration and Metering	\$ 1,415,636
Utilities	4,562,330
Engineering	285,000
Waste Water Treatment Plant	2,276,146
Non-Departmental	1,515,221
Total Utility Fund Appropriations	<u>\$ 10,054,333</u>

Section 5. It is estimated that the following revenues will be available in the Utility Fund for the fiscal year beginning July 1, 2022, and ending June 30, 2023:

Water Utility Fees	\$ 4,190,765
Sewer Utility Fees	4,093,451
All Other Revenues	589,375
Appropriated Fund Balance	1,180,742
Total Utility Fund Revenues	<u>\$ 10,054,333</u>

Section 6. The following amounts are hereby appropriated in the Utility Capital Reserve Fund to preserve system development fees for appropriation to capital and infrastructure purposes for the fiscal year beginning July 1, 2022 and ending June 30, 2023:

Transfer to Utility Fund	\$ -
Reserved for Capital Projects	1,601,000
Total Utility Capital Reserve Appropriations	<u>\$ 1,601,000</u>

Section 7. It is estimated that the following revenues will be available in the Utility Capital Reserve Fund for the fiscal year beginning July 1, 2022 and ending June 30, 2023:

System Development Fees	\$ 1,598,000
Other Revenues	3,000
Total Utility Capital Reserve Fund Revenues	<u>\$ 1,601,000</u>

Section 8. The Budget Officer is hereby authorized to transfer appropriations as contained herein under the following conditions:

a. Except as noted for Utility Capital Reserve Fund below, he may transfer amounts between line item expenditures and departments within a fund without limitation and without a report being required.

b. He may not transfer any amounts between funds, except as approved by the Governing Board through a Budget Ordinance amendment.

c. City Council approval by budget ordinance amendment is required to amend appropriations in the Utility Capital Reserve Fund.

Section 9: The City of Mebane Fee Schedule, herein referenced, for the fiscal year beginning July 1, 2022, and ending June 30, 2023, is hereby adopted for this fiscal year.

Section 10. The accompanying Position and Classification Plan, herein referenced, for the fiscal year beginning July 1, 2022, and ending June 30, 2023, is hereby adopted for this fiscal year and shall be administered in accordance with the City of Mebane Personnel Policy Principles as adopted August 4, 2014.

Section 11: Operating funds encumbered by the City as of June 30, 2022, or otherwise designated, are hereby re-appropriated for this fiscal year.

Section 12: Copies of this Budget Ordinance shall be furnished to the Clerk, the City Council, the Budget Officer, and Finance Officer for their use in directing the disbursement of funds.

Adopted this 6th day of June 2022.

City of Mebane Fee Schedule - Effective July 1, 2022

Contents

Administration	Copies, sale of Mebane brand items
Cemetery	Plots and staking
Public Works	Garbage/recycling, street cleaning, memorials
Finance	NSF Fees, ABC Permits
Development Fees	Tap fees, system development fees, water rates
Planning and Inspections	Zoning and plan review fees, construction permits, inspection fees
Fire	Inspections, false alarms, overcrowding
Police	False alarms, document fees
Recreation	Facility rental and activity fees
Water Resource Recovery Facility	Water testing and analysis fees

Administration

Schedule Subject to Change Upon Approval by City Council

Document Fees for Public Records

Paper copies cost per page	\$0.10	CD copies (audio minutes request)	No charge
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Fee Schedule

Effective July 1, 2022

Cemetery

Schedule Subject to Change Upon Approval by City Council

Mebane Memorial Garden		Oakwood Cemetery	
Cost per Grave - Inside City	\$1,000	Cost per Grave - Inside City	\$200
Cost per Grave - Outside City	\$1,500	Cost per Grave - Outside City	\$400
Cremation/Urn Section per Grave- Inside City	\$500	Transfer of Ownership	No Charge
Cremation/Urn Section per Grave- Outside City	\$750	Internment, disinternment, and removal charge	No Charge
Transfer of Ownership	No Charge	Grave Marker Permit Fees	No Charge
Internment, disinternment, and removal charge	No Charge	Marker Installation Fees	No Charge
Grave Marker Permit Fees	No Charge		
Marker Installation Fees	No Charge		

Public Works

Fee Schedule
Effective July 1, 2022

Schedule Subject to Change Upon Approval by City Council

Garbage/Recycling

Fee per address per month	\$8/month	Trash Cart	Actual cost
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Street Washing

Street Washing	\$75hr 2hr min
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Memorials

Memorial Bench	\$500	Memorial Brick	\$75
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Privilege License

Privilege Licenses were eliminated by the legislature as of 07-01-15, with the exception of articles 15 and 16 regarding ABC licenses and section 39 regarding peddlers.

Returned Payment Fee

Charge for processing returned checks or returned electronic payments	\$	25
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Development Fees

Schedule Subject to Change Upon Approval by City Council

Engineering Construction Plan Review and Inspection Fees			
Public/Private Streets & Alleys		Public/Private Storm Sewer Lines	
Review/Inspection/Testing/As-built Review & Record Keeping - per centerline foot of street	\$3	Review/Inspect/Certify per centerline foot in public right of way/easement	\$2
Driveway inspections within the street right-of-way per driveway	\$100	Review/Inspection per centerline foot in private drainage easement (residential)	\$1
Sidewalks			
Sidewalk Inspection/Certifying in street right of way (when installed with driveway)	\$100	Review/Inspection/Certifying of public sidewalk/multi-usepath/in street right of way or easement per centerline foot	\$1
Water and Sewer Lines (Private or Public)		Water & Sewer Services	
Review/Inspection/Permitting/Testing/As-built Review & Record Keeping - per centerline foot of water	\$2.50	Main line tap inspection to the right of way for single family property line	\$100, water, \$100 sewer
Review/Inspection/Permitting/Testing/As-built Review & Record Keeping - per centerline foot of sewer	\$2.50	Main line tap inspection to the building for multi-family/commercial/industrial	\$500, water, \$500 sewer
Sewer Pump Stations requiring Permits		Stormwater Management	
Plan Review	\$5,000	Overall plan review for compliance	\$2,500
Inspection	\$5,000	Review/Inspection per device	\$1,500
Preliminary Site or Subdivision Plan Review		Driveway Pipe Installation	
Residential (Single Family and Multi-Family) per lot or unit	\$25	12-inch RCP	\$15 per lf
Commercial, Office, or Institutional per 100 sq. ft.	\$10	15-inch RCP	\$18 per lf
Industrial per 1000 sq. ft.	\$10	18-inch RCP	\$22 per lf

Development Fees

Fee Schedule Effective July 1, 2022

Schedule Subject to Change Upon Approval by City Council

Water & Sewer Rates			
Inside water (per 1,000 gallon)	\$7.13	Deposit sewer (outside city limits)	\$150
Inside sewer (per 1,000 gallon)	\$7.66	Meter re-read with no city error (per re-read)	\$10
Outside water (per 1,000 gallon)	\$14.26	Cutoff List Fee	\$50
Outside sewer (per 1,000 gallon)	\$15.30	Late Fee (added each month after the 20th)	\$10
Metered sewer users not using Mebane water (Multiple of the inside rate)	3.25	Return Check Fee	\$25
Unmetered residential sewer users (inside city limits)	\$67.43	Water Shortage Resposne Plan - Excess Users Charge (per event for	\$100
Unmetered residential sewer users (outside city limits)	\$78.58	Meter installation fee with no city error (each attempt after first	\$50
Deposit water (inside city limits)	\$75	Bulk Water Purchases (per 1,000 gallons)	Current inside water rate
Deposit sewer (inside city limits)	\$75	Deposit Bulk Water	\$75
Deposit water (outside city limits)	\$150		

Schedule of Water and Sewer Tappage Fees and Meter Charges					
Tap Size	Water Tappage Fee		Sewer Tappage Fee		Meter Charge
	Inside City Limits	Outside City Limits	Inside City Limits	Outside City Limits	
¾" Water	\$800	\$1,600			\$500
1" Water	\$1,000	\$2,000			\$1,000
4" Sewer			\$1,000	\$2,000	

Note: Additional \$500 charge for road bores and pavement cuts.

Please contact Public Works for meter charge larger than 1".

Development Fees

**Fee Schedule
Effective July 1, 2022**

Schedule Subject to Change Upon Approval by City Council

Water & Sewer System Development Fees†

Customer Type	Equivalent Residential Unit‡	Water Fee	Sewer Fee	Total Fee
Residential Dwelling Unit (3/4" Meter - 3 BR Mebane WRRF)*	1	\$1,151	\$2,679	\$3,830
Residential Dwelling Unit (3/4" Meter - 2 BR Mebane WRRF)*	0.66	\$760	\$1,768	\$2,528
Residential Dwelling Unit (3/4" Meter - 4 BR Mebane WRRF)*	1.33	\$1,532	\$3,562	\$5,094
Residential Dwelling Unit (3/4" Meter - 5 BR Mebane WRRF)*	1.66	\$1,911	\$4,447	\$6,358
Residential Dwelling Unit (3/4" Meter - 2 BR GRAHAM WWTP)**	1	\$1,151	\$2,679	\$3,830
Residential Dwelling Unit (3/4" Meter - 3 BR GRAHAM WWTP)**	1.5	\$1,727	\$4,018	\$5,745
Residential Dwelling Unit (3/4" Meter - 4 BR GRAHAM WWTP)**	2	\$2,302	\$5,358	\$7,660
Residential Dwelling Unit (3/4" Meter - 5 BR GRAHAM WWTP)**	2.5	\$2,878	\$6,697	\$9,575
All Other Zoning Categories/Uses - 3/4" Meter	1	\$1,151	\$2,679	\$3,830
All Other Zoning Categories/Uses - 1" Meter	1.67	\$1,918	\$4,466	\$6,384
All Zoning Categories/Uses - 1.5" Meter	3.33	\$3,837	\$8,931	\$12,768
All Zoning Categories/Uses - 2" Meter	5.33	\$6,139	\$14,290	\$20,429
All Zoning Categories/Uses - 3" Meter	11.67	\$13,428	\$31,260	\$44,688
All Zoning Categories/Uses - 4" Meter	21	\$24,171	\$56,267	\$80,438
All Zoning Categories/Uses - 6" Meter	43.33	\$49,876	\$116,107	\$165,983

†Applicable System Development Fee(s) for development requiring smaller or larger water meters will be calculated on a project specific basis using rates and methodology identified in the City’s System Development Fee Analysis.

‡Equivalent Residential Unit is approximate multiplier adapted from AWWA Manual of Water Supply Practices-M1, *Principles of Water Rates, Fees, and Charges*.

*80 gallons per day per bedroom (min. 2-BR) and tributary to the Mebane WRRF

**120 gallons per day per bedroom (min. 2-BR) and tributary to the Graham WWTP

Any item not included in the above schedule shall be referred to the Utility Director for a specific price determination. See policy for additional information.

Development Fees

Schedule Subject to Change Upon Approval by City Council

Hydraulic System Modeling Fees

Fire Flow Test Fee	\$1,200 for all requested fire flow test and re-test
Fire Flow Modeling Fee	\$1,200 for flow test, \$500 for first hydrant, and \$250 for each additional

Fire flow modeling is to be completed for all new hydrants in the City of Mebane's water system. Fees are based on the number of new hydrants to be installed. Extensive modeling may require additional modeling fees. See policy for additional information

Hydrant Meter Deposit

3/4" Meter	\$500
1" Meter	\$700
3" Meter	\$1,500

Planning Fees

Schedule Subject to Change Upon Approval by City Council

Planning & Zoning			
Zoning Verification	\$25	Zoning Permit	\$50
Zoning Reinspection (no charge for 1st inspection)	\$50/visit	Plot Review > 3 Submittals	\$100/submittal
Rezoning Application	\$300 per property	City Right of Way or Easement Encroachment Agreement*	\$100
Special Use Permit Application	\$400 per property	Water Supply Watershed Review (N/A current)	\$50 per property
Zoning Variance/Appeal Application - <i>Residential</i>	\$300	Floodplain Development Permit	\$400
Zoning Variance/Appeal Application - <i>Non-Residential</i>	\$400	Buffer Authorization Permit	\$300
Technical Review Committee - Site Plan Review	\$300 + Lot Fee	Subdivision, Recombination & Easements	\$50
Site Plan Dwelling Unit Fee, Site <2 acres	0/dwelling unit	Subdivision Plat Fee - 1 to 5 Dwelling Units	\$50 + \$25/dwelling unit
Site Plan Dwelling Unit Fee, Site 2 - 10 acres	\$25/dwelling unit	Subdivision Plat Fee - 6 or More Dwelling Units	\$300 + \$25/dwelling unit
Site Plan Dwelling Unit Fee, Site >10 acres	\$50/dwelling unit	Plat Review for >3 Submittals	\$100/submittal
Storm water Control Facilities - Permit Application & Plan Review per project	\$500 + \$500/Primary Stormwater Control Measure	Construction Plan Review, Residential	\$50/lot
Storm water Control Facilities - Annual Inspection in water supply watershed (20 yr)	\$5,000	Construction Plan Review, Non-Residential	\$300/lot
Wireless Communication Facilities - up to 25 facilities (see UDO Section 4-7.9E & F)		\$100/1-5 facilities	\$50/Facilities 6 - 25
			\$500/engineer review

* Not applicable to existing residences or to properties in the recognized Downtown District.

Inspection Fees

Schedule Subject to Change Upon Approval by City Council

Sign Permit Fees

Minimum Permit Fee	\$60	Greater than 300 sq. ft.	\$110
100-300 sq. ft.	\$80		

Building Permits		Other Types of Construction	
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Minimum	\$60	Modular Construction	Cost of Construction (plus Trades)
\$5,000 to \$20,000	\$75	Manufacturing Housing - single	\$100 plus trades
\$20,001 to \$50,000	\$5 per \$1,000	Manufacturing Housing double	\$125 plus trades
\$50,001 to \$500,000	\$175 plus \$5 per \$1,000	Manufacturing Housing triple	\$150 plus trades
Greater than \$500,001	\$1,300 plus \$4.00 per \$1,000	Construction Trailers	\$50
Homeowner Recovery Fee	\$10	Travel Trailers & Recreational Vehicles	\$50
Decks with pour Footings	\$100	Insulation - Residential	\$50 one trip
		Insulation - Commercial	\$100 for trip
		Accessory Structures (Screened Porches, Roofs, Covered Decks)	Cost of Construction (plus Trades)
		Decks, Trellises, Pergolas	Cost of Construction (plus Trades)
		Swimming Pools	\$100

New construction, alterations, additions and renovations will be calculated on \$70 a sqft to determine value to price permit

** Work commencing prior to obtaining the necessary permits are subject to **double permit fees**.

** All re-inspection fees shall be paid prior to the next inspection.

Inspection Fees

Schedule Subject to Change Upon Approval by City Council

Other Services			
Administrative Fees (Amending Information on Permit)	\$50	Commercial Plan Review	
Extra Building Permit Card, Duplicate Certificate of Occupancy	\$10	Less Than 4,000 s.f.	\$125
Stocking Permit	\$50	4,000 to 50,000 s.f.	\$200
Onsite Inspections (Walk Through)	\$50	Greater than 50,000 s.f.	\$300
Temporary Certificate of Occupancy	\$50	Day Care, ABC License Inspection	
Business Occupancy	\$100	First Inspection	\$100
		Each Additional Inspection	\$50

Demolition Permit			
Less than \$1,000	Minimum Fee = \$70		
\$1,000 or more	Minimum Fee plus-\$2 per \$1,000		

** Electrical, mechanical, and plumbing must get separate permits.

Plumbing Permits			
First fixture, including sewer, pits, interceptors or sewer lifts	\$60	Minimum Permit Fee	\$60
Additional fixture per fixture	\$6	Re-Inspection Fee	\$50
Sewer service	\$50		
Water service	\$50		

** The fees prescribed above shall apply to all old work as well as new and to inspections made necessary by moving any house from one location to another or by raising the house and shall apply when it is necessary for any reason to re-rough or replace any fixture or water heater.

** If any person commences any work on a building or service system before obtaining the necessary permits, he or she shall be subject to a double permit fee.

** All Re-Inspection fees must be paid for before the next inspection is done.

Inspection Fees

Schedule Subject to Change Upon Approval by City Council

Electrical Permits

	Residential	Commercial
Up to 200 amps	\$80	\$100
201-400 amps	\$90	\$120
Greater than 400 amps	\$110	\$130 + .40 Per Additional Amp
Underground Inspections	\$50	\$50
Additions & Alterations (Based on # boxes added or removed)	First 10 = \$60, Each Additional 10 = \$3	First 10 = \$100, Each Additional 10

** If any person commences any work on a building or service system before obtaining the necessary permits, he or she shall be subject to a double permit fee.

** All Re-Inspection fees must be paid for before the next inspection is done.

Other Electrical

Minimum Permit Fee	\$60	Solar Installations	\$75
Temporary Power	\$50	HVAC Change Outs	\$75
Saw Service	\$50	Swimming Pools	\$125
Motors up to 4 h.p.	\$20	Motors greater than 4 h.p.	\$20 plus \$.20/h.p.
Low Voltage Residential	\$50	Low Voltage Commercial	\$100

Mechanical Permits

Minimum Permit Fee	\$60
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Residential

First HVAC Unit	\$75
Each additional HVAC Unit	\$50

Inspection Fees

Schedule Subject to Change Upon Approval by City Council

Commercial

Heat Only	1st - \$100, 2nd - \$50
Cooling Ony	1st - \$100, 2nd - \$50
Heating & Cooling	1st - \$100, 2nd - \$50
Refrigeration System - Walk-in Cooler or Unit	\$100 First Unit, \$50 Each Additional Unit

Boilers & Chillers

Up to 150,000 BTU	\$100
Greater than 150,000 BTU	\$225
Commercial Hood	\$80
Gas Logs	\$50
Gas Piping	\$50
Ductwork Inspection	\$50
Fireplaces	\$50

Fire Inspection Fees

Effective July 1, 2022

Schedule Subject to Change Upon Approval by City Council

Fire Inspections and Permits (Permits issued for a duration of 6 months)			
Airports/Heliports	\$50	Lumber Storage	\$50
Bowling Pin Refinishing	\$50	Magnesium	\$50
Bowling Alley Refinishing	\$50	Mechanical Refrigeration	\$50
Cellulose Nitrate Motion Picture	\$50	Organic Coatings	\$50
Cellulose Nitrate Plastic (Pryoxlyn)	\$50	Ovens	\$50
Combustible Fibers	\$50	Pipelines Flammable/Combustible	\$50
Compressed Gases	\$50	Pulverized Particles (Dust)	\$50
Crude Oil Production	\$50	Repair Garages	\$50
Cryogenic Fluids	\$50	Tank Vehicle Flammable/Combustible	\$50
Dry Cleaning Plants (NEW)	\$50	Tire Rebuilding plants	\$50
Flammable Finishes Paint Booths	\$50	Wrecking Yards/Junk Yards/Waste Handling	\$50
Fruit Ripening Processes	\$50	Welding/Cutting	\$50
Fumigation/Thermal Insecticide Fogging	\$50	Match Manufacturing	\$50
High Pile Storage	\$50	Radioactive Materials Storage/Handling	\$100
Liquified Natural Gas 100-500 gal.	\$50	Hood and Ansul Systems	
500-2,000 gal.	\$50	Hood Systems Extinguishment	\$100
2,000-30,000 gal.	\$50	Ansul Test and Inspection	\$50
Entertainment			
Motion Picture Projection	\$50	Fireworks	\$50
Tents	\$50	Explosives/ Blasting**	\$100
Canopies more than 400 sq. ft.	\$50	Return Inspection Fee	\$100
Fire Suppression Systems		Fire Alarm Systems	
1 Riser	\$150	1-30,000 sq. ft.	\$150
2 Risers	\$300	30,001-80,000 sq. ft.	\$300
3 Risers or more	\$500	80,000 sq ft. or more	\$500
Flammable/Combustible Liquids Installation			
Above Ground Tank	\$100	Return Inspection Fee	\$100
Underground Tank	\$100	Tank Removal	\$100
Additional Tank	\$50	Upgrade Piping	\$50
Noncompliance with Fire Code (Code of Ordinances Article III, Chapter 16, Section 16-65)		Recoupment Charge for False Alarms (Code of Ordinances Article VI, Chapter 6, Section 6-164)	
1st Re-inspection	\$100	5 or more in 1 year	\$100
2nd Re-inspection	\$200	2 in a 24 hour peroid	\$300
3rd Re-inspection	\$300	More than 2 in a 7 day period	\$300
Overcrowding		Annual Inspection Fees	
Per person over posted occupancy	\$100	0-5,000 sq. ft.	\$50
		5,001-10,000 sq. ft.	\$100
		10,001- 50,000 sq. ft.	\$200
		50,001 - 100,000 sq. ft.	\$300
		100,001-300,000 sq. ft.	\$400
		300,001-500,000	\$500
		Over 500,000	\$600

***Governments and Non-Profits exempt.**
****Explosives/Blasting Permits require a valid certificate of insurance for \$1,000,000 of general liability. Permits issued for a 3 month duration.**
*****Apartments will be charged \$50 per building not to exceed \$600.**

Police

Schedule Subject to Change Upon Approval by City Council

Background and Document Fees

Precious Metals Background Investigation	\$38	Taxi Driver Application	\$10
Precious Metals Background Investigation - Required Photograph	\$10	Accident Report	\$1

Recoupment for False Alarms

5 or more in 1 year	\$100
2 in a 24 hour period	\$100
More than 2 in a 7 day period	\$100

Recreation and Parks

Fee Schedule Effective July 1, 2022

Schedule Subject to Change Upon Approval by City Council

Athletics

Camp Fees	Resident	Non-Resident
Basketball Camp	\$45	\$55
Football Camp	\$35	\$45
Lacrosse Camp	\$35	\$45
Tennis Camp	\$35	\$45
Volleyball Camp	\$35	\$45
Athletic Fees	Resident	Non-Resident
First Child	\$15	\$40
Second Child	\$10	\$35
Third Child	\$5	\$30
Lacrosse Program	\$15	\$40
Pod Programs	\$10	\$20
Esports	\$10	\$10
Middle & High School Tennis Program	\$15	\$40
Youth Tennis Clinics	\$15	\$40
Adult Tennis Nights	\$15	\$40
Adult Tennis Mebane City Tournament	\$15	N/A
Mebane Adult Volleyball League Team Fee	\$200	N/A
Mebane Adult Sand Volleyball League Team Fee	\$100	N/A

Programs

3 hours kids camps (Monday - Thursday) per week	\$50
Event tickets per person	\$25

Christmas Parade

Business Entry	\$75
Walkers, 25-50	\$15
Walker, 51+	\$25

Facilities

Walker & Youth Field & Equipment Rentals			
Per Hour - Resident	\$15	Per Hour - Non-resident	\$25
Lights per day per field	\$25		

Recreation and Parks

Fee Schedule Effective July 1, 2022

Schedule Subject to Change Upon Approval by City Council

Walker Field Tennis Court Rentals (Mebane Courts on 2nd Street)

Per Hour 3 Courts	\$15	Tourney Rental 1 Day	\$100
Per Hour All Courts	\$25	Tourney Rental 2 Days	\$175
		Tourney Rental 3 Days	\$225

Mebane Community Park Rentals

Per Hour Per Field - Resident	\$25	Tourney Rental 1 Field/Day	\$200
Non-Resident Per Field Per Hour	\$40	Tourney Rental Both Fields/Day	\$400
Lights per Day	\$25	Tourney Rental Weekend/Field	\$600

Lake Michael Rentals & Fees

John-boat Rental Per Person	\$5/hour	Single Kayak Rental	\$5/hour
Launch of Boat	\$0	Double Kayak Rental	\$5/hour
Fishing	\$0	Canoe Rental	\$5/hour
Paddle Boat	\$5/hour	Shelter Fee (4-hour block)	\$25
Trail Rental for 5K Race	\$400		

Basketball Court Rental

Per hour per court	\$25	Tournament Rental per day	\$200
Per day per court	\$100		

Corrigidor Drive Athletic Complex Rentals

Per Hour Per Field	\$15	Tournament Rental Per	\$100
Lights per day	\$25	Construction of new lines	\$100
Non-Residents Per Hour Per Field	\$25		

Old Rec Center

	Resident	Non-Resident
Old Rec. Center Basketball Court (Gym) per hour	\$25	\$40

Old Rec Center Tennis Court Rentals

Per Hour All Courts	\$15	Tourney Rental 1 Day	\$75
		Tourney Rental 2 Days	\$125
		Tourney Rental 3 Days	\$175

Fee Schedule

Recreation and Parks

Effective July 1, 2022

Schedule Subject to Change Upon Approval by City Council

Arts & Community Center			
Multi-Purpose Room Rental	\$1,000	Community Meeting Room (Full	\$150
Multi-Purpose Room Rental (1/2	\$50	Community Meeting Room (Full	\$25
Multi-Purpose Room (Full Area)-Non Profit(up to 5hrs.)	\$500	Civic Meeting Room (1/2 Area) (per use up to 5 hrs.)	\$75
Multi-Purpose Room Rental (Full Area) - Non Profit (per hr. over 5 hrs.)	\$80	Civic Meeting Room (1/2 Area) (per hr. over 5 hrs.)	\$20
Multi-Purpose Room Rental - Kitchen Use (per use)	\$50	Civic Meeting Room (Full Area) (per use up to 5 hrs.)	\$100
Community Meeting Room (1/2	\$100	Civic Meeting Room (Full Area)	\$25
Community Meeting Room (1/2	\$20	Score Table Rental per day	\$200

Additional Items for Facility Rentals			
Scoreboard Use per hour*	\$5	Paint Field/Application	\$25
Staff Supervision per hour	\$15	Chalk Field/Application	\$10
New Lines Set Up Fee	\$100	Field Crew Prep per Hour	\$15
Lights per Day	\$25	Wifi Access @ MACC (guest)	\$25/Rental/Day
Camera Streaming Option	\$100/Rental/Day	* We reserve the right to require staff for any event to operate equipment.	

Athletic Uniform Sponsorships			
Baseball Team	\$300	Baseball League	\$5,000
Softball Team	\$300	Softball League	\$4,000
T-Ball Team	\$300	T-ball League	\$3,000
Basketball Team	\$200	Basketball League	\$5,000
Football Team	\$2,500	Football League	\$7,500
Tennis League	\$1,000	Lacrosse League	\$750

Schedule Subject to Change Upon Approval by City Council

Program/Special Event Sponsorship

Business Booth at Events	\$50
Food Truck at Events	\$50
Clay St. After Work Concert Series - Presenting Sponsor - Limit 1	\$2,500
Clay St. After Work Concert Series - Stage Sponsor - Unlimited	\$1,000
Clay St. After Work Concert Series - Single Concert - Unlimited	\$500
Mebane 4th of July Celebration - Band & Presenting Sponsor - Limit 1	\$4,000
Mebane 4th of July Celebration- Food and Beverage Sponsor - Limit 1	\$1,000 or In Kind
Mebane 4th of July Celebration - Outdoor Sponsorships - Unlimited	\$500
Mebane Sports Hall of Fame - Presenting Sponsor - Limit 1	\$2,500
Mebane Sports Hall of Fame - Stage Sponsor - Limit - 4	\$1,000
Mebane Farmers Market Sponsor - Limit 5	\$1,000
Mebane Christmas Parade - Presenting Sponsor - Limit 1	\$5,000
Mebane Christmas Parade -	\$500
Movie in the Park Sponsorship - Limit 1 / Movie	\$500
Baseball/Softball Opening Night Celebration -	\$500 or In Kind
Mid Season Madness Basketball Celebration -	\$500 or In Kind
Grow Golf Now Season Sponsor (2 per year)	\$1,500

Summer Sports Camp T-Shirt Sponsors

Basketball Camp	\$1,500	Football Camp	\$1,000
Lacrosse Camp	\$500	Tennis Camp	\$500

Facility Sponsorships

MACC Baseball Field	\$1,000/Yr	Community Park Soccer Field	\$2,500/Yr
MACC Soccer Field	\$1,000/Yr	Both Community Park Soccer	\$4,000/Yr
MACC Baseball Complex	\$3,000/Yr	Both MACC Complex	\$5,000/Yr
MACC Soccer Complex	\$3,000/Yr	All Tennis Courts	\$1,000/Yr

Schedule Subject to Change Upon Approval by City Council

Wastewater Treatment Plant Analytical Costs

pH	\$5	Cadmium (Cd)	\$18
Biochemical Oxygen Demand	\$25	Chromium (Cr)	\$18
Total Suspended Solids (TSS)	\$15	Copper (Cu)	\$18
Ammonia Nitrogen as Nitrogen (NH ₃ -N)	\$15	Lead (Pb)	\$18
Total Phosphorus (TP)	\$15	Nickel (Ni)	\$18
Chemical Oxygen Demand (COD)	\$22	Zinc (Zn)	\$18
Oil & Grease (O&G)	\$50	Aluminum (Al)	\$18
Mercury (Hg)	\$25	Fluoride	\$20
Total Kjeldahl Nitrogen (TKN)	\$25	Silver (Ag)	\$18
Nitrate Nitrite (NO ₃ NO ₂)	\$15	Selenium (Se)	\$18
Cyanide (CN)	\$30	Fecal Coliform	\$20

Wastewater Treatment Plant Sampling Cost

Sampling Technician	\$19.50 per hour (\$58.50 per event)	Program Administration	\$60 per hour (\$90 per event)
Pretreatment Coordinator	\$22 per hour (\$66 per event)	Sampler Rental	\$60 per day

Surcharges

Parameter Base Conc.	(mg/l)	Cost per Pound
BOD ₅	>250	\$0.25
COD	>750	\$0.09
TSS	>250	\$0.34
NH ₃ as N	>15	\$0.85
Phosphorus	>7	\$0.66
Oil & Grease	>100	\$0.25

CITY OF MEBANE POSITION CLASSIFICATION AND PAY PLAN

Updated 2022-2023 (Adopted 6/6/2022)

Grade	Classification Title	Minimum	Job Rate	Maximum
3	Maintenance Worker	\$28,054	\$34,852	\$43,486
	Sanitation Worker			
4	Groundskeeper	\$29,457	\$36,597	\$45,689
	Maintenance Technician			
	Receptionist/Office Assistant			
5	Meter Reader	\$30,930	\$38,425	\$47,942
6	Equipment Operator I	\$32,477	\$40,348	\$50,339
	Meter Reader Technician			
7	Equipment Operator II	\$34,100	\$42,365	\$52,857
	Wastewater Data Management Assistant			
	<i>Police Cadet (Part-time)</i>			
8	Administrative Support Specialist	\$35,806	\$44,483	\$55,498
	Customer Service Representative			
	Evidence Technician			
	Permit Specialist			
9	Accounting Tech I	\$37,597	\$46,708	\$58,273
	Equipment Operator III (Sanitation Equip Op)			
10	Accounting Tech II	\$39,475	\$49,044	\$61,187
	Automotive Mechanic			
	Building Maintenance Coordinator			
	Laboratory Technician			
	Utilities Location Technician			
	Utilities System Mechanic I			
	Wastewater Treatment Plant Opr			
11	Firefighter	\$42,669	\$51,495	\$65,175
	Recreation Program & Athletic Coordinator			
	Public Works Crew Leader			
	Utilities System Mechanic II			
12	Accounting Payroll Specialist	\$43,522	\$54,071	\$67,459
	Automotive Mechanic Supervisor			
	Code Enforcement Officer			
	Fire Engineer			

CITY OF MEBANE POSITION CLASSIFICATION AND PAY PLAN

Updated 2022-2023 (Adopted 6/6/2022)

Grade	Classification Title	Minimum	Job Rate	Maximum
	Fire Life Safety Educator			
	Parks Operations & Maintenance Crew Leader			
	Water Billing & Collections Specialist			
	Recreation Supervisor for Athletics			
13	Compliance Manager	\$45,698	\$56,775	\$70,832
	Lead Wastewater Plant Operator			
	Police Accreditation Officer			
14	Accountant	\$47,984	\$59,615	\$74,373
	Building Code Inspector I			
	Fire Inspector I			
	Fire Lieutenant			
	Planner			
	Police Officer			
	Utilities Maintenance Crew Leader			
15	Human Resources Analyst	\$50,382	\$62,589	\$78,093
	Police Investigator			
	Police Corporal			
16	Building Code Inspector II	\$52,902	\$65,723	\$81,996
17	Accounting Supervisor	\$55,546	\$69,010	\$86,097
	Arts & Community Center Supervisor			
	Building Code Inspector III			
	Information Technology Specialist			
	Police Sergeant			
18	Athletics Director	\$58,323	\$72,461	\$90,402
	Fire Captain			
	Public Information Officer			
19	Assistant Public Works Director	\$61,240	\$76,084	\$94,922
	City Clerk			
	Special Projects Coordinator			
	Plan Reviewer			
	Recreation and Parks Superintendent			
	Deputy Fire Marshal			
20	Assistant Fire Chief	\$64,302	\$79,886	\$99,667
	Police Lieutenant			
21	(Grade 20 reserved for future use)	\$67,517	\$83,882	\$104,651

CITY OF MEBANE POSITION CLASSIFICATION AND PAY PLAN

Updated 2022-2023 (Adopted 6/6/2022)

Grade	Classification Title	Minimum	Job Rate	Maximum
22	(Grade 22 reserved for future use)	\$70,893	\$88,076	\$109,883

CITY OF MEBANE POSITION CLASSIFICATION AND PAY PLAN

Updated 2022-2023 (Adopted 6/6/2022)

Grade	Classification Title	Minimum	Job Rate	Maximum
23	Inspections Director	\$74,437	\$92,479	\$115,378
	Police Captain			
24	Assistant Police Chief	\$78,159	\$97,103	\$121,147
25	Planning Director	\$82,067	\$101,959	\$127,204
	Recreation and Parks Director			
26	Human Resources Director	\$86,171	\$107,056	\$133,564
27	Fire Chief	\$90,480	\$112,410	\$140,243
	Information Technology Director			
	Public Utilities Director (Wastewater Plant)			
	Public Utilities Director (Water/Sewer)			
	Public Works Director			
28	(Grade 28 reserved for future use)	\$95,004	\$118,031	\$147,255
29	Finance Director	\$99,754	\$123,932	\$154,617
	Police Chief			
32	(Grade 32 reserved for future use)			
33	Assistant City Manager	\$121,251	\$150,461	\$182,938

Mebane

Positively Charming



Capital Improvement Plan FY 2023 - 2027

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SECTION 1: OVERVIEW OF THE CAPITAL IMPROVEMENT PLAN

The Capital Improvement Plan (CIP) is the planning mechanism by which the City Council allocates limited financial resources to implement long-term goals as defined in the Comprehensive Land Development Plan, Comprehensive Transportation Plan, Bicycle and Pedestrian Transportation Plan, Mebane Downtown Vision Plan, Recreation and Parks Master Plan, Long Range Utility Master Plan, and other similar planning documents. The purpose of the CIP is to forecast and match projected revenues and significant capital needs over five years. Capital planning is an important management tool that strengthens the linkage between community infrastructure needs and the City's financial capacity.

The CIP is a multi-year plan for significant capital expenditures such as the acquisition of land, construction or considerable renovation of public facilities (i.e., buildings and parks), construction of new transportation infrastructure (i.e., roads, sidewalks, multi-use paths), expansion or significant renovation of water, wastewater, or stormwater infrastructure, capital equipment to support operations, or any combination of the above. Projects eligible for inclusion in the CIP are those with an asset value of greater than \$25,000 and useful life of greater than three years.

When identifying new projects, staff looks to the long-term priorities and direction set by City Council and submits formal requests through the CIP process. A formal request includes a description of the project, the estimated cost, and an estimate of the recurring expenses associated with a completed project (i.e., additional staff, additional utilities, etc.). The formal request also includes alternative solutions, if any, and a statement on the effect on services and programs if the project is not funded.

Once adopted by the City Council, the CIP becomes a statement of City policy regarding the need, priority, timing, and funding of future capital projects. The Capital Improvement Plan is simply that – a plan. As such, projects and funding mechanisms are subject to change based on new or shifting service needs, unique financing opportunities, emergency needs, or other directives or priorities established by the City Council. Future needs and financial constraints may result in changes in priority over the five-year period. Because priorities can change, projects included in outward planning years are not guaranteed funding. The CIP represents the City Administration and City Council's best judgment when the Plan is adopted. Priorities established in the CIP subsequently guide decisions made by City Administration and the various boards and commissions appointed by City Council.

RELATIONSHIP TO THE ANNUAL OPERATING BUDGET

Some CIP projects are funded through annual operating funds, such as the General Fund and the Water and Sewer Fund. In these cases, the CIP and the Annual Operating Budget are directly linked as CIP projects become authorized through the adoption of the Annual Operating Budget. Projects funded through debt financing also impact the operating budget through ongoing debt service expense. Finally, some completed CIP projects will directly impact the operating budget as they will require ongoing expenditures for staff and other operating costs.

CIP STRUCTURE

The CIP is organized into six functional categories, called "elements," in order to group projects with similar items.

1. **Transportation Element:** funds the construction of new roadways, improvements to existing roadways, sidewalks, bicycle, and pedestrian facilities, transit projects, and railroad crossing improvements. The Bike and Pedestrian Plan is funded in this element.
2. **Parks, Recreation, and Cultural Resources Element:** funds land acquisition for new park and greenway facilities, the construction of park and recreation amenities, and significant renovations of current facilities. Implementation of the Parks and Recreation Master Plan is funded in this element.
3. **Public Safety Element:** funds the acquisition of capital equipment to support the operations of the two public safety departments in the City (Fire and Police). Public safety facilities are considered in the public facilities element.
4. **Public Facilities Element:** funds construction and significant renovation of general government and public safety facilities and infrastructure. This element also funds improvements to communications and technology infrastructure.
5. **Public Works & Environmental Services Element:** funds projects designed to manage and mitigate the effects of stormwater runoff, manage the collection and disposal of solid waste, and maintain streets. These projects include structural improvements, Stormwater Control Measure (SCM) construction, and infrastructure replacement. They also include the equipment needed to manage solid waste collection and maintain City streets.
6. **Water and Sewer Utility Element:** funds the construction and improvement of water and sewer infrastructure. These projects include main additions and replacements, water/wastewater treatment plant renovations/expansions, filter rehabilitation, pump station additions, infrastructure replacement, and the equipment necessary to maintain the system

CAPITAL IMPROVEMENT FUNDING

The funding sources used to execute the Plan are as important as the capital projects contained in the Plan. Capital Improvements for the City of Mebane are funded using a variety of sources that are broadly categorized as cash, grants, or debt financing.

Cash, or pay-as-you-go (PAYGO), funds come from sources such as tax revenue, development-related fees, program fees, State revenue, and interest earnings. Some of these sources, such as State revenue from the Powell Bill, and certain others, may only be spent to meet particular needs. Other revenue sources come with no restriction on the needs they may be used to address. Major funding sources for the CIP are as follows:

General Fund: General Fund revenue, such as ad valorem taxes, sales taxes, utility taxes, and other similar revenues, are used to fund City operations and may be used to fund capital projects such as facility improvements, transportation system improvements, and other similar projects. Compared to other sources, General Fund resources are a flexible revenue source without restrictions on their use.

Enterprise Funds: Enterprise funds, such as the water/sewer fund, collect user fees as part of their operations, then invest a portion of that revenue into capital projects. The City uses these funds only for corresponding enterprise projects.

Water/Sewer Capital Reserve Fees: These fees are charged, based upon a City Council-approved System Development Fee Schedule, to developers of land within the City of Mebane to pay for the capital facility burden created by new development. Revenue from these fees is restricted for capital improvements to the water/sewer system or to fund debt service payments for improvements to these systems.

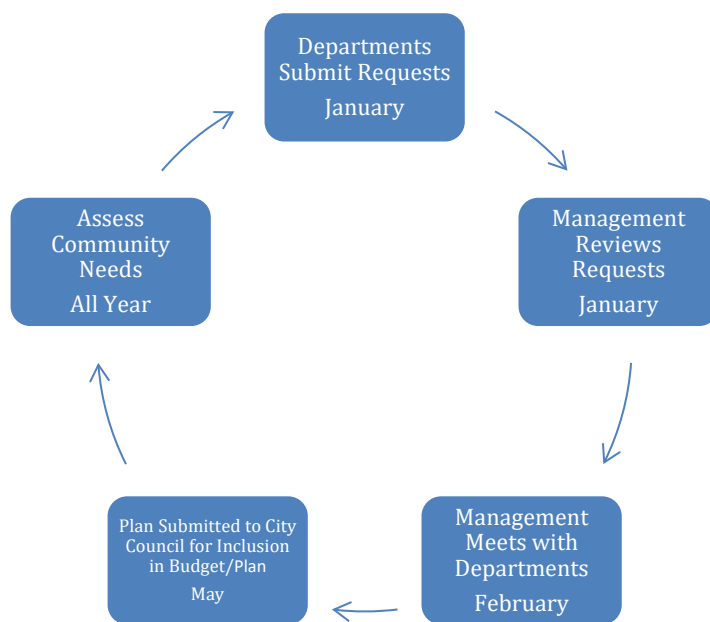
Debt Financing: For debt financing, the City uses several types of debt mechanisms, including revenue bonds and traditional lease-purchase or installment financing. The tool selected varies depending on the level of funding needed, the term of the need, and current debt market conditions. The City does not currently have general obligation bonds; however, they require approval by voters and are backed by the City's taxing authority to repay the bonds. Revenue bonds pledge the revenue generated by specific enterprise (water and sewer) charges.

Grants: The City actively searches out local, state, and federal grant opportunities. Expenditures are normally restricted to the purpose of the grant and, at times, will require a matching contribution from the City.

Reserve from Prior Years: As projects are completed, unspent budgeted amounts accumulate into reserves, available for future projects. Reserves can also build up when the City collects revenue in excess of the amount budgeted.

THE CIP PROCESS

The process for developing the CIP, as illustrated below, begins shortly after the beginning of a new fiscal year (July 1) as staff considers unmet capital needs in the recently adopted budget and other emerging needs. For each project, staff in the requesting department complete a CIP project request form and compile supporting documentation. All CIP project requests are due by the beginning of January of each year.



CIP PRACTICES

Long-Range Cost Estimates: Using the upcoming fiscal year as the base, staff consult the City Engineer to estimate future construction costs better.

Closing Projects: Projects are closed when the approved scope of work is complete. Staff reviews project statuses periodically to identify finished projects that can be closed. If the budget for a completed project is not fully expended, generally, the budget is closed, and the remaining balance accumulates in the fund balance. The accumulated fund balance is available to pay for future projects.

Horizon Issues: The proposed CIP funds the City's highly prioritized needs. Staff reviews and analyzes the project details supporting these projects and considers them ready to move forward.

However, in many situations, the City has identified a future need but has not yet completed a detailed analysis, weighed options, or designed a specific facility. These projects include facilities, capital infrastructure, and business systems needed in the future, often beyond the CIP's five-year timeframe.

PLANNING BY FUND

The following sections represent a description of the projects submitted, by element, for the five-year planning timeframe under consideration. Each element begins with a brief description of what types of projects are funded and includes a tabular summary of all projects considered and the proposed revenue source to fund the projects each year. At the end of each section, there is a summary table showing the total cost of the projects in each year and the total of each revenue source. More details regarding the cost of borrowing are provided in each summary section. The reference to "Local Revenue" in the revenue portion of the tables is indicative of the need for current year funding for some projects/purchases in each year. This could include appropriation of reserve funds from one or both of the major funds: General and Water and Sewer.

SECTION 2: GENERAL FUND

A majority of projects included in the CIP are housed in the General Fund. This revenue is generated in large part by ad valorem taxes, along with sales taxes, utility taxes, and other similar revenues.

The types of capital projects that qualify for this fund include facility improvements, transportation system improvements, and other similar projects.

Compared to other sources, General Fund resources are a flexible revenue source without restrictions on their use.

The icons below signify each element within the General Fund. They are located on the top right corner of the pages that are associated with their projects.



Transportation Element



Parks, Recreation, and Cultural Resources Element



Public Safety Element



Public Facilities Element



Public Works and Environmental Services Element

TRANSPORTATION ELEMENT PROJECTS



Projects Funded: Construction of new roadways, improvements to existing roadways, sidewalks, bicycle, and pedestrian facilities, transit projects, and railroad crossing improvements.

Transportation infrastructure, like Clay Street shown on the right, is the location of a charming collection of cafes, restaurants, and unique shops and the site of outdoor music events in the summer.



The table below shows each of the projects submitted for consideration in this year's CIP process and the project's estimated cost in each fiscal year in the Plan. In addition, Section 6 of this document contains detailed information regarding the proposed funding source for each project.

Transportation Element	Total	FY22-23	FY23-24	FY24-25	FY25-26	FY26-27
Holt Street Greenway.....	\$ 900,000	900,000	-	-	-	-
Sidewalk Projects.....	\$ 1,370,000	109,000	210,000	206,000	400,000	445,000
Downtown Stamped Asphalt Crosswalk Refurbishing.....	\$ 70,000	70,000	-	-	-	-
Dead-end Street Reconstruction*.....	\$ 30,000	30,000	-	-	-	-
Signal Light and Control Box Replacement.....	\$ 50,000	-	50,000	-	-	-
Community Park Gravel Lot.....	\$ 130,000	-	130,000	-	-	-
Third-Fifth Street Connector Greenway.....	\$ 290,000	-	-	40,000	-	250,000
Repave Old Rec Parking Lot.....	\$ 50,000	-	50,000	-	-	-
Repave MACC Parking Lot.....	\$ 380,000	-	-	380,000	-	-
Element Total	\$ 3,270,000	\$ 1,109,000	\$ 440,000	\$ 626,000	\$ 400,000	\$ 695,000

* Cost to be determined for the year highlighted.



Holt Street Greenway

\$900,000

The design and permits for the Holt Street Greenway are complete, and the City is currently in the process of obtaining its last easement. The cost of this project includes a \$250,000 donation from Impact Alamance. This greenway will begin with the MACC serving as a trailhead extending easterly along MoAdams Creek to South Mebane Elementary School.



Sidewalk Projects

\$109,000

- S. Third St. Extension from Corporate Park Drive to Augusta Drive (Governors Greene Subdivision) – engineering design \$55,000
- W. Carr St./ Yoder Elementary School – final design and construction: \$54,000

Downtown Stamped Asphalt Crosswalk Refurbishing

\$70,000

This project will result in the refurbishment of sixteen crosswalks at the intersections of W. Clay St. and Second St., Third St., Fourth St., and Fifth St.

Dead-end Street Reconstruction

\$30,000

Preliminary engineering design for turnarounds for six dead-end streets in the City that cause issues for the sanitation trucks and neighborhoods.



Sidewalk Projects \$210,000

- N. Second St.(W. Graham St. to Second St.) and Crawford St. (Second St. to First St.) – construction: \$125,000
- Crawford St. from N. Charles St. to N. First St. – preliminary engineering design: \$30,000
- S. Third St. Extension from Augusta Drive to Gibson Rd (Cooperstone Subdivision) – engineering design \$55,000

Dead-end Street Reconstruction TBD

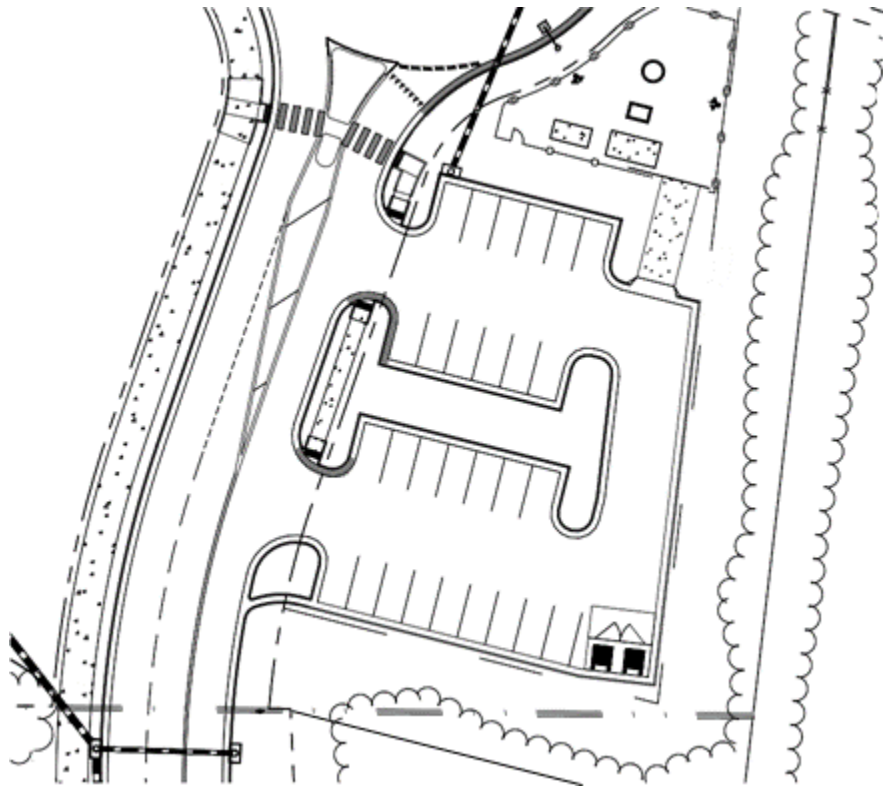
Construction of turnarounds for six dead-end streets in the City that cause issues for the sanitation trucks.

Signal Light and Control Box Replacement \$50,000

This is a scheduled replacement of Fourth & Clay or Third & Clay intersection signal light/control box. A consultant will be inspecting all City operated signal lights/control boxes in FY 22-23 to report estimated duration.

Community Park Gravel Lot \$130,000

The project would include the conversion of the current gravel parking lot to a paved curb & gutter parking lot. This will result in the reduction of total parking spaces from 40 gravel spaces to 28 paved curb & gutter spaces.



Repave Old Rec Parking Lot \$50,000

In 2020, the City painted the Old Rec parking lot. Currently, the asphalt condition makes repainting and filling cracks unfeasible, and repaving is the most efficient path forward.

2024 – 2025

Sidewalk Projects \$206,000

- Sidewalk Connection/Extension to Asbury Blvd. – preliminary engineering design: \$30,000
- Crawford St. from N. Charles St. to N. First St. – construction: \$176,000

Third-Fifth St. Connector Greenway \$40,000

This greenway will serve as both an extension of the Holt Street Greenway and a pedestrian connection between South Third and Fifth Streets. City staff is in communication with Duke Energy regarding an easement for construction along their transmission line. Cost includes easements and preliminary engineering design.



Repave Mebane Arts and Community Center (MACC.) Parking Lot \$380,000

In 2020, the City repainted and crack filled the MACC parking lot, understanding it was the last time this option for repair would be recommended. Repaving is recommended to maintain the parking lot.

2025 – 2026

Sidewalk Projects \$400,000

- Third St. Extension from Corporate Park Dr. to Augusta Dr. (Governors Greene Subdivision) – construction
 - Easement costs will be added after preliminary engineering design.

2026 – 2027

Sidewalk Projects \$445,000

- Connection to Collington Farm Subdivision – preliminary engineering design: \$45,000
- Third St. Extension from August Dr. to Gibson Rd. (Copperstone Subdivision) – construction \$400,000
 - Easement costs will be added after preliminary engineering design

Third-Fifth St. Connector Greenway \$250,000

This greenway will serve as both an extension of the Holt Street Greenway and a pedestrian connection between South Third and Fifth Streets. This cost includes construction.



PARKS, RECREATION, AND CULTURAL RESOURCES ELEMENT

Projects Funded: The construction of park and recreation amenities, expansion of existing parks, and significant renovations of current facilities.



Community Park Splash Pad



Mebane Baseball/Softball Complex

The City of Mebane is proud to have over 350 acres in its nine beautiful parks for its citizens, including many amenities that satisfy the community's wants and needs. These amenities include twelve ball fields, nine tennis courts, five playgrounds, over four miles of trails and multi-use paths, two pocket parks, and many other recreation opportunities within these parks.

The table below shows each of the projects submitted for consideration in this year's CIP process and the project's estimated cost in each fiscal year of the Plan. In addition, Section 6 of this document contains detailed information regarding each project's proposed funding source.

Parks, Recreation, and Cultural Resources Element	Total	FY22-23	FY23-24	FY24-25	FY25-26	FY26-27
Lake Michael Dam Spillway.....	\$ 6,000,000	-	6,000,000	-	-	-
Lake Michael Lebanon Rd. Connector.....	\$ 121,000	121,000	-	-	-	-
Community Park Fiddler Stage.....	\$ 75,000	75,000	-	-	-	-
Shade Cover for Fitness Court.....	\$ 55,000	-	55,000	-	-	-
Lake Michael Remaining Trail*.....	\$ 45,000	-	45,000	-	-	-
Maintenance Truck.....	\$ 35,000	35,000	-	-	-	-
Pickle Ball Courts*.....	\$ -	-	-	-	-	-
Youth Walker Field Repurpose*.....	\$ -	-	-	-	-	-
Shade for Farmer's Market*.....	\$ -	-	-	-	-	-
Community Park Expansion*.....	\$ -	-	-	-	-	-
Lake Michael Pier Replacements.....	\$ 150,000	-	-	-	150,000	-
Element Total	\$ 481,000	\$ 231,000	\$ 6,100,000	\$ -	\$ 150,000	\$ -

* Cost to be determined for the year(s) highlighted.



FY 2022 – 2023

Lake Michael Lebanon Rd. Connector \$121,000

This connector will complete the pedestrian gap between the private sector construction pedestrian routes to the immediate west and east. Of the \$165,000 budget in FY 21-22, \$36,000 was spent on the preliminary design, leaving \$129,000 to roll over to FY 2022 – 2023 and combine with the current request.

Community Park Fiddler Stage \$75,000

The Mebane Community Park Fiddler Stage will improve residents' health and wellbeing by providing movies, concerts, and other programs related to arts in a safe environment. The stage cover will provide an aesthetically pleasing shade structure for the residents and a sound barrier to nearby homeowners during performances at the Mebane Community Park.

Maintenance Truck \$35,000

This truck is only needed if the Park Superintendent position is approved. The Plan is to purchase a Chevy Silverado 1500 or a comparable truck.

FY 2023 – 2024

Lake Michael Dam Spillway \$4,000,000 to \$6,000,000

Construction will occur after the preliminary engineering design, permitting, and debt service/bonding is completed. The construction cost and resulting debt service/bonding will be determined once DEQ approval is authorized.

Shade Cover for Fitness Court \$55,000

Adding a shade cover for the fitness court will increase use during hot weather due to the cooling effect. A three-pole system and shade sails are the best options based on the size of the footers required.

Lake Michael Remaining Trail \$45,000

The Lake Michael Trail extension will provide an excellent trail completing the loop entirely around Lake Michael. In addition, the trail will provide another wonderful active amenity for the residents of Mebane and eventually tie into the Mebane Greenway from a nearby subdivision. City Council approved the application for a \$100,000 NC Trails Grant to help with the cost of this project. Once



the final design and engineering are complete, the City will submit the grant. The bulk of the funds will be associated with bridges and boardwalks. This cost is for preliminary engineering design.

Pickle Ball Courts **TBD**

Pickleball is a growing sport that the City only offers to residents indoors at the MACC. As a result, many residents have requested outside courts. The Parks and Recreation Master Plan Update will determine the location for the courts. The completion of the Plan is expected in FY 2022- 2023. Therefore, a cost estimate is not feasible at this time.

Youth Walker Field Repurpose **TBD**

The Plan is to repurpose this field based on the outcome of the Parks and Recreation Master Plan. This year the focus will be on engineering design.

FY 2024 – 2025

Lake Michael Remaining Trail **TBD**

The Lake Michael Trail extension will provide an excellent trail completing the loop entirely around Lake Michael. In addition, the trail will provide another wonderful active amenity for the residents of Mebane and eventually tie into the Mebane Greenway from a nearby subdivision. City Council approved the application for a \$100,000 NC Trails Grant to help with the cost of this project. Once the final design and engineering are complete, the City will submit the grant. The bulk of the funds will be associated with bridges and boardwalks. This cost is for construction.

Shade for Farmers Market **TBD**

The goal is to make the Farmers Market a regional destination by creating a robust and convenient location for our vendors. Additionally, the site may be used for small concerts, movies, and programs. This endeavor will be considered in the Parks and Recreation Master Plan update.

Community Park Expansion **TBD**

The feasibility for this expansion will be evaluated during the Parks and Recreation Master Plan Update. This is the year for engineering design.



FY 2025 - 2026

Youth Walker Field Repurpose

TBD

The Plan is to repurpose this field based on the outcome of the Parks and Recreation Master Plan. This is the year for construction.

Lake Michael Pier Replacements

\$150,000

Install a floating dock system for the deck and dock area at Lake Michael. This cost estimate includes the removal of the current piers that are not in service.

FY 2026 - 2027

Community Park Expansion

TBD

The feasibility for this expansion will be evaluated during the Parks and Recreation Master Plan Update. This is the year for construction.



PUBLIC SAFETY ELEMENT

Projects Funded: Acquisition of capital equipment to support the operations of the two public safety departments in the City. (Note: Public safety *facilities* are considered in the *public facilities* element.)



The table below shows each of the projects submitted for consideration in this year's CIP process and the project's estimated cost in each fiscal year of the Plan. In addition, Section 6 of this document contains detailed information regarding the proposed funding source for each project.

Public Safety Element	Total	FY22-23	FY23-24	FY24-25	FY25-26	FY26-27
Police Vehicles.....	\$ 976,921	260,006	171,362	176,503	181,798	187,252
Fire Engines.....	\$ 1,950,000	650,000	650,000	650,000	-	-
Fire Prevention Vehicle.....	\$ 90,000	45,000	45,000	-	-	-
Life Safety Education Vehicle.....	\$ 35,000	35,000	-	-	-	-
Training Simulator.....	\$ 75,000	-	75,000	-	-	-
Quint Truck.....	\$ 1,300,000	-	-	1,300,000	-	-
Replace Fire Chief's Vehicle.....	\$ 50,000	-	-	50,000	-	-
Platform Truck.....	\$ 1,800,000	-	-	-	1,800,000	-
Command Vehicle.....	\$ 55,000	-	-	-	55,000	-
Rescue Truck.....	\$ 1,300,000	-	-	-	-	1,300,000
Element Total	\$ 7,631,921	\$ 990,006	\$ 941,362	\$ 2,176,503	\$ 2,036,798	\$ 1,487,252



CONTINUOUS REPLACEMENTS

Annual Police Vehicle Replacements \$976,921 over 5 years

Police vehicles are in constant use in city traffic and therefore experience more wear and tear in a shorter period of time than privately owned vehicles. Police officers must be ready at a moment's notice to respond to any situation, so it is vital the police department have vehicles that are well-equipped and up to date to keep officers prepared and safe. The department plans to replace four vehicles in FY 2022-2023 and three vehicles for the remaining four years of the Plan.

FY 2022 – 2023

Fire Engine \$650,000

The replacement of Engine 32 is necessary to maintain a responsive and capable fleet of fire apparatus. Since 2002, call volume has increased 43%, and an ever-expanding fire district has placed a burden on these engines, ultimately limiting their service as frontline engines. Once retired, the City will sell Engine 32. Due to supply chain issues, engine delivery is expected two years from the order date.

Fire Prevention Vehicle \$45,000

A replacement vehicle is needed to support updated division systems and to meet the requirements outlined in the NC Fire Code for the frequency of inspections. In addition, the City's population growth makes it necessary to maintain a fleet of fire prevention vehicles capable of supporting staff members responsible for the safety of all City residents and visitors. Due to supply chain issues, vehicle delivery is expected one year from the order date.

Life Safety Education Vehicle \$35,000

Fire and life safety education has become a key part of the fire department's mission. Each year the Mebane Fire Department educates approximately 5,000 children within the city limits of Mebane. Additionally, the Mebane Fire Department is requested multiple times a year to educate businesses and their staff on the use of fire safety equipment, as well as hosting a car seat safety program once a month. These programs are vital to the safety of our community and the success of the fire department. Staff travel required to provide life safety education programs has more than doubled in recent years. Presently, the staff relies on their personal vehicles to attend classes, transport materials, and support the City's public education programs.



FY 2023 – 2024

Fire Engine \$650,000

The replacement of Engine 35 is necessary to maintain a responsive and capable fleet of fire apparatus. Since 2002, call volume has increased 43%, and an ever-expanding fire district has placed a burden on these engines, ultimately limiting their service as frontline engines. Once retired, the City will use Engine 35 as a reserve tanker. Due to supply chain issues, engine delivery is expected two years from the order date.

Fire Prevention Vehicle \$45,000

A replacement vehicle is needed to support updated division systems and to meet the requirements outlined in the NC Fire Code for the frequency of inspections. In addition, the City's population growth makes it necessary to maintain a fleet of fire prevention vehicles capable of supporting staff members responsible for the safety of all City residents and visitors.

Training Simulator \$75,000

This simulator will allow for required courses for Fire Fighter certification to be given locally. More importantly, this mandatory class requires burning a vehicle, an LP tank, and a flammable fuel spill to complete the course successfully. This simulator allows for real-world scenarios with next to no detrimental impacts on the environment. Due to the NFPA standard changes for firefighter training, these scenarios are required for certification.

FY 2024 – 2025

Quint Truck \$1,300,000

An increase in commercial growth warrants an additional elevated master stream on the City's south side. Although many buildings on the south side contain sprinkler systems, the mechanical components associated with these facilities are not protected and are generally on the roof. Additionally, the height of many residential homes in the district renders ground ladders insufficient for rescue access. Therefore, an additional aerial device is needed to improve deployment analysis citywide.



Fire Engine **\$650,000**

Engine 35 was replaced as a frontline engine and became a reserve tanker in FY 2023-2024. However, Engine 35 does not comply with the updated safety standards outlined in the National Fire Prevention Association 1901. In 2009, new safety measures were implemented, including, but are not limited to, rollover safety systems, seatbelt warning alarms, slip-resistant surfaces, scene lighting, and reflectivity. Therefore, a new fire engine needs to be purchased so that one of the older but compliant fire engines in the fleet can replace engine 35 as a reserve tanker.

Fire Chief's Vehicle **\$50,000**

This vehicle is projected for replacement in FY 2024-2025 based on existing to date mileage and the average miles driven each year. In addition to the high mileage projected, fire service vehicles accrue copious amounts of engine hours since the vehicle is often required to operate in an idle position. Based on the projected engine hours and mileage, the vehicle is anticipated to have significant equipment failures.

FY 2025 – 2026

Platform Truck **\$1,800,000**

The current platform truck will reach 25 years of age in 2027. The existing platform truck has seen significant mechanical failures that are often costly and impactful. Platform 38 has seen an enormous amount of time out of service due to these mechanical failures leaving the City without the protection of a ladder truck.

Command Vehicle **\$55,000**

With the addition of two fire stations and the personnel needed to staff those stations, the current managerial span of control will be exceeded. Therefore, a supervisory position to manage shift personnel and provide an incident command to all daily responses will be necessary. This position will require a mobile presence throughout the City based upon the job requirements.

FY 2026 – 2027

Rescue Truck **\$1,300,000**

In FY 2026-2027, the rescue and service truck will have reached the 20 years of age mark. This

truck responds to incidents citywide and in mutual aid districts providing heavy rescue services. The truck is a specialty vehicle with many dedicated technical capabilities. Based on the type of responses, the long travel distances, and the amount of interstate commerce that this vehicle protects, it must remain as a constant frontline piece of fire apparatus. This vehicle has experienced significant mechanical failures removing it from service for an extended time. This vehicle is a stand-alone vehicle with no support from any other vehicle in the fleet.



PUBLIC FACILITIES ELEMENT

Projects Funded: Construction and significant renovations of general government and public safety facilities and infrastructure, including upgrades to existing City facilities, new public safety facilities, and additional public works facilities.



In FY 2020-2021, the Planning and Inspection Departments' building, sidewalk, and parking lot expanded. The facility grew by 750 square feet, and the repaired parking lot has four new spaces, including an Americans with Disabilities Act (ADA) compliant space. In addition, the new sidewalk is compliant with the North Carolina Building Codes.

The table below shows each of the projects submitted for consideration in this year's CIP process and the project's estimated cost in each fiscal year of the Plan. Section 6 of this document contains detailed information regarding each project's proposed funding source.

Public Facilities Element	Total	FY22-23	FY23-24	FY24-25	FY25-26	FY26-27
New Police Station.....	\$ 16,500,000	-	1,750,000	14,750,000	-	-
Fire Station 4.....	\$ 5,110,000	110,000	5,000,000	-	-	-
Training Classroom.....	\$ -	-	-	-	-	-
Upgrade door systems at Fire stations.....	\$ 30,000	30,000	-	-	-	-
Old Rec Building Improvements.....	\$ 72,000	72,000	-	-	-	-
Public Works Office Renovation.....	\$ 35,000	-	35,000	-	-	-
Fire Station 1 Bay Door Replacement.....	\$ 47,500	-	47,500	-	-	-
Police Station HVAC Replacement.....	\$ 40,000	-	40,000	-	-	-
Two-Bay Addition to Public Works Storage Building.....	\$ 150,000	-	150,000	-	-	-
MACC Roof Restoration and New Lights.....	\$ 328,000	-	168,000	160,000	-	-
Lake Michael Building Renovation/Removal*.....	\$ -	-	-	-	-	-
Police Station Roof Replacement.....	\$ 300,000	-	-	300,000	-	-
Fire Station 5.....	\$ 5,110,000	-	-	110,000	5,000,000	-
Public Works New Equipment Shed.....	\$ 200,000	-	-	200,000	-	-
Public Works Salt Shed with Brining Station.....	\$ 150,000	-	-	-	150,000	-
Element Total	\$ 28,072,500	\$ 212,000	\$ 7,190,500	\$15,520,000	\$ 5,150,000	\$ -

* Cost to be determined for the year highlighted.



FY 2022 – 2023

Fire Station 4 \$110,000

The site for the new station is located on Buckhorn Road and will be donated. This area of the City has experienced an increase in response times for both fire and medical incidents. Additionally, this area has seen tremendous commercial and residential growth, with future development already projected to occur. The new station will improve response times, proper fire load management, adequate water distribution, and comply with the International Organization for Standardization's (ISO) 1.5-mile engine company districts. In addition, the projected population density warrants a fire station to provide adequate fire protection and medical services and provide coverage for voluntary annexations of the rated district. The cost estimate includes a preliminary engineering design.

Upgrade Door Systems at Fire Stations \$30,000

The City has replaced the City Hall and Planning and Inspections door control system, so this project will allow the City to be uniform across the board and eliminate the need for multiple platforms to control the doors at City locations.

Old Rec Building Improvements \$72,000

The floor in the Train Room is sagging and needs renovation, and the roof needs extensive work.

FY 2023 – 2024

New Police Station \$16,500,000 over 2 years.

The City is looking for land to build a new police station to accommodate its growing police force for decades to come. The new station will increase staff efficiency, provide a wide range of new opportunities for both the public and the police department, and assist in attracting and retaining quality staff. The station will also serve the City during natural disasters and public emergencies. The cost estimate includes the purchase of land and preliminary engineering design.



Fire Station 4

\$5,000,000

The site for the new station is located on Buckhorn Road and will be donated. This area of the City has experienced an increase in response times for both fire and medical incidents. Additionally, this area has seen tremendous commercial and residential growth, with future development already projected to occur. The new station will improve response times, proper fire load management, adequate water distribution, and comply with the International Organization for Standardization's (ISO) 1.5-mile engine company districts. In addition, the projected population density warrants a fire station to provide adequate fire protection and medical services and provide coverage for voluntary annexations of the rated district. The cost estimate includes a preliminary engineering design. Construction is expected to begin in FY 2023-2024.

Public Works Office Renovation

\$35,000

This renovation will include the creation/construction of entryway for the general public within the Public Works & Public Utilities Building and the construction of an office within the Fleet Maintenance area.

Fire Station 1 Bay Door Replacement

\$47,500

This project includes the replacement of the two station vehicle doors at Station # 1.

Police Station HVAC Replacement

\$40,000

This is a recommended maintenance item from the 2021 CPL Facilities study.

Two-Bay Addition to Public Works Storage Building

\$150,000

This is a referenced space item from the 2021 CPL Facilities study.

MACC Roof Restoration

\$168,000

This is a recommended item from the 2021 CPL Facilities study.

Lake Michael Building Renovation/Removal

TBD

Renovation is a recommended item from the 2021 CPL Facilities study. An additional physical/financial analysis of renovation versus removal/new construction is being conducted.



FY 2024 – 2025

Old Police Station Roof Replacement \$300,000

This is a recommended item from the 2021 CPL Facilities study.

Fire Station 5 \$110,000

This station would be located on the western side of the City. A site location is being analyzed, but has not been determined yet. Cost estimates and construction processes from Station 4 have been utilized but will need to be updated with site specific estimates.

Public Works New Equipment Shed \$200,000

This is a referenced space item from the 2021 CPL Facilities study.

MACC Lights \$160,000

This is a recommended item from the 2021 CPL Facilities study.

FY 2025 – 2026

Fire Station 5 5,000,000

This station would be located on the western side of the City. A site location is being analyzed, but has not been determined yet. Cost estimates and construction processes from Station 4 have been utilized but will need to be updated with site specific estimates.

Public Works Salt Shed with Brining Station \$150,000

This project is the construction of a specific purpose facility for salt shed and brining station operations.



PUBLIC WORKS AND ENVIRONMENTAL SERVICES ELEMENT

Projects Funded: Projects designed to manage and mitigate the effects of stormwater runoff, manage the collection and disposal of solid waste, and maintain streets. These projects include structural improvements, construction, and significant infrastructure expansion. They also include the equipment needed to manage solid waste collection and maintain City streets.



The table below shows each of the projects submitted for consideration in this year's CIP process and the project's estimated cost in each fiscal year of the Plan. Section 6 of this document contains detailed information regarding each project's proposed funding source.

Public Works & Environmental Services Element	Total	FY22-23	FY23-24	FY24-25	FY25-26	FY26-27
Leaf Truck.....	\$ 975,000	320,000	325,000	-	-	330,000
Garbage Truck.....	\$ 535,000	210,000	-	325,000	-	-
Pick-up Trucks.....	\$ 372,000	120,000	120,000	44,000	44,000	44,000
Pull-behind Leaf Vacuum and Box.....	\$ 110,000	-	110,000	-	-	-
Vehicles.....	\$ 56,000	56,000	-	-	-	-
FEMA Area at Public Works Facility.....	\$ 60,000	60,000	-	-	-	-
Brine Mount System and Body.....	\$ 50,000	50,000	-	-	-	-
East Graham St. Stormwater Project.....	\$ 25,000	25,000	-	-	-	-
Fleet Services - Service Truck.....	\$ 200,000	-	200,000	-	-	-
Bucket Truck.....	\$ 175,000	-	175,000	-	-	-
Ventrac Tractor w/edger and mowing deck.....	\$ 45,000	-	45,000	-	-	-
Dump Truck.....	\$ 325,000	-	325,000	-	-	-
Salt and Sand Spreader.....	\$ 75,000	-	75,000	-	-	-
Tractor.....	\$ 60,000	-	-	60,000	-	-
New fuel station and pumps.....	\$ 30,000	-	-	-	30,000	-
Swap Loader.....	\$ 350,000	-	-	-	350,000	-
Element Total	3,443,000	841,000	1,375,000	429,000	424,000	374,000



FY 2022 - 2023

Leaf Truck **\$320,000**

This leaf truck will replace the City's 1999 Mack Leaf Truck with a 2022 Xtreme Vac DCL700CB (or another comparable model) with a chassis mount automated one-person leaf and debris vacuum system, 25 cubic yard capacity self-dumping hopper.

Garbage Truck **\$210,000**

This garbage truck will replace the City's 2002 rear loader garbage truck with a 2022 25 yard New Way Cobra Magnum on a Freightliner M2 106 chassis (or another comparable model).

Pickup Trucks **\$120,000**

Three pickup trucks need replacing. The model years being replaced range from 1997 to 2002. The new trucks will be three 2022 Chevrolet Silverado's 2500HD, 4WD Double Cab 162" work trucks with a snowplow added.

Vehicles **\$56,000**

This cost represents two-vehicle replacements. The two replacements are for the Inspections Department to purchase Chevy Traverse AWD vehicles for staff.

FEMA Area at the Public Works Facility **\$60,000**

This includes site surveying, environmental determination & flagging, soil evaluation, and permitting to allow a temporary FEMA debris facility.

Brine Mount System and Body **\$50,000**

This will be the purchase of a new system and body for the existing swap loader.

East Graham St. Stormwater Project **\$25,000**

This project addresses the drainage pipe condition on E. Graham St. between N. Fourth St. and N. Fifth St. This cost is for the City's portion of design and construction; there is also a private property portion of the project that has been piped.



FY 2023 - 2024

Leaf Truck **\$325,000**

This leaf truck will replace the City's 2002 Mack Leaf Truck with a 2023 Xtreme Vac by ODB (or another comparable model) with a chassis mount automated one-person leaf and debris vacuum system, 25 cubic yard capacity self-dumping hopper.

Pull-behind Vacuum and Leaf Box **\$110,000**

The goal is to purchase a new trailer mount leaf and debris loader and collector box before the 2022 leaf collection season. This will supplement our leaf collection trucks/process & efficiency by utilizing non CDL drivers in residential streets/neighborhoods.

Pickup Trucks **\$120,000**

Three pickup trucks need replacing. The model years being replaced range from 2000 to 2007. The new trucks will be three 2023 Chevrolet Silverado's 2500HD, 4WD Double Cab 162" work trucks with a snowplow added.

Fleet Services – Service Truck **\$200,000**

Fleet services does not currently have a service truck and thereby utilizes other divisions trucks when necessary or a 1998 Dodge Van.

Bucket Truck **\$175,000**

Replacement of ST 60 Bucket Truck.

Ventrac Tractor with Edger and Mowing Deck **\$45,000**

This is a new equipment purchase to assist with mowing operations and sidewalk edging.

Dump Truck **\$325,000**

This is to replace SAN 42 Dump Truck with a plow. This truck will allow for the use of a sand & salter spreader.



Salt and Sand Spreader

\$75,000

This will be the purchase of a new salt and sand spreader for the existing swap loader.

FY 2024 – 2025

Garbage Truck

\$325,000

This garbage truck will replace the City's 2007 garbage truck with a side-arm collection model or another comparable model).

Pickup Trucks

\$44,000

A 1998 van will be replaced with a pick-up truck.

Tractor

\$60,000

Purchase of an additional tractor to the Public Works fleet as City continues to grow.

FY 2025 – 2026

Pickup Truck

\$44,000

A 2007 pick-up truck will be replaced.

New fuel station and pumps

\$30,000

Upgrade to the existing fuel station and pumps.

Swap Loader

\$350,000

This is a purchase of an additional swap loader with a dump body, plow, and salt/sand spreader.

FY 2026 – 2027

Leaf Truck

\$330,000

This will replace SAN 35 Leaf Truck.

Pickup Truck

\$44,000

A pick-up truck will be replaced.

GENERAL FUND SUMMARY

The table below shows the total of the capital needs in each of the CIP elements supported by the General Fund and the revenue sources proposed to support these needs. The grant and fee revenues are explained in the capital improvement funding section. Local revenue is indicative of the need for current year revenue supported funding for some projects/purchases in each year. Section 6 of this document contains detailed information regarding the proposed funding source for each individual project.

The level of capital need reflected in this document necessitates the issuance of additional debt to meet these needs. In the table below, the new debt service is shown as a total amount proposed in each fiscal year. Installment purchase is the preferred method to fund projects. If there is a significant difference between installment purchase and bond interest rates, the City will consider issuing bonds. For the purpose of the estimates shown, we have used an interest rate of 2 percent for FY 2022-2023, with the exception of the financing for the fire engine for which 1 percent was used, and added a half percent for each year afterward.

For items such as minor renovations and sidewalks, we generally use "PAYGO" financing to avoid interest costs and use accumulated fund balance for these one-time purchases. For all other issues in the General Fund, financing terms are routinely tied to the life cycle of the underlying asset as well as current interest rates.

General Fund Element Total	Total	2023	2024	2025	2026	2027
Transportation.....	\$ 3,270,000	\$ 1,109,000	\$ 440,000	\$ 626,000	\$ 400,000	\$ 695,000
Parks, Recreation and Cultural Resources..	\$ 6,481,000	231,000	6,100,000	-	150,000	-
Public Safety.....	\$ 7,631,921	990,006	941,362	2,176,503	2,036,798	1,487,252
Public Facilities.....	\$ 28,072,500	212,000	7,190,500	15,520,000	5,150,000	-
Public Works & Environmental Services....	\$ 3,443,000	841,000	1,375,000	429,000	424,000	374,000
Total.....	\$ 48,898,421	\$ 3,383,006	\$ 16,046,862	\$ 18,751,503	\$ 8,160,798	\$ 2,556,252
Funding Source	Total	2023	2024	2025	2026	2027
Local Revenue.....	\$ 5,160,500	\$ 917,000	\$ 1,340,500	\$ 1,390,000	\$ 774,000	\$ 739,000
Grants.....	-	-	-	-	-	-
Installment Financing Principal.....	43,737,921	2,466,006	14,706,362	17,361,503	7,386,798	1,817,252
Subtotal.....	\$ 48,898,421	\$ 3,383,006	\$ 16,046,862	\$ 18,751,503	\$ 8,160,798	\$ 2,556,252
Installment Financing Interest.....	\$ 12,346,257	\$ 194,554	\$ 3,261,510	\$ 6,015,445	\$ 2,508,273	\$ 366,474
Total Cost.....	\$ 61,244,678	\$ 3,577,560	\$ 19,308,372	\$ 24,766,948	\$ 10,669,071	\$ 2,922,726

After acquiring or constructing capital assets, most will entail ongoing expenses for routine operation, repair, and maintenance. These operations, repair, and maintenance costs are accounted for annually in each year's operating budget.

Transportation Element: New road and parking lot construction will necessitate future maintenance work, including pothole repair, crack sealing, road marking repair, sweeping, and resurfacing.

Sidewalk construction will involve regular pavement repair, repainting crosswalk markings, and performing maintenance work on crosswalk signals.

Parks, Recreation, & Cultural Arts Element: New greenway connections will necessitate future maintenance work, including brush clearing, sign and bench replacement, and trail reconstruction. Once constructed and operational, the Community Park Fiddler Stage and shade cover for the fitness court will necessitate ongoing maintenance costs. New park construction will require regular annual costs such as landscaping, irrigation system maintenance, restroom, public facility cleaning, and wages for park maintenance and programming staff.

Public Safety Element: The replacement police vehicles, replacement fire engines, replacement fire prevention, and life safety education vehicles will incur regular costs such as repair and maintenance. Once acquired, the training simulator will necessitate annual repair and maintenance costs.

Public Facilities Element: New police and fire stations will incur future costs, including staff wages, building cleaning and maintenance, and utility services. A new training classroom will incur future costs, including building cleaning and maintenance and utility services. In addition, the Old Rec building improvements will need repairs and maintenance in future years.

Public Works & Environmental Element: New and replacement vehicles and equipment such as leaf trucks, garbage trucks, and pickup trucks will incur regular maintenance and repair costs throughout their useful lives.

SECTION 3: CIP FINANCIAL IMPACT ANALYSIS ON THE GENERAL FUND

A vital element of the CIP is the financial impact analysis that discusses the effects of capital spending on the City's operation costs, debt capacity, and other important debt ratios. It is crucial to understand how capital spending affects these indicators because the Local Government Commission (LGC) and bond rating agencies use them to evaluate the City's financial condition and issue ratings. Mebane currently has a bond rating of AA+ with Standard & Poor's Corporation. This rating represents a robust financial standing and is the third highest-ranking attainable.

PROJECTIONS AND ESTIMATES

Proper financial planning requires projections and estimates for expenditures, revenues, and other economic indicators. Expenditure and revenue estimates require forecasts for changes in population, assessed property value, and other factors such as changes in the economy. The CIP projections represent a four percent growth factor for operations expenditures throughout the five-year scope. This estimate is in line with current trends. The City has benefited from sustained growth in property values with a four-year rolling average of 4.94 percent, not including revaluation years. Alamance County will perform a revaluation in 2023, and Orange County will do so in 2025, which will affect the assessed value and the revenue-neutral tax rate for Mebane. The CIP includes an adjustment in 23-24 for a potential revenue-neutral rate in response to the revaluation. Orange County is a smaller portion of the City's tax base, and therefore a revaluation is not factored into this model. Apart from gains in property tax revenues and sales tax revenues, estimates indicate growth in other revenues collectively is primarily flat or nominal. The CIP includes a revenue growth rate of approximately nine percent for 22-23, ten percent for 23-24, and five percent for the final three years of the Plan. For projects subject to financing in 22-23, an interest rate of 2 percent is accurate based on other recent financings by the City. A half percent has been added to the interest rate per year for future years beginning in 23-24. That rate may vary depending on the size of the project and the length of the term. Financing recommendations in this CIP include installment financing in the General Fund and revenue bonds in enterprise funds.

DEBT RATIOS

The significant costs associated with capital projects may require financing, which results in debt obligation for the City. The LGC and lending institutions assess the City's ability to incur and repay debt through various debt capacity ratios and indicators. In the General Fund, the City evaluates debt as a percentage of the total assessed value of taxable property, the aggregate ten-year principal payout ratio, and the ratio of debt service expenditures as a percent of total fund expenditures.

Debt per assessed valuation is an important indicator because it considers the City's largest

revenue source and greatest means for repaying debt. This ratio is a measure of debt capacity as well as debt burden and is more practical than the legal debt margin. This ratio divides the City's debt by its total assessed value, where debt is defined as all tax-supported debt. Mebane's expected debt-to-assessed valuation ratio for 22-23 is 0.33 percent. Mebane is well within the legal limit set forth by NCGS 159-55, limits debt to eight percent or less of a local government's total property valuation. Mebane's legal debt limit, based on the June 30, 2021, audited valuation, is \$190,098,152. The CIP includes a maximum debt obligation of \$43,835,289 in FY23-24.

The 10-year payout ratio measures the amount of principal being retired in the next ten years. As an indicator, it determines if debt is back-loaded, which can cause concern for long-term financial stability. The CIP includes the issuance of previously authorized and new installment purchase financing. The new debt brings the payout ratio to 99.33 percent in FY22-23, which is the highest ratio in the five-year forecast. A ratio no lower than 55 percent is desirable.

Debt service as a percentage of total expenditures measures annual debt service payments of non-self supporting projects as a portion of the City's General Fund expenditures. Debt service payments can become a large portion of a city's budget and should be monitored to ensure acceptable levels. Too much debt service may indicate excessive debt and fiscal strain. Bond rating agencies consider a net debt service percentage between 15 and 20 percent to be high. A ratio below five (5) percent indicates the capacity for significant new debt. For FY22-23, the General Fund debt service ratio is 6.8 percent and reaches a high of 12.91 percent in FY26-27. Without significant changes to the CIP, the debt service ratio will be above 10 percent in the final two years of the CIP. The goal is to keep this ratio below 10 percent providing the city with opportunities to finance more projects.

PAYGO financing and grants can help keep key debt ratios in an acceptable range by eliminating new debt obligations and annual debt service payments. The proposed CIP indicates differences from year to year in PAYGO financing over the five-year period. This is due to the significant costs associated with some larger projects such as a new police station and a new fire station. If debt ratios begin to approach unacceptable ranges, delaying projects or using PAYGO financing should be considered to keep the City in good financial standing and reduce fiscal strain.

Other factors bond rating agencies consider when assessing a city's financial condition may include the community's wealth, tax base, sources of revenues, and the overall economy.

Summary of CIP Impact on General Fund Debt Ratios and Fiscal Indicators

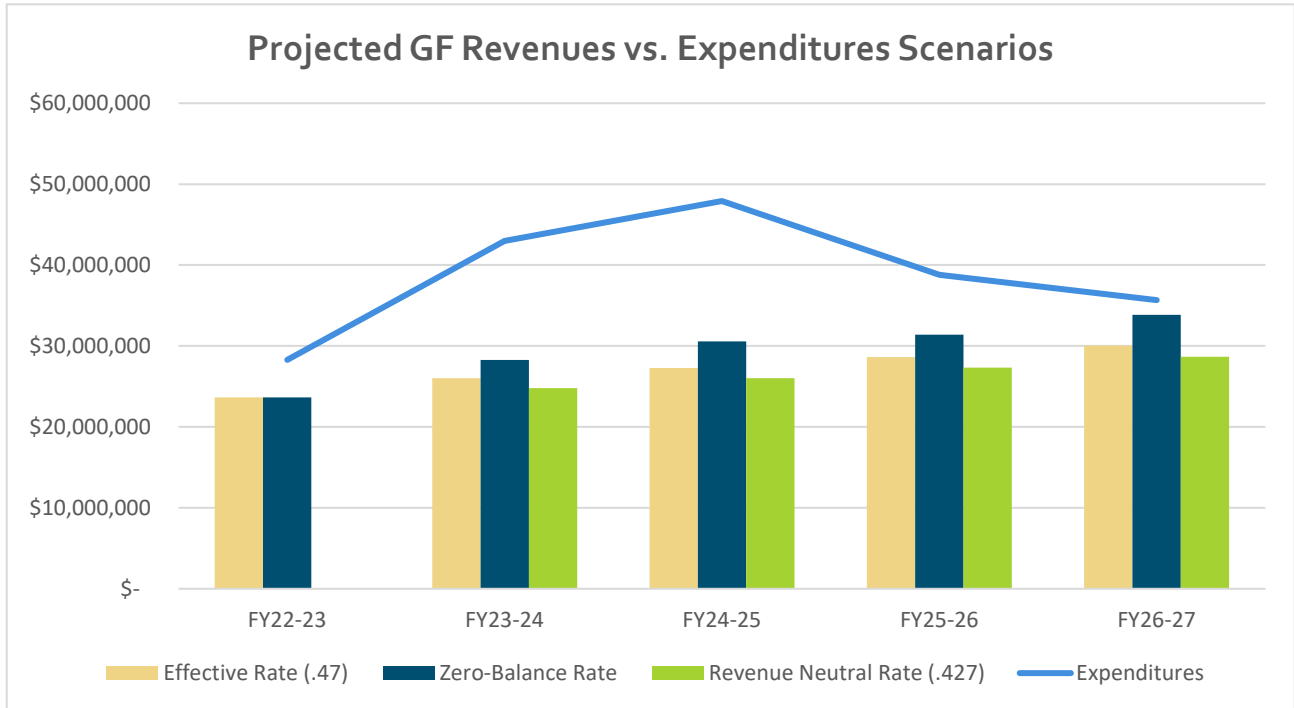
Debt Obligations	FY22-23	FY23-24	FY24-25	FY25-26	FY26-27
General Obligation (GO) Bond Debt	\$ -	\$ -	\$ -	\$ -	\$ -
Installment Purchase Debt	\$ 8,779,896	\$ 43,835,289	\$ 42,271,659	\$ 40,904,759	\$ 38,980,355
Total Net Debt Obligations	\$ 8,779,896	\$ 43,835,289	\$ 42,271,659	\$ 40,904,759	\$ 38,980,355
Debt Service	FY22-23	FY23-24	FY24-25	FY25-26	FY26-27
Installment Purchase Principal	\$ 1,751,336	\$ 2,645,589	\$ 3,237,216	\$ 3,684,571	\$ 3,920,302
Installment Purchase Interest	\$ 173,022	\$ 422,246	\$ 622,355	\$ 604,026	\$ 685,967
Total General Fund Debt Service	\$ 1,924,358	\$ 3,067,835	\$ 3,859,571	\$ 4,288,597	\$ 4,606,269
General Fund Debt Ratios & Fiscal Indicators	FY22-23	FY23-24	FY24-25	FY25-26	FY26-27
Fund Balance Projection	\$ 17,014,615	\$ 14,857,537	\$ 14,857,537	\$ 14,857,537	\$ 14,857,537
Projected Unassigned Fund Balance	\$ 16,299,872	\$ 14,142,794	\$ 14,142,794	\$ 14,142,794	\$ 14,142,794
Revenue per Capita	\$ 1,330	\$ 1,332	\$ 1,283	\$ 1,284	\$ 1,289
% Property Tax Revenue to Total Revenue	55.55%	55.55%	55.08%	54.61%	54.14%
10-Year Principal Payout	99.33%	94.87%	94.27%	95.24%	94.74%
Debt Per Assessed Valuation	0.33%	1.52%	1.41%	1.31%	1.20%
Debt Service to Expenditures less transfers-in	6.80%	7.14%	8.06%	11.06%	12.91%
PAYGO Percent of capital expenditures	42.31%	38.86%	42.30%	36.29%	42.63%

TAX RATE ANALYSIS

One method of assessing the CIP impact on the operating budget is to illustrate the effects in terms of the tax rate. The table and graphs below depict the potential tax rate needed to generate enough revenue to account for General Fund (GF) CIP project costs beyond the City's typical capital and operating expenditures. This calculation is dependent on the City's assessed value and the revenue generated by a penny on the tax rate. The formula does not take into account substantial increases or decreases in revenues from other sources such as sales tax or service fees. In addition, it does not address changes in operational needs for the City unless addressed in the CIP. The FY22-23 Recommended Budget includes a tax rate of \$.470, which reflects no change in the current rate. Alamance County will undergo another revaluation in 2023, and the projections for FY23-24 use a revenue-neutral tax rate of \$.427. For this analysis, the City's capital expenditures do not include grant-funded projects except for the required local contributions.

If projections are accurate, CIP projects will create a funding gap each year beginning in FY22-23, with potential shortfalls ranging from \$2.1 million in FY22-23 to \$3.8 million in FY26-27. These funding gaps represent potential policy decisions for the City Council regarding the use of fund balance, setting the tax rate, delaying projects, and consideration of operational cuts. The funding gap is noticeable for all years due to large capital projects that will require financing, such as the construction of a Police Station and Fire Stations 4 and 5, the Holt Street Greenway development, and the Lake Michael Dam Spillway renovation. Additionally, the new Fire Stations have a substantial impact on the operating budget with the addition of two full engine companies upon completion of Fire Station 4 in FY24-25 and Fire Station 5 in FY26-27. The CIP includes \$3.3 million in transportation projects over the next five years. Public Works and Environmental Element projects total \$3.4 million over the next five years. How to finance these projects presents another policy decision for the City Council. The CIP includes installment loans beginning in FY22-23 to cover the following projects totaling \$43.7 million over five years: the Holt Street Greenway, the Lake Michael dam spillway, the new police station, two fire stations, six fire apparatus and 43 rolling stock trucks and vehicles. The Manager's Recommended budget includes appropriating \$2,157,078 of fund balance and issuing \$2,466,006 of debt to bridge the funding gap in FY 22-23

The five-year tax rate assessment table indicates the change in tax rate needed to account for the potential funding gaps. Estimated expenditures and tax rate scenarios are depicted in the chart below. This does not account for any significant increases in other revenues sources or cuts in the operating budget that may offset the gap. The effective rate bar reflects revenues with no change. The zero-balance rate line reflects revenues with the tax rate adjusted to offset the funding gap.



5-Year Tax Rate Assessment

Forecasted Expenditures (Including CIP Projects)	FY22-23	FY23-24	FY24-25	FY25-26	FY26-27
Operating	\$22,602,997	\$23,507,117	\$24,941,265	\$25,979,301	\$28,146,391
Capital Outlay	\$2,848,971	\$3,646,862	\$4,351,503	\$3,510,798	\$2,906,252
Debt Service	\$1,924,358	\$3,067,835	\$3,859,571	\$4,288,597	\$4,606,269
Transfers Out to Capital Project Ordinances	900,000	12,750,000	14,750,000	5,000,000	\$0
Total Expenditures	\$28,276,326	\$42,971,813	\$47,902,338	\$38,778,696	\$35,658,912
Total Capital & Debt	\$5,673,329	\$19,464,697	\$22,961,074	\$12,799,395	\$7,512,521
Capital & Debt Expenditures %	20%	45%	48%	33%	21%
Forecasted Funding Sources					
Property Tax	\$13,144,770	\$14,459,247	\$15,037,617	\$15,639,122	\$16,264,686
Other Taxes, Fees, Charges	\$10,500,165	\$11,550,182	\$12,243,192	\$12,977,784	\$13,756,451
Transfers In	\$0	\$0	\$0	\$0	\$0
Total Revenues	\$23,644,935	\$26,009,429	\$27,280,809	\$28,616,905	\$30,021,137
Debt Proceeds	2,466,006	14,706,362	\$17,361,503	\$7,386,798	\$1,817,252
Grant Proceeds	\$0	\$0	\$0	\$0	\$0
Total Funding Sources	\$26,110,941	\$40,715,791	\$44,642,312	\$36,003,703	\$31,838,389
Fund Balance Appropriation	\$2,165,385	\$0	\$0	\$0	\$0
Difference	\$0	(\$2,256,023)	(\$3,260,026)	(\$2,774,993)	(\$3,820,522)
Projected Fund Balance	\$17,014,615	\$14,849,230	\$14,849,230	\$14,849,230	\$14,849,230
Projected Unassigned Fund Balance	\$16,299,872	\$14,134,487	\$14,134,487	\$14,134,487	\$14,134,487
Fund Balance Policy					
Unassigned Fund Balance is a minimum of 50% of Expenditures	\$14,138,163	\$21,485,907	\$23,951,169	\$19,389,348	\$17,829,456
Fund Balance Available for Appropriation	\$2,161,709	(\$7,351,420)	(\$9,816,682)	(\$5,254,861)	(\$3,694,969)
Assessed Property Value	\$2,622,918,349	\$2,885,210,184	\$3,000,618,591	\$3,120,643,335	\$3,245,469,068
\$.01 Property Tax Increase =	\$261,243	\$287,367	\$298,862	\$310,816	\$323,249
Tax Rate	\$0.47	\$0.47	\$0.47	\$0.47	\$0.47
Change in Tax Rate Needed for Difference	\$0.00	\$0.08	\$0.11	\$0.09	\$0.12
Zero-Balance Tax Rate	\$0.47	\$0.55	\$0.58	\$0.56	\$0.59
Projected Fund Balance with Tax Rate Adjustment	\$17,014,615	\$14,849,230	\$14,849,230	\$14,849,230	\$14,849,230
Projected Fund Balance Available for Appropriation with Tax Rate Adjustment	\$16,299,872	\$14,134,487	\$14,134,487	\$14,134,487	\$14,134,487

SECTION 4: WATER AND SEWER UTILITY

Projects assigned to the Water and Sewer Utility element are funded through the Water and Sewer Enterprise Fund. This fund only pays for projects related to the water and sewer system and not for the General Fund.

The capital projects that qualify for this fund include main additions and replacements, water/wastewater treatment plant renovations/expansions, filter rehabilitation, pump station additions, and significant infrastructure. They also include the equipment necessary to maintain the system.

The icon below signifies the Water and Sewer Utility element and is located on the top right corner of the pages that are associated with these projects.





WATER AND SEWER UTILITY ELEMENT

Projects Funded: Construction and improvement of water and sewer infrastructure. These projects include main additions and replacements, water/wastewater treatment plant renovations/expansions, filter rehabilitation, pump station additions, and major renovations to infrastructure.



Our water and sewer utilities face increasing maintenance, improvements, and expansion demands to serve current and future needs.

The table shows each of the projects submitted for consideration in this year's CIP process and the project's estimated cost in each fiscal year of the Plan. Section 6 of this document contains detailed information regarding each project's proposed funding source.

Water and Sewer Utility Element	Total	FY22-23	FY23-24	FY24-25	FY25-26	FY26-27
Inflow and Infiltration (I&I)	2,000,000	-	500,000	500,000	500,000	500,000
Oversize Reimbursement	600,000	200,000	100,000	100,000	100,000	100,000
City of Graham Water Treatment Plant Improvements	830,000	30,000	200,000	200,000	200,000	200,000
Elevated Storage Tank	4,025,000	185,000	3,840,000	-	-	-
Jones Road Outfall (Arbor Creek)	1,000,000	-	-	112,500	887,500	-
Outfall Tractor Replacement	60,000	60,000	-	-	-	-
Aeration Basins Electrical Upgrade	50,000	50,000	-	-	-	-
City of Graham Waste Water Treatment Plant Improvements	261,575	53,575	52,000	52,000	52,000	52,000
Xylem Influent Monitoring	26,198	26,198	-	-	-	-
Water Resource Recovery Facility (WRRF) 1.5 MGD Expansion**	47,500,000	-	47,500,000	-	-	-
WRRF Flood Wall	2,000,000	-	2,000,000	-	-	-
Water Line Replacements	320,000	-	195,000	-	125,000	-
Backhoe Replacement	150,000	-	150,000	-	-	-
Vehicle Replacement	199,000	-	65,000	32,000	62,000	40,000
Sewer Jetter Replacement	70,000	-	-	70,000	-	-
Utility Oversizing	200,000	-	50,000	50,000	50,000	50,000
Vac Truck Replacement	450,000	-	-	-	450,000	-
Water Rehabilitation	400,000	-	-	-	200,000	200,000
Rotary Drum Thickener Rebuild	100,000	-	-	100,000	-	-
Aqua Guard Influent Screen Rehab	100,000	-	-	-	-	100,000
Mini Excavator Replacement	100,000	-	-	-	-	100,000
Total	\$ 60,441,773	\$ 604,773	\$ 54,652,000	\$ 1,216,500	\$ 2,626,500	\$ 1,342,000

**A Capital Project Ordinance was created in FY21-22, and \$3.5M was funded for engineering design.



FY 2022 – 2023

Oversize Reimbursement **\$200,000**

This amount represents payments to increase the size of water and sewer mains on development projects to allow for future growth. The expected projects include Oakwood for \$125,000, Buckhorn for \$15,000, Cambridge for \$25,000, Tupelo for \$25,000, and Meadowstone for \$10,000.

City of Graham Water Treatment Plant Improvements **\$30,000**

Mebane has a 50% ownership interest in Graham’s water treatment plant and has agreed to pay a corresponding share of the capital improvements to the plant.

Elevated Storage Tank **\$185,000**

A new 1 million gallon (MG) elevated storage tank is necessary because the existing elevated storage tank is too small to equalize projected water demands and sustain fire flows. Currently, the water system compensates for the lack of storage capacity by taking advantage of surplus pumping capacity at the water plant using ground storage at the clear wells. However, this strategy will only work until the projected max day demand exceeds the firm pumping capacity at the plant, which is expected to happen by 2030. This cost includes engineering design.

Outfall Tractor Replacement **\$60,000**

The existing outfall tractor is a 1993 model with approximately 2,300 operating hours. The high range is not working on the tractor, and the estimated repair cost is in excess of the current value of the tractor.

Aeration Basins Electrical Upgrade **\$50,000**

Electrical upgrade project to replace 1992-93 electrical system, while ensuring compliance with current electrical & industry standards.

City of Graham Wastewater Treatment Plant (WWTP) Improvements **\$53,575**

Mebane has a 21.43% ownership interest in Graham’s wastewater treatment plant and has agreed to pay a corresponding share of the capital improvements to the plant.



Xylem Influent Monitoring

\$26,198

This equipment will allow the plant to continuously monitor wastewater entering the plant and alert staff to understable contaminants.

FY 2023 - 2024

WRRF 1.5 MGD Expansion

\$47,500,000

This project is the increase of the current WRRF via expansion and conversion to a 4MGD facility.

Inflow and Infiltration (I&I)

\$500,000

The City conducted I&I studies for multiple drainage areas within the city limits. Several areas were identified as needing rehabilitation. Completion of these projects will reduce the wet weather flows received at the Water Resource Recovery Facility (WRRF).

Elevated Storage Tank

\$3,840,000

A new 1 million gallon (MG) elevated storage tank is necessary because the existing elevated storage tank is too small to equalize projected water demands and sustain fire flows. Currently, the water system compensates for the lack of storage capacity by taking advantage of surplus pumping capacity at the water plant using ground storage at the clear wells. However, this strategy will only work until the projected max day demand exceeds the firm pumping capacity at the plant, which is expected to happen by 2030. This cost includes construction.

WRRF Flood Wall

\$2,000,000

This project includes the construction of a concrete wall along MoAdams Creek to protect WRRF plant equipment and personnel from potentially damaging flood events.

Oversize Reimbursement

\$100,000

This amount represents payments to increase the size of water and sewer mains on development projects to allow for future growth.



City of Graham Water Treatment Plant Improvements \$200,000

Mebane has a 50% ownership interest in Graham’s water treatment plant and has agreed to pay a corresponding share of the capital improvements to the plant.

Water Line Replacements \$195,000

The replacement of galvanized water mains.

Backhoe Replacement \$150,000

Replacement of a 2002 Backhoe with 7,600 hours.

Vehicle Replacement \$65,000

Purchase a pickup truck to replace a 2007 Ram 3500 with 106,000 miles.

City of Graham Waste Water Treatment Plant (WWTP) Improvements \$52,000

Mebane has a 21.43% ownership interest in Graham’s wastewater treatment plant and has agreed to pay a corresponding share of the capital improvements to the plant.

Utility Oversizing \$50,000

Utility oversizing will allow the system to allow for land development and future services.

FY 2024 – 2025

Inflow and Infiltration (I&I) \$500,000

The City conducted I&I studies for multiple drainage areas within the city limits. Several areas were identified as needing rehabilitation. Completion of these projects will reduce the wet weather flows received at the Water Resource Recovery Facility (WRRF).

Oversize Reimbursement \$100,000

This amount represents payments to increase the size of water and sewer mains on development projects to allow for future growth..



City of Graham Water Treatment Plant Improvements \$200,000

Mebane has a 50% ownership interest in Graham’s water treatment plant and has agreed to pay a corresponding share of the capital improvements to the plant.

Jones Road Outfall (Arbor Creek) \$112,500

This project consists of the installation of approximately 3,000 linear feet (LF) of ten-inch gravity sewer from the existing Arbor Creek pump station to the existing sewer outfall for Cambridge Park at Jones Road. This project will allow for the elimination of the Arbor Creek pump station. This cost represents design.

Rotary Drum Thickener Rebuild \$100,000

Reconstruction of 1993 RDT (will serve a backup device in new WRRF expansion).

Sewer Jetty Replacement \$70,000

Replacement of 2001 jetter trailer with 1,200 hours.

City of Graham Waste Water Treatment Plant (WWTP) Improvements \$52,000

Mebane has a 21.43% ownership interest in Graham’s wastewater treatment plant and has agreed to pay a corresponding share of the capital improvements to the plant.

Utility Oversizing \$50,000

Utility oversizing will allow the system to allow for land development and future services.

Vehicle Replacement \$32,000

Purchase a pickup truck to replace a 2012 Ram 1500 with 121,000 miles.

FY 2025 – 2026

Jones Road Outfall (Arbor Creek) Construction \$887,500

This project consists of the installation of approximately 3,000 linear feet (LF) of ten-inch gravity sewer from the existing Arbor Creek pump station to the existing sewer outfall for Cambridge Park at Jones Road. This project will allow for the elimination of the Arbor Creek pump station.



Inflow and Infiltration (I&I) **\$500,000**

The City conducted I&I studies for multiple drainage areas within the city limits. Several areas were identified as needing rehabilitation. Completion of these projects will reduce the wet weather flows received at the Water Resource Recovery Facility (WRRF).

Vac Truck Replacement **\$450,000**

The 2004 Clean Air Sewer Vac will be replaced.

Oversize Reimbursement **\$100,000**

This amount represents payments to increase the size of water and sewer mains on development projects to allow for future growth.

City of Graham Water Treatment Plant Improvements **\$200,000**

Mebane has a 50% ownership interest in Graham's water treatment plant and has agreed to pay a corresponding share of the capital improvements to the plant.

Water Rehabilitation **\$200,000**

This project is water lining projects in the downtown area and under neath railroad tracks.

Water Line Replacements **\$125,000**

The replacement of galvanized water mains.

Vehicle Replacement **\$62,000**

Purchase vehicles to replace a 2008 Ram 1500 with 106,000 miles and a 2008 Ford Escape with 126,000 miles.

City of Graham Waste Water Treatment Plant (WWTP) Improvements **\$52,000**

Mebane has a 21.43% ownership interest in Graham's wastewater treatment plant and has agreed to pay a corresponding share of the capital improvements to the plant.

Utility Oversizing **\$50,000**

Utility oversizing will allow the system to allow for land development and future services.



FY 2026 – 2027

Inflow and Infiltration (I&I) \$500,000

The City conducted I&I studies for multiple drainage areas within the city limits. Several areas were identified as needing rehabilitation. Completion of these projects will reduce the wet weather flows received at the Water Resource Recovery Facility (WRRF).

Oversize Reimbursement \$100,000

This amount represents payments to increase the size of water and sewer mains on development projects to allow for future growth. The expected projects include Oakwood for \$125,000, Buckhorn for \$15,000, Cambridge for \$25,000, Tupelo for \$25,000, and Meadowstone for \$10,000.

City of Graham Water Treatment Plant Improvements \$200,000

Mebane has a 50% ownership interest in Graham's water treatment plant and has agreed to pay a corresponding share of the capital improvements to the plant.

Water Rehabilitation \$200,000

This project is water lining projects underneath railroad tracks and interstates.

Mini Excavator Replacement \$100,000

Replacement of 2015 mini-excavator with 1,800 hours.

Aqua Guard Influent Screen Rehab \$100,000

City of Graham Waste Water Treatment Plant (WWTP) Improvements \$52,000

Mebane has a 21.43% ownership interest in Graham's wastewater treatment plant and has agreed to pay a corresponding share of the capital improvements to the plant.

Utility Oversizing \$50,000

Utility oversizing will allow the system to allow for land development and future services.

Vehicle Replacement \$40,000

Purchase a vehicle to replace a 2011 Ram 2500 with 104,000 miles.

WATER AND SEWER FUND SUMMARY

The table below shows the total capital needs in the Water and Sewer Fund, which is supported by fees in exchange for services. Enterprise fees and grant revenues are explained in the capital improvement funding section. Enterprise funds are, by definition, self-supporting. Section 6 of this document contains detailed information regarding each project's proposed funding source.

The level of capital need reflected in this document necessitates the issuance of additional debt to meet these needs. In the table below, the new debt service is shown as a total amount proposed in each fiscal year. Revenue bonds are the preferred method to fund projects. For the purpose of the estimates shown, we have used an interest rate of 2.5 percent for FY 2023-2024 and added a half percent for each year afterward.

For items such as minor renovations and infrastructure, we generally use "PAYGO" financing to avoid interest costs and use accumulated fund balance or capital reserve funds for these one-time purchases. For all other issues in the Water and Sewer Fund, financing terms are routinely tied to the life cycle of the underlying asset as well as current interest rates.

Water and Sewer Fund Element Total	Total	2023	2024	2025	2026	2027
Water Element.....	\$ 10,154,000	\$ 475,000	\$ 5,100,000	\$ 944,500	\$ 2,494,500	\$ 1,140,000
Sewer Element.....	\$ 50,287,773	\$ 129,773	\$ 49,552,000	\$ 272,000	\$ 132,000	\$ 202,000
Total Water and Sewer Element.....	\$ 60,441,773	\$ 604,773	\$ 54,652,000	\$ 1,216,500	\$ 2,626,500	\$ 1,342,000
Revenues						
Water and Sewer Utility Fund Revenues.	7,636,751	604,773	3,184,478	1,216,500	1,289,000	1,342,000
Capital Reserve Funds.....	3,600,000	-	3,600,000	-	-	-
Grants.....	-	-	-	-	-	-
Installment Purchase.....	450,000	-	-	-	450,000	-
Revenue Bonds.....	48,755,022	-	47,867,522	-	887,500	-
Subtotal.....	60,441,773	604,773	54,652,000	1,216,500	2,626,500	1,342,000
Financing Interest.....	20,134,866	-	\$19,864,138	-	\$270,728.30	-
Total.....	\$ 80,576,639	\$ 604,773	\$ 74,516,138	\$ 1,216,500	\$ 2,897,228	\$ 1,342,000

After acquiring or constructing capital assets, most will entail ongoing expenses for routine operation, repair, and maintenance. These operations, repair, and maintenance costs are accounted for annually in each year's operating budget.

SECTION 4: CIP FINANCIAL IMPACT ANALYSIS ON THE WATER AND SEWER FUND

A vital element of the CIP is the financial impact analysis that discusses the effects of capital spending on the enterprise funds operation costs and debt coverage ratio. It is crucial to understand how capital spending affects these indicators because the City is required to comply with the debt covenants related to the 2021 revenue bond issue. Additionally, the Local Government Commission (LGC) and bond rating agencies use financial indicators to evaluate the Water and Sewer Fund's financial condition and issue ratings. Mebane currently has a bond rating of AA+ with Standard & Poor's Corporation. This rating represents a robust financial standing and is the third highest-ranking attainable.

PROJECTIONS AND ESTIMATES

Proper financial planning requires projections and estimates for expenditures, revenues, and other economic indicators. Expenditure and revenue estimates require forecasts for changes in the utility customer base and changes in the economy. The CIP projections represent a four percent growth factor for operations expenditures throughout the five-year scope. This estimate is in line with current trends. The City has benefited from sustained growth in the customer base. The growth assumptions used in the projections below are 400 new water and sewer accounts in FY22-23 and 500 for each subsequent year, with estimated usage at 4,000 gallons per month. Additionally, a 6% increase in rates is included for FY22-23, with a 1.5 percent increase each of the next three years with a 6.5 percent increase in the fifth year. For projects subject to financing, an interest rate of 2.5 percent was used for FY23-24 and 3.5 percent for FY25-26. These projected rates are based on recent financings. Actual rates may vary depending on the size of the project and the length of the term.

DEBT SERVICE COVERAGE RATIO

The Master Trust Agreement for the City's revenue bonds requires a 1.20 debt service coverage ratio for senior or parity debt and a 1.0 debt service coverage ratio for all debt. A debt service coverage ratio indicates the financial margin required to meet the current total annual debt service with current revenues available for debt service. As shown below, the 1.20 and 1.0 debt service coverage is met for each year in the Plan.

Debt Service Coverage Ratio Calculation	FY22-23	FY23-24	FY24-25	FY25-26	FY26-27
Operating Revenues	\$ 10,471,591	\$11,569,568	\$12,066,515	\$12,576,400	\$13,587,368
Operating Expenses	\$7,862,442	\$8,176,940	\$8,504,017	\$8,844,178	\$9,197,945
Non-Operating Revenues	\$ 23,000	\$ 23,000	\$ 23,000	\$ 23,000	\$ 23,000
Net Revenue Available for Debt Service	\$2,632,149	\$3,415,629	\$3,585,497	\$3,755,222	\$4,412,423
Senior Lien Debt Service Coverage Test					
Net Revenue Available for Senior-Lien Debt Coverage	\$2,632,149	\$3,415,629	\$3,585,497	\$3,755,222	\$4,412,423
Series 2021 Revenue Bond	\$1,183,839	\$1,184,225	\$1,183,356	\$1,182,238	\$1,183,849
Series 2023 Revenue Bonds - Expansion		-		\$1,307,439	\$2,007,855
Series 2023 Revenue Bonds - Flood Wall		14,147	\$128,294	\$128,294	\$128,294
Series 2023 Revenue Bonds - Elevated Water Tank		27,162	\$246,325	\$246,325	\$246,325
Series 2026 Revenue Bond - Jones Road Outfall				\$8,982	\$106,714
Total Annual Senior-Lien Debt Service	\$1,183,839	\$1,225,535	\$1,557,976	\$2,873,278	\$3,673,038
Calculated Senior-Lien Debt Service Coverage (Required 1.20)	2.22	2.79	2.30	1.31	1.20
Total All Debt Service Coverage Test					
Net Revenue Available for Debt Service	\$2,632,149	\$3,415,629	\$3,585,497	\$3,755,222	\$4,412,423
Total Senior Lien Debt Service (including proposed)	\$1,183,839	\$1,225,535	\$1,557,976	\$2,873,278	\$3,673,038
Other Outstanding Debt	\$318,979	\$318,980	\$318,980	\$373,089	\$354,703
Total Annual Debt Service	\$1,502,818	\$1,544,515	\$1,876,955	\$3,246,367	\$4,027,741
Calculated All Debt Service Coverage (Required 1.0)	1.75	2.21	1.91	1.16	1.10
Other Expenses Not Included in the Calculation					
Cash and Grant Funded Capital	\$816,473	\$8,659,478	\$1,216,500	\$1,289,000	\$1,342,000

SECTION 6: PROJECT FUNDING DETAIL

GENERAL FUND

Transportation						
Project Cost	Total	FY22-23	FY23-24	FY24-25	FY25-26	FY26-27
Holt Street Greenway	900,000	900,000				
- Installment Loan	900,000	900,000				
Sidewalk Projects	1,370,000	109,000	210,000	206,000	400,000	445,000
-General Fund	1,370,000	109,000	210,000	206,000	400,000	445,000
Downtown Stamped Asphalt Crosswalk Refurbishing	70,000	70,000				
-General Fund	70,000	70,000				
Dead-end Street Reconstruction	30,000	30,000	TBD			
-General Fund	30,000	30,000	TBD			
Signal Light and Control Box Replacement	50,000		50,000			
-General Fund	50,000		50,000			
Community Park Gravel Lot	130,000		130,000			
-General Fund	130,000		130,000			
Third-Fifth Street Connector Greenway	290,000			40,000		250,000
-General Fund	290,000			40,000		250,000
Repave Old Rec Parking Lot	50,000		50,000			
-General Fund	50,000		50,000			
Repave MACC Parking Lot	380,000			380,000		
-General Fund	380,000			380,000		

Parks, Recreation, and Cultural Resources Element						
Project Cost	Total	FY22-23	FY23-24	FY24-25	FY25-26	FY26-27
Lake Michael Dam Spillway	6,000,000		6,000,000			
- Installment Loan	6,000,000		6,000,000			
Lake Michael Lebanon Rd. Connector	121,000	121,000				
-General Fund	121,000	121,000				
Community Park Fiddler Stage	75,000	75,000				
-General Fund	75,000	75,000				
Shade Cover for Fitness Court	55,000	-	55,000			
-General Fund	55,000	-	55,000			
Lake Michael Remaining Trail	45,000	-	45,000	TBD		
-General Fund	45,000	-	45,000	TBD		
Maintenance Truck	35,000	35,000				
-General Fund	35,000	35,000				
Pickle Ball Courts	-		TBD			
TBD	-		TBD			
Youth Walker Field Repurpose	-		TBD		TBD	
TBD	-		TBD		TBD	
Shade for Farmer's Market	-			TBD		
TBD	-			TBD		
Community Park Expansion	-			TBD		TBD
- Installment Loan	-			TBD		TBD
Lake Michael Pier Replacements	150,000				150,000	
-General Fund	150,000				150,000	

Public Safety Element						
Project Cost	Total	FY22-23	FY23-24	FY24-25	FY25-26	FY26-27
Police Vehicles	976,921	260,006	171,362	176,503	181,798	187,252
-Installment loan	976,921	260,006	171,362	176,503	181,798	187,252
Fire Engines	1,950,000	650,000	650,000	650,000		
-General Fund	130,000	130,000				
- Installment Loan	1,820,000	520,000	650,000	650,000		
Fire Prevention Vehicle	125,000	80,000	45,000			
-General Fund	45,000		45,000			
-Installment loan	45,000	45,000				
Life Safety Education Vehicle	35,000	35,000				
- Installment Loan	35,000	35,000				
Training Simulator	75,000		75,000			
-General Fund	75,000		75,000			
Quint Truck	1,300,000			1,300,000		
- Installment Loan	1,300,000			1,300,000		
Replace Fire Chief's Vehicle	50,000			50,000		
-Installment loan	50,000			50,000		
Platform Truck	1,800,000				1,800,000	
- Installment Loan	1,800,000				1,800,000	
Command Vehicle	55,000				55,000	
-Installment loan	55,000				55,000	
Rescue Truck	1,300,000					1,300,000
- Installment Loan	1,300,000					1,300,000

Public Facilities Element						
Project Cost	Total	FY22-23	FY23-24	FY24-25	FY25-26	FY26-27
New Police Station	16,500,000	-	1,750,000	14,750,000		
- Installment Loan	16,500,000	-	1,750,000	14,750,000		
Fire Station 4	5,110,000	110,000	5,000,000			
-General Fund		110,000				
- Installment Loan	5,000,000		5,000,000			
Upgrade door systems at Fire stations	30,000	30,000				
-General Fund	30,000	30,000				
Old Rec Building Improvements	72,000	72,000				
-General Fund	72,000	72,000				
Public Works Office Renovation	35,000		35,000			
-General Fund	35,000		35,000			
Fire Station 1 Bay Door Replacement	47,500		47,500			
-General Fund	47,500		47,500			
Police Station HVAC Replacement	40,000		40,000			
-General Fund	40,000		40,000			
Two-Bay Addition to Public Works Storage Building	150,000		150,000			
-General Fund	150,000		150,000			
MACC Roof Restoration and New Lights	328,000		168,000	160,000		
-General Fund	328,000		168,000	160,000		
Lake Michael Building Renovation/Removal	-		TBD			
-TBD	-		TBD			
Police Station Roof Replacement	300,000			300,000		
-General Fund	300,000			300,000		
Fire Station 5	5,110,000			110,000	5,000,000	
- Installment Loan	5,110,000			110,000	5,000,000	
Public Works New Equipment Shed	200,000			200,000		
-General Fund	200,000			200,000		
Public Works Salt Shed with Brining Station	150,000				150,000	
-General Fund	150,000				150,000	

Public Works & Environmental Services Element						
Project Cost	Total	FY22-23	FY23-24	FY24-25	FY25-26	FY26-27
Leaf Truck	975,000	320,000	325,000			330,000
-Installation Loan	975,000	320,000	325,000			330,000
Garbage Truck	535,000	210,000		325,000		
- Installation Loan	535,000	210,000		325,000		
Pick-up Trucks	372,000	120,000	120,000	44,000	44,000	44,000
-Installation Loan	120,000	120,000				
-General Fund	252,000		120,000	44,000	44,000	44,000
Pull-behind Leaf Vacuum and Box	110,000		110,000			
- Installation Loan	110,000		110,000			
Vehicles	56,000	56,000				
-Installation Loan	56,000	56,000				
FEMA Area at Public Works Facility	60,000	60,000				
-General Fund	60,000	60,000				
Brine Mount System and Body	50,000	50,000				
-General Fund	50,000	50,000				
East Graham St. Stormwater Project	25,000	25,000				
-General Fund	25,000	25,000				
Fleet Services - Service Truck	200,000		200,000			
-Installation Loan	200,000		200,000			
Bucket Truck	175,000		175,000			
- Installation Loan	175,000		175,000			
Ventrac Tractor w/edger and mowing deck	45,000		45,000			
-General Fund	45,000		45,000			
Dump Truck	325,000		325,000			
- Installation Loan	325,000		325,000			
Salt and Sand Spreader	75,000		75,000			
-General Fund	75,000		75,000			
Tractor	60,000			60,000		
-General Fund	60,000			60,000		
New fuel station and pumps	30,000				30,000	
-General Fund	30,000				30,000	
Swap Loader	350,000				350,000	
- Installation Loan	350,000				350,000	

WATER AND SEWER FUND

Water and Sewer Utility Element						
Project Cost	Total	FY22-23	FY23-24	FY24-25	FY25-26	FY26-27
Inflow and Infiltration (I&I)	2,000,000	-	500,000	500,000	500,000	500,000
-Water and Sewer Fund	2,000,000	-	500,000	500,000	500,000	500,000
Oversize Reimbursement	600,000	200,000	100,000	100,000	100,000	100,000
-Utility Fund	600,000	200,000	100,000	100,000	100,000	100,000
City of Graham Water Treatment Plant Improvements	830,000	30,000	200,000	200,000	200,000	200,000
-Water and Sewer Fund	830,000	30,000	200,000	200,000	200,000	200,000
Elevated Storage Tank	4,025,000	185,000	3,840,000			
-Water and Sewer Fund	185,000	185,000				
- Revenue Bonds	3,840,000		3,840,000			
Jones Road Outfall (Arbor Creek)	1,000,000	-		112,500	887,500	
-Water and Sewer Fund	112,500	-		112,500		
- Revenue Bonds	887,500				887,500	
Outfall Tractor Replacement	60,000	60,000				
-Water and Sewer Fund	60,000	60,000				
Aeration Basins Electrical Upgrade	50,000	50,000				
-Water and Sewer Fund	50,000	50,000				
City of Graham Waste Water Treatment Plant Improvements	261,575	53,575	52,000	52,000	52,000	52,000
-Water and Sewer Fund	261,575	53,575	52,000	52,000	52,000	52,000
Xylem Influent Monitoring	26,198	26,198				
-Water and Sewer Fund	26,198	26,198				
Water Resource Recovery Facility (WRRF) 1.5 MGD Expansion	42,027,522		42,027,522			
-Water and Sewer Fund	1,872,478		1,872,478			
- Capital Reserve Funds	3,600,000		3,600,000			
-Revenue Bonds	42,027,522		42,027,522			
WRRF Flood Wall	2,000,000		2,000,000			
-Revenue Bonds	2,000,000		2,000,000			
Water Line Replacements	320,000		195,000		125,000	
-Water and Sewer Fund	320,000		195,000		125,000	
Backhoe Replacement	150,000		150,000			
-Water and Sewer Fund	150,000		150,000			
Vehicle Replacement	199,000		65,000	32,000	62,000	40,000
-Water and Sewer Fund	199,000		65,000	32,000	62,000	40,000
Utility Oversizing	200,000		50,000	50,000	50,000	50,000
-Water and Sewer Fund	200,000		50,000	50,000	50,000	50,000
Sewer Jetter Replacement	70,000			70,000		
-Water and Sewer Fund	70,000			70,000		
Vac Truck Replacement	450,000				450,000	
-Water and Sewer Fund	450,000				450,000	
Water Rehabilitation	400,000				200,000	200,000
-Water and Sewer Fund	400,000				200,000	200,000
Rotary Drum Thickener Rebuild	100,000			100,000		
-Water and Sewer Fund	100,000			100,000		
Aqua Guard Influent Screen Rehab	100,000					100,000
-Water and Sewer Fund	100,000					100,000
Mini Excavator Replacement	100,000					100,000
-Water and Sewer Fund	100,000					100,000



AGENDA ITEM # 6

Mebane Main Street Program Board of Directors Ex Officio Appointments

Meeting Date

June 6, 2022

Presenter

Preston Mitchell, Assistant City Manager

Public Hearing

Yes No

Summary

Appointment of two City Councilmembers as Ex Officio members of the Mebane Main Street Program Board of Directors.

Background

At the last budget work session, a Main Street Program Overview of the City Manager's proposal for the FY 22-23 plan of action was presented to City Council. Specifically, this included the recommendation of the Downtown Associate Community Steering Committee serving as one-year Provisional Board of Directors with two members of Mebane City Council serving as Ex Officio board members.

Financial Impact

There is no new financial impact from the appointment of the two ex officio members beyond the proposed annual budget allocation for the Mebane Main Street Program.

Recommendation

Staff recommends the City Council appoint two of its members as Ex Officio Appointments to the Mebane Main Street Program Board of Directors.

Suggested Motion

I hereby move that the appointment of (Insert name of two members of Mebane City Council) as Ex Officio Appointments to the Mebane Main Street Program Board of Directors.

Attachments

1. None



AGENDA ITEM #7

DOWNTOWN EXTERIOR IMPROVEMENTS GRANT UPDATE

Meeting Date

June 6, 2022

Presenter

Cy Stober, Development Director

Public Hearing

Yes No

Summary

In its deliberations of the Manager's Recommended FY23 Budget, the Mebane City Council is considering \$50,000 for Downtown Improvements as a matching funds grant program that will reimburse an individual up to 50% of qualifying expenses for exterior improvements to a Downtown property. The funds allocated in FY22 was awarded to ten (10) projects, with only \$3,205.44 unawarded. The attached program flyer and application details the criteria for individuals wishing to improve their properties by addressing one of four categories:

- Façade improvements;
- Outdoor seating;
- Exterior artwork; and
- Preservation of historic architecture and buildings.

Conditions apply to the municipal awards, which are available on a first-come, first-served basis. The City must approve any encroachments into municipal rights of ways or easement, such as sidewalk seating. The grant is provided as a reimbursement for qualifying expenses, requiring proof of receipts. Applicants must provide a minimum of two quotes for the proposed project.

Applications for this municipal award will be accepted until October 1, 2022.

Financial Impact

The City will support qualifying projects up to \$50,000, as allocated in the FY23 Budget.

Recommendation

Staff recommends adoption of the Downtown Exterior Improvements Grant, as presented.

Suggested Motion

I move to adopt Downtown Exterior Improvements Grant, as presented, awarding and spending municipal funds accordingly.

Attachments

1. Downtown Exterior Improvements Grant Information Sheet & Application

MEBANE DOWNTOWN EXTERIOR IMPROVEMENTS GRANT



WHAT DOES THE GRANT FUND?

The City will provide a grant in an amount up to 50% of the total cost for approved exterior renovation projects, maximum grant of \$10,000 per property. Grants are limited to one per property each year and fund the following items/work:

- Façade Improvements & Renovations, including:
 - Restoration of original façade;
 - Repairs to external features such as storefronts, trim, cornices, etc.;
 - Painting (see Requirements);
 - Replacement of windows with windows of appropriate style and materials
- Preservation of unique architectural and/or historic properties and/or features
- Permanent art such as murals on exterior walls – does not include window art
- Exterior Seating on private property owned or leased by applicant to serve related Downtown business uses

GRANT CONDITIONS

- ◇ Properties must be within the area of focus in the City's adopted *Downtown Vision Plan*.
- ◇ Grants are subject to available funding. \$50,000 is available in FY22-23.
- ◇ Property owner is required to contribute a minimum of 50% of funds to the project and will be reimbursed for qualifying expenses upon report that includes total cost of project with copies of paid receipts.
- ◇ All encroachments into City rights of ways and easements subject to City approval
- ◇ A grant must be approved prior to commencement of any construction work, or reimbursement may not be assured.
- ◇ Grants take the form of reimbursements after the fact, which means that all work covered by the grant must be completed and paid for by the owner prior to reimbursement by the grant. Grant applications are subject to fair and impartial review of the merits of the project, completeness of the application, availability of grant funds, and other factors.
- ◇ A project that deviates from the submitted plans without prior City approval will not be eligible for reimbursement of costs.

APPLICATION AND APPROVAL PROCESS

- ◇ Submit an application to the City of Mebane no later than October 1, 2022.
- ◇ All projects must comply with the requirements of the City of Mebane's ordinances and NC State Building Codes.
- ◇ All rehabilitations on buildings will attempt, as feasible, to follow the "Secretary of the Interior's Standards for Rehabilitation" of commercial buildings (see attached).
- ◇ All applicants must obtain at least two cost estimates for labor and materials and provide copies of each quote attached to the application.
- ◇ All projects shall be delivered 12 months following award.

Grant Application



Date of Application: _____

APPLICANT INFORMATION

Property Owner Name	
Business Owner Name (if different*)	
Business Name	
Phone #	
Street Address of Property	
Applicant's Mailing Address	

*If outdoor seating is being provided offsite from primary business site, a copy of a lease agreement or similar document is needed

USE OF BUILDING AND DESCRIPTION OF PROPOSED PROJECT

Current use of building:	
Proposed use of building:	
Business Name	
Describe project details. Attach drawing, sketch, or photo of proposed project, specifically identifying changes and paint color for each detail of the building, along with an existing photo of the building:	
Total Estimated Cost of Exterior Improvements (Attach copies of all quotes, minimum of two quotes required for each portion of work and/or materials, grant will cover the sum of lowest quotes.):	

CHECKLIST FOR COMPLETE APPLICATION

1. I have read the City of Mebane Exterior Improvements Grant documentation and fully understand the agreement.
2. The property owner's written permission is attached if the applicant is the business owner, including City pre-approval to place seating on the sidewalk.
3. Drawings, sketches, and/or pictures, including color scheme and sign design for project are attached.
4. Summary of project costs is attached, with copies of all quotes

I understand the City of Mebane Exterior Improvement Grant Program must be used in the manner described in this application, and the application must be reviewed and approved by the Mebane City staff prior to commencement of any project. I understand that failure to comply with the approved application may result in a forfeiture of all grant funds.

Applicant Signature: _____

Date: _____



AGENDA ITEM #8

Planning Board Appointment

Presenter

Cy Stober, Development Director

Applicant

N/A

Public Hearing

Yes No

Summary

The City of Mebane Planning Board has one (1) opening for appointment due to a vacancy. This seat's term will expire June 2023.

The opportunity was posted on the City's website, to social media accounts, and legally advertised in the months of April and May 2022. Four applications were received for the position, all of whom reside in the City limits and therefore are eligible residents. The qualifications of all Planning Board nominees are detailed in the attached applications. The City Council may appoint these Planning Board members directly.

Financial Impact

N/A

Recommendation

Staff recommends that the Council appoint one of the four qualified applicants to the City seat on the Planning Board.

Suggested Motion

A motion to appoint _____ to the City of Mebane Planning Board, recognizing their qualifications and experience relevant to serving the planning and land use needs of the City of Mebane.

Attachments

1. John Craig application
2. Keith Horton application
3. William Marsh application
4. Jason VanBuren application
5. Map of Current and Applicant Planning Board members



RECEIVED
May 16, 2022

City of Mebane Boards and Commissions Application

The Mebane City Council has adopted this application for use by individuals interested in appointment to the City's advisory boards and commissions. To ensure that your application will receive full consideration, please answer all questions completely. Return this application either in person, by mail, or by fax to the Mebane Municipal Building, 106 East Washington Street, Mebane, NC 27302, Fax (919) 563-9506.

Personal Information

Name: John P. Craig
Home Address: 302 Ben Hogan Dr Mebane NC 27302
Mailing Address (if different): _____
Home Phone: 919-452-1051 Business Phone: 984-203-2107
Do you live inside the Mebane City Limits? Yes No
In Alamance or Orange County? Alamance

Board Preference

Are you currently serving on a board or commission of the City of Mebane? Yes No
If so, which one(s)? _____

Please list the name(s) of the board(s) to which you are applying or seeking reappointment (you may apply to more than one): Planning

Why do you wish to serve the City in this capacity? If additional space is needed please attach a separate sheet:

Mebane has been my home since 2011 and will remain my home.

I would like to give back to this community by serving on the planning board to help Mebane grow reasonable and responsible.

Education

Please list your educational background. Include name of all schools attended:

Hawkeye Community College 1984-1986 Marketing Management
University of Northern Iowa 1988-1990 Business



Employment

Please list the names and address of your current employer, the title of your current position, and a brief description of your job duties.

Name of Employer: ReMax Diamond Realty

Address: 202 S. Fifth St, Mebane NC 27302

Title and Duties: Realtor

Civic Involvement

Please list the names of all civic organizations in which you currently hold membership:

Thank you for your interest in appointment to the City of Mebane's Advisory Boards and Commissions. Individuals selected for appointment will be notified by mail within 5 working days from the City Council meeting at which they have been appointed.

JOHN CRAIG

– 302 BEN HOGAN DR, MEBANE, NC 27302 –

JCRAIG@DIAMONDREALTY.COM

(919)452-1051

SUMMARY

Management and sales professional with nearly 3 decades of experience. Proven ability to promote sales and deliver client needs across a variety of verticals. Excellent interpersonal skills with ability to establish and maintain relationships. Seeking an opportunity to join a successful real estate firm after obtaining a North Carolina Real Estate License in January of 2020.

SKILLS

Technical Skills: QuickBooks, Microsoft Word, Microsoft Excel, Microsoft PowerPoint

Functional Skills: Scheduling, Payroll, Budgeting, Training, Business Development/Sales, Human Resources, Customer Service

PROFESSIONAL EXPERIENCE

**Re/Max Diamond Realty-Mebane, NC
Realtor**

2020-Present

**Carousel Dentistry – Durham, NC
Business Manager**

2002 – 2020

- Manage day to day operations and facilities of the office while promoting a healthy work environment.
- Design and implement office policies and procedures while managing staff of 12 resources including dentists, receptionists, dental assistants and hygienists.
- Responsible for recruiting, interviewing, training, and onboarding of all new staff members.
- Responsible for serving as point of contact for all HR related situations.
- Assist with the startup process to incorporate and establish a second dental office – Atlantis Dentistry.
- Promote business development initiatives to increase annual revenue.
- Achieve financial objectives by preparing an annual budget, scheduling expenditures, analyzing variances and initiating corrective actions.

**Advanced Systems Inc. (now Gordon Flesch Co.) – Waterloo, IA
Network Sales Specialist**

2001 – 2002

- Targeted and contacted companies in Waterloo and the surrounding areas to sell network technologies.
- Established rapport with new clients and maintained excellent customer service to deliver products and needs in a timely manner.
- Developed and enhanced business-to-business sales strategies and skills.

**Kraft Foods Group, Inc. (Frozen Division) – Waterloo, IA
Sales Representative**

1994 – 2001

- Serviced local grocery stores in Waterloo and the surrounding areas to sell and deliver Kraft Foods' frozen goods.
- Collaborated with both store and department managers on promotional advertisements.
- Upsold products to increase annual revenue throughout assigned region.
- Summit Award winner, 1997 – Salesman of the year

LICENSING/EDUCATION

Hawkeye Community College 1984-1986 Marketing Management

University of Northern Iowa 1988-1990 Business

Superior School of Real Estate, Raleigh, NC – 2019

Real Estate License, State of North Carolina – 2020



RECEIVED
MAY 24 2022

City of Mebane Boards and Commissions Application

The Mebane City Council has adopted this application for use by individuals interested in appointment to the City's advisory boards and commissions. To ensure that your application will receive full consideration, please answer all questions completely. Return this application either in person, by mail, or by fax to the Mebane Municipal Building, 106 East Washington Street, Mebane, NC 27302, Fax (919) 563-9506.

Personal Information

Name: Keith Horton

Home Address: 114 East Laramie Drive, Mebane NC 27302

Mailing Address (if different): PO Box 1642, Mebane NC 27302

Home Phone: 336-263-6340 Business Phone: _____

Do you live inside the Mebane City Limits? Yes No

In Alamance or Orange County? Alamance

Board Preference

Are you currently serving on a board or commission of the City of Mebane? Yes No

If so, which one(s)? _____

Please list the name(s) of the board(s) to which you are applying or seeking reappointment (you may apply to more than one): Planning Board

Why do you wish to serve the City in this capacity? If additional space is needed please attach a separate sheet: I would like to serve so that I am a part of the decision making process. I would

like to serve the community with my relevant expertise and interest in planning, land use, and local government. I also view this as an excellent learning opportunity.

Education

Please list your educational background. Include name of all schools attended:

B.S. - Finance from UNC

B.S. - Economics, minor in Public Policy from UNC

M.B.A - Masters in Business Administration from Pfeiffer Univ.

M.S. - Construction Management, concentration in Facility Planning from Western Carolina University.

Boards and Commissions Application
Page 2

Employment

Please list the names and address of your current employer, the title of your current position, and a brief description of your job duties.

Name of Employer: Duke University Health System

Address: 2301 Erwin Road, Durham , NC 27710

Title and Duties:

Proposal Manager - Current

Finance & Operations Manager - Previous

Senior Planning Analyst - Previous

<https://www.linkedin.com/in/keith-horton-b3463712/>

Civic Involvement

Please list the names of all civic organizations in which you currently hold membership:

Habitat for Humanity Durham - frequent volunteer

Thank you for your interest in appointment to the City of Mebane's Advisory Boards and Commissions. Individuals selected for appointment will be notified by mail within 5 working days from the City Council meeting at which they have been appointed.

RECEIVED
5/11/2022



City of Mebane Boards and Commissions Application

The Mebane City Council has adopted this application for use by individuals interested in appointment to the City's advisory boards and commissions. To ensure that your application will receive full consideration, please answer all questions completely. Return this application either in person, by mail, or by fax to the Mebane Municipal Building, 106 East Washington Street, Mebane, NC 27302. Fax (919) 563-9506.

Personal Information

Name: William Marsh

Home Address: 1105 Bateman Pl Mebane, NC 27302

Mailing Address (if different): _____

Home Phone: 336-212-9970 Business Phone: 336-338-0313

Do you live inside the Mebane City Limits? Yes No

In Alamance or Orange County? Alamance

Board Preference

Are you currently serving on a board or commission of the City of Mebane? Yes No
If so, which one(s)? _____

Please list the name(s) of the board(s) to which you are applying or seeking reappointment (you may apply to more than one): Planning Board

Why do you wish to serve the City in this capacity? If additional space is needed please attach a separate sheet:

I am a new resident to Mebane; however, I have lived in Alamance County for about 18 years. I was drawn to Mebane because of the expected growth and I want to participate in Mebane's growth and development by serving the community in this advisory capacity.

Education

Please list your educational background. Include name of all schools attended:

University of North Carolina at Chapel Hill - 2004 BA Political Science

East Carolina University - 2019 Security Studies Graduate Certificate

Villanova University - 2021 Master of Public Administration and City Management

Graduate Certificate

Boards and Commissions Application
Page 2

Employment

Please list the names and address of your current employer, the title of your current position, and a brief description of your job duties.

Name of Employer: North Carolina State Bureau of Investigation

Address: 3320 Garner Road Raleigh, NC 27610

Title and Duties:

Assistant Special Agent in Charge - Professional Standards and Compliance Unit
I am responsible for conducting criminal investigation of Public Corruption allegations
and Internal Affairs for the SBI

Civic Involvement

Please list the names of all civic organizations in which you currently hold membership:

None

Thank you for your interest in appointment to the City of Mebane's Advisory Boards and Commissions. Individuals selected for appointment will be notified by mail within 5 working days from the City Council meeting at which they have been appointed.



RECEIVED
May 29, 2024

City of Mebane Boards and Commissions Application

The Mebane City Council has adopted this application for use by individuals interested in appointment to the City's advisory boards and commissions. To ensure that your application will receive full consideration, please answer all questions completely. Return this application either in person, by mail, or by fax to the Mebane Municipal Building, 106 East Washington Street, Mebane, NC 27302, Fax (919) 563-9506.

Personal Information

Name: Jason VanBuren

Home Address: 194 Emerson Dr. Mebane, NC 27302

Mailing Address (if different): _____

Home Phone: (914)489-6976 Business Phone: (937)309-2251

Do you live inside the Mebane City Limits? Yes No

In Alamance or Orange County? Alamance

Board Preference

Are you currently serving on a board or commission of the City of Mebane? Yes No

If so, which one(s)? _____

Please list the name(s) of the board(s) to which you are applying or seeking reappointment (you may apply to more than one): Planning Board

Why do you wish to serve the City in this capacity? If additional space is needed please attach a separate sheet:

1. As a citizen of Mebane for 17 years; The growth of Mebane has been positive, but over this time some decisions I have had questions and have wanted to understand why. Although the planning board is not the final decision, by being on the planning board I can utilize my professional experience in management, risk, and planning to influence future decisions. I would like to affect decisions that grow the city in a way that brings additional revenue without losing the small town charm and meets Mebane's long term goals. My decisions will always be by looking at facts and following specifications that creates value to the city, residents, and businesses, to make Mebane a city for all to enjoy. I feel my qualifications have prepared me to be on the Planning Board, and request to accept my application.

Education

Please list your educational background. Include name of all schools attended:

University of Rhode Island, BS in Mechanical Engineering

Ohio State University, Fisher College of Business MBA Cert.

Employment

Please list the names and address of your current employer, the title of your current position, and a brief description of your job duties.

Name of Employer: Honda Aero Inc

Address: 2989 Tucker Street, Burlington, NC 27215

Title and Duties:

Manager / Principal Engineer of Manufacturing Engineering for parts manufacturing group.

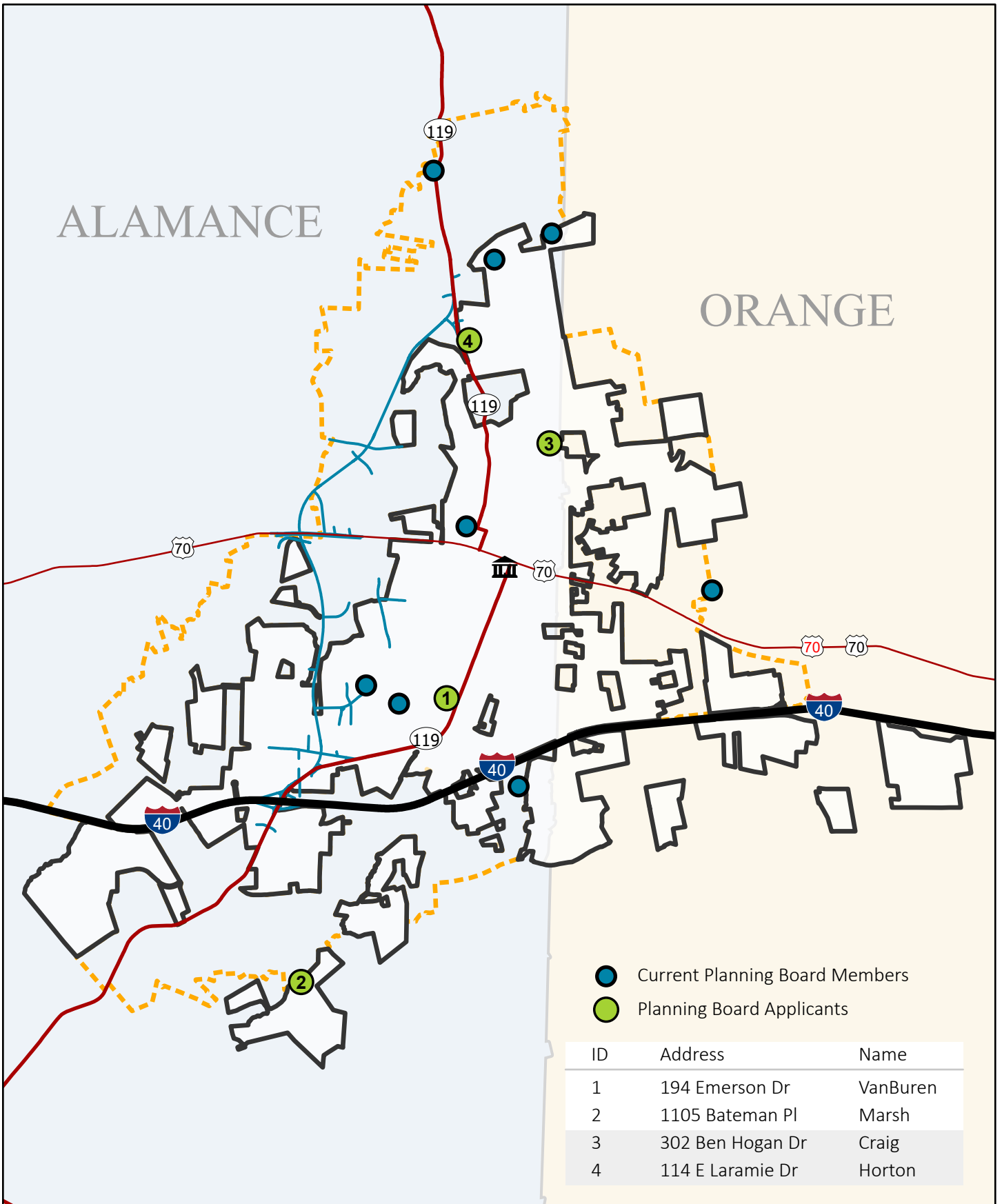
Lead team of engineers for the production of jet engine parts. Maintain Budget, review drawing/specifications, assess risk, and planning for future growth.

Civic Involvement





Please list the names of all civic organizations in which you currently hold membership:

None

Thank you for your interest in appointment to the City of Mebane's Advisory Boards and Commissions. Individuals selected for appointment will be notified by mail within 5 working days from the City Council meeting at which they have been appointed.



2022 Planning Board Applicants

-  Mebane City Hall
-  Mebane City Limits
-  ETJ
-  NC 119 Bypass



AGENDA ITEM #9

Voluntary Annexation Policy

Meeting Date

June 6, 2022

Presenter

Lawson Brown, City Attorney

Preston Mitchell, Assistant City Manager

Public Hearing

Yes No

Summary

The City regularly receives requests from developers and individual property owners requesting voluntary annexation into the City of Mebane corporate limits. This general policy addresses voluntary annexation only and the statutory authority is defined within North Carolina General Statutes 160A (Article 4 Corporate Limits and Article 4A, Extension of Corporate Limits).

Background

The intent of the policy is to provide a mechanism by which the City can plan and extend its corporate limits and municipal services provided to citizens residing within said corporate limits in an efficient and effective matter via voluntary annexation. This will allow long-range planning via various other municipal mechanisms and policies to allow an orderly extension of City services. To the extent that this policy conflicts with any other related policies of the City, this policy shall be controlling as it supersedes existing policies. It also complies with statutory and judicial opinions for municipal service requirements.

Typically, voluntary annexation occurs when a party desires to obtain access to City general services and/or utility service(s). For the purpose of this policy, and per NC General Statutes related to voluntary annexation, it is assumed that the party is either requesting some level of the referenced City services and is submitting a voluntary annexation petition to obtain access to general fund services (for example – garbage collection, but not use of parks & recreation services) and/or utility service(s) as defined via the City Water and Wastewater System Extension and Connection Policies. Similar to the City Water and Wastewater System Extension and Connection Policies – General Policy Statement C – “The City Council has the right to approve or deny proposed connection or extension to its water or wastewater system based on the City’s best interest”, this policy details further that the City Council has the right to accept or deny voluntary annexation and/or require property owners to enter into a written agreement with the City for voluntary annexation at such future date as the City Council determines that it is in the best interest of the City and the City can provide a majority of consistent city services to the property. The petition for annexation of property to the City is attached hereto as Exhibit A. The annexation agreement is attached hereto as Exhibit B.

Financial Impact

Minimal recordation expense to the City.

Recommendation

Staff recommends approval of the Voluntary Annexation Policy as presented.

Suggested Motion

I move to approve the Voluntary Annexation Policy as presented.

Attachments

1. Voluntary Annexation Policy
2. Exhibit A: Petition For Annexation of Property To The City of Mebane, North Carolina
3. Exhibit B: Annexation Agreement



CITY of MEBANE

POLICY STATEMENT	
SUBJECT: Voluntary Annexation Policy	PAGE 1 OF 5
	EFFECTIVE:
	SUPERSEDES: Previous Annexation Policies
	PREPARED BY: Chris Rollins, City Manager
	ADOPTED BY COUNCIL: DATE:

BACKGROUND INFORMATION: The City regularly receives requests from developers and individual property owners requesting voluntary annexation into the City of Mebane corporate limits. This general policy addresses voluntary annexation only and the statutory authority is defined within North Carolina General Statutes 160A (Article 4 Corporate Limits and Article 4A, Extension of Corporate Limits).

GENERAL POLICY STATEMENT:

The intent of the policy is to provide a mechanism by which the City can plan and extend its corporate limits and municipal services provided to citizens residing within said corporate limits in an efficient and effective matter via voluntary annexation. This will allow long range planning via various other municipal mechanisms and policies to allow an orderly extension of City services. To the extent that this policy conflicts with any other related policies of the City, this policy shall be controlling as it supersedes existing policies. It also complies with statutory and judicial opinions for municipal service requirements.

Typically, voluntary annexation occurs when a party desires to obtain access to City general services and/or utility service(s). For the purpose of this policy, and per NC General Statutes related to voluntary annexation, it is assumed that the party is either requesting some level of the referenced City services and is submitting a voluntary annexation petition to obtain access to general fund services (for example – garbage collection, but not use of parks & recreation services) and/or utility service(s) as defined via the City Water and Wastewater System Extension and Connection Policies. Similar to the City Water and Wastewater System Extension and Connection Policies – General Policy Statement C – “The City Council has the right to approve or deny proposed

connection or extension to its water or wastewater system based on the City's best interest", this policy details further that the City Council has the right to accept or deny voluntary annexation and/or require property owners to enter into a written agreement with the City for voluntary annexation at such future date as the City Council determines that it is in the best interest of the City and the City can provide a majority of consistent city services to the property. The petition for annexation of property to the City is attached hereto as Exhibit A.

A. CONTIGUOUS AND/OR INFILL VOLUNTARY ANNEXATION WITH PROPERTY SUBDIVISION:

1. It is the intent of the City of Mebane to require voluntary annexation for contiguous and infill properties seeking the referenced City services. Contiguous is defined as sharing a common boundary composed of more than just a survey stake connection. Infill is defined as sharing a common boundary composed of two or more common boundaries.
2. City staff must determine that a majority of consistent city services can be provided.
3. Building permits can be issued once City Council votes to receive the annexation petition and other City requirements have been fulfilled.

B. CONTIGUOUS AND/OR INFILL VOLUNTARY ANNEXATION WITHOUT PROPERTY SUBDIVISION:

1. It is the intent of the City of Mebane to require voluntary annexation for contiguous and infill properties seeking the referenced City services. Contiguous is defined as sharing a common boundary composed of more than just a survey stake connection. Infill is defined as sharing a common boundary composed of two or more common boundaries.
2. City staff must determine that a majority of consistent city services can be provided.
3. Building permits can be issued once City Council votes to receive the annexation petition and other City requirements have been fulfilled.
4. If determined acceptable for voluntary annexation recording via County Register of Deeds Office, the presently recorded metes & bounds are acceptable to meet voluntary annexation petition requirements in lieu of updated surveys for same said properties (without property subdivision). Annexation plats are required to be submitted as dictated in North Carolina General Statute 47-30

C. NONCONTIGUOUS VOLUNTARY ANNEXATION WITH PROPERTY SUBDIVISION:

1. It is the intent of the City of Mebane to require voluntary annexation for noncontiguous properties that will be subdivided seeking the referenced city services. Noncontiguous is defined as not sharing a common boundary composed of more than just a survey stake

connection. Subdivision or subdivided is defined as a property that has been or will be subdivided into one or more properties consistent with the City's Unified Development Ordinance.

2. City staff must determine that a majority of consistent city services can be provided.
3. Building permits can be issued once City Council votes to receive the annexation petition and other City requirements have been fulfilled.

D. NONCONTIGUOUS VOLUNTARY ANNEXATION WITHOUT PROPERTY SUBDIVISION:

1. It is the intent of the City to require voluntary annexation for noncontiguous properties that will not be subdivided if a majority of consistent city services can be provided efficiently and effectively. Noncontiguous is defined as not sharing a common boundary composed of more than just a survey stake connection. Subdivision or subdivided is defined as a property that has been or will be subdivided into one or more properties consistent with the City's Unified Development Ordinance.
2. City staff must determine that a majority of consistent city services can be provided.
3. If determined a majority of consistent City services cannot be provided and the definitions of D(1) are met, the City Manager will recommend if any City services should be offered without immediate voluntary annexation and require the property owner(s) to enter into a written agreement with the City for annexation as such future date as the City Council determines that it is in the best interest of the City and the City can provide a majority of consistent city services to the property.
 - a. This written agreement will be required to be added as a property deed restriction to ensure it is binding for future action.
 - i. See Section F of this policy.
 - b. Building permits can be issued once City Council votes to receive the referenced written agreement regarding future voluntary annexation is recorded in general and included as a property deed restriction.
4. If determined acceptable for voluntary annexation recording via County Register of Deeds Office, the presently recorded metes and bounds are acceptable to meet voluntary annexation petition requirements in lieu of updated surveys for same said properties (without property subdivision). Annexation plats are required to be submitted as allowed in North Carolina General Statue 47-30

E. NON-CITY APPROVED/HISTORICALLY SUBDIVIED NEIGHBORHOODS VOLUNTARY ANNEXATION WITHOUT PROPERTY SUBDIVISION:

1. It is the intent of the City to only require voluntary annexation for existing neighborhoods not previously approved by the City or those where the neighborhood creation pre-dates their inclusion within the City jurisdiction when either the majority of the total properties located within the neighborhood or the majority of the residents within the neighborhood submit documented requests/interests in voluntary annexation. Majority is defined as 50% plus to ensure city services can be efficiently and effectively provided.
2. This section does not apply to throughfare (US/NC routes and major City collector routes) frontage properties/sites.
3. Properties within neighborhoods not meeting the majority definition for voluntary annexation and desiring connection to utility municipal service are referred to Section F of this policy.

F. REQUIREMENT OF PROPEY OWNERS TO ENTER INTO A WRITTEN AGREEMENT WITH THE CITY FOR ANNEXATION AS SUCH FUTURE DATE AS THE CITY COUNCIL DETERMINES THAT IS IN THE BEST INTEREST OF THE CITY AND THE CITY CAN PROVIDE A MAJORITY OF CONSISTENT CITY SERVICES TO THE PROPERTY.

1. It is the intent of the City of Mebane to require property owners connecting to water and/or sewer connection services to request either immediate voluntary annexation to enter into a written agreement with the City for annexation as such future dates as the City Council determines that is in the best interest of the City.
2. The City Manager will make a recommendation to City Council to not require immediate voluntary annexation in situations where it is determined a majority of consistent City services cannot be provided to the property(s), neighborhood, and recommends immediate connection to City water and/or sewer after said written agreement is recorded (in general and as property deed restriction).
3. The written agreement with the City for annexation as such future date as the City Council determines shall be recorded in general and as a property deed restriction upon said and/or all property deeds to ensure it is binding for future action.
4. The property and customers will be charged outside City utility rates until annexed into the City corporate limits.
5. Building permits can be issued once the written agreement has been recorded in the Registry and as a property deed restriction and other City requirements have been fulfilled.

- a. Exhibit B attached to this policy provides a template for the written agreement. The City Attorney is authorized to adjust this template as it is recognized it will require updates and changes.

G. COMMUNITY DEVELOPMENT PROJECTS

1. Similar to the City Water and Wastewater System Extension and Connection Policies – General Policy Statement F (1) – regarding “Certain community development projects are exempt from assessment provisions”, this policy details further to the City Council the right to not require voluntary annexation related to certain community development projects.
2. The City Manager will provide a recommendation to City Council regarding community development project exemptions.

EXHIBIT A

STATE OF NORTH CAROLINA
COUNTY OF _____

PETITION FOR ANNEXATION OF PROPERTY TO
THE CITY OF MEBANE, NORTH CAROLINA

PART 1. The undersigned, being all the owners of the real property described in this application (Attachment A, hereinto "the Property") respectfully requests the annexation of said property into the City of Mebane ("City"), North Carolina. The petitioners understand and agree that all utilities within the annexed area shall be installed according to the City Ordinances and Policies and any utilities that must be extended to the annexed area are the responsibility of the undersigned or successive property owners. The property to be annexed is:

- A. _____ **CONTIGUOUS AND/OR INFILL** to the present corporate limits of the City, North Carolina pursuant to N.C.G.S. §160A-31 et seq., or
- B. _____ **NON-CONTIGUOUS** to the municipal limits of the City, North Carolina, not closer to the limits of any other municipality and is located within three (3) miles of the municipal limits of the City, North Carolina pursuant to N.C.G.S. § 160A-58.1 et seq.

The Property to be annexed is more particularly described in Attachment "A" and said Attachment "A" is expressly made a part hereof.

PART 2. This Petition for Annexation is made pursuant to an agreement with the City whereby the Petitioner(s) are being allowed to extend City water and/or sewer service to the described property.

PART 3. In consideration of said agreements, Petitioner(s) agree that this Petition for Annexation shall be irrevocable for a period of twenty-one (21) years for the date hereof, notwithstanding that all or a portion of the described properties may be conveyed to third parties. Petitioner(s) agree that any such conveyances shall be made subject to the terms of the Annexation Agreement incorporated in the deed duly executed and recorded in the county in which the property is located.

PART 4. North Carolina General Statutes require petitioners of both contiguous and satellite annexations to file a signed statement declaring whether vested rights have been established in accordance with G.S. 160D-102 and 100(d) for properties subject to the petition. Do you declare vested rights for the property subject to this petition? **YES** _____ **NO** _____.

If yes, please submit proof that vested rights have been granted by governing board.

I HEREBY DECLARE that my failure to disclose the existence of a vested right terminates any vested right previously acquired for this property.

Signed this _____ day of _____, 20_____, by the owners of the property described in Attachment "A".

Owner

Owner

Owner

Owner

(Corporate Name)

By: _____
President

ATTEST: _____
Secretary

(CORPORATE SEAL)

STATE OF NORTH CAROLINA
COUNTY OF _____

I, _____, a Notary Public of said County and State, hereby certify that Owner(s) _____ personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official stamp or seal, this the _____ day of _____, 20____.

Notary Public

My Commission Expires: _____

STATE OF NORTH CAROLINA
COUNTY OF _____

I, _____, a Notary Public of said County and State, hereby certify that Owner(s) _____ personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official stamp or seal, this the _____ day of _____, 20____.

Notary Public

My Commission Expires: _____

STATE OF NORTH CAROLINA
COUNTY OF _____

I, _____, Notary Public of said County and State, do hereby certify that _____ personally came before me this day and acknowledged that he/she is the _____ of _____, a _____ corporation/limited liability company/general partnership/limited partnership (strike through the inapplicable), and that by authority duly given and as the act of such entity, he/she signed the foregoing instrument in its name on its behalf as its act.

Witness my hand and official stamp or seal, this the _____ day of _____, 20____.

Notary Public

My Commission Expires: _____

Received by the City Clerk of Mebane, North Carolina, this _____ day of _____, 20____.

SIGNATURE OF CITY CLERK:

EXHIBIT B

NORTH CAROLINA
COUNTY OF _____

ANNEXATION AGREEMENT

THIS ANNEXATION AGREEMENT, made this _____ day of _____, 2022, by and between _____, Property Owner(s), hereinafter referred to as "Owner(s)," and the CITY OF MEBANE, a municipal corporation of the State of North Carolina, hereinafter referred to as "City."

RECITALS:

- A. The Owner is seized of fee simple title to certain real property located outside the corporate limits of the City, identified on the attached Exhibit "A" which is incorporated by reference (herein the "Property").
- B. The Owner desires to have the City provide water and/or sewer service to the Property.
- C. The City is willing to provide water and/or sewer service to the Owner pursuant to City policies.

NOW, THEREFORE, the Owner, in consideration of the mutual covenants contained herein, hereby declares and agrees that the Property is and shall be held, transferred, sold and conveyed subject to covenants and agreements hereinafter set forth **which shall run with the land and be binding on future owners.**

1. The City shall provide water and/or sewer to the Owner under terms, conditions and restrictions of the North Carolina General Statutes and the City Ordinances and polices.
2. The Owner agrees and hereby covenants to annex the Property into the City at a time that shall be determined by the City Council of the City, pursuant to City Ordinances and policies.
3. The Owner agrees that, following a thirty (30) day notice from the City, the water and/or sewer service shall be terminated by the City if the Owner shall fail to perform the above covenants or agreements as they become due.
4. The Owner agrees and hereby covenants and agrees that the Property shall be annexed into the City at a time that shall be determined by the City Council. The Owner agrees that a valid petition for annexation has been executed and attached hereto as Exhibit "B" and that the said petition shall remain effective for a term of twenty-one (21) years. All subsequent owners, by the acceptance of a deed to the Property described in the petition's Attachment "B", and for the consideration of being served water and/or

sewer service the subsequent owner acknowledges this equitable servitude on the Property described in Attachment "A" and further hereby, by said acceptance, consent to and ratifies the Petition of Annexation given to the City upon execution of this Agreement.

5. This designation "Owner" as used herein, shall include the parties, heirs, successors and assigns and shall include singular, plural, masculine, feminine or neuter as required by the context.

IN WITNESS WHEREOF, the Owner has hereunto set his hand and seal or if a corporation or other legal entity has caused this instrument to be signed in its entity name by its duly authorized officers or managers and its seal to be hereunto affixed by authority of its governing group, (Board of Directors) and the City, pursuant to authority duly given, has caused this instrument to be executed on its behalf by its Mayor and to be attested by its City Clerk and its corporate seal hereto affixed, the day and year first above written.

_____	_____ (SEAL)
Company Name	Owner
BY: _____	_____ (SEAL)
President or Manager	Owner
ATTEST: _____	_____ (SEAL)
Secretary	Owner

(CORPORATE SEAL)

CITY OF MEBANE

ATTEST: _____	By: _____
City Clerk	Assistant City Manager

STATE OF NORTH CAROLINA
COUNTY OF _____

I, _____, a Notary Public of said County or State, hereby certify that Owner(s) _____ personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official stamp or seal, this the _____ day of _____,
20__.

Notary Public

My Commission Expires: _____

STATE OF NORTH CAROLINA
COUNTY OF _____

I, _____, a Notary Public of said County or State, hereby certify that _____ personally came before me this day that he/she is the _____ of _____, a _____ corporation/limited liability company/general partnership/limited partnership (strike through the inapplicable), and that by authority duly given and as the act of such entity, he/she signed the foregoing instrument in its name on its behalf as its act.

Witness my hand and official stamp or seal, this the _____ day of _____,
20__.

Notary Public

My Commission Expires: _____

STATE OF NORTH CAROLINA
ALAMANCE COUNTY

I, _____, a Notary Public of said County and State, hereby certify that _____, Assistant Manager of the City of Mebane and _____, City Clerk personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed.

Witness my hand and notarial seal this the _____ day of _____,
20__.

Notary Public

My Commission Expires: _____



AGENDA ITEM #10

Code of Ordinance Amendment- Backyard Hens

Meeting Date

June 6, 2022

Presenter

Lawson Brown, City Attorney

Public Hearing

Yes No

Summary

This ordinance limits the number of chickens and bans roosters.

Background

The City has no ordinance addressing chickens and roosters other than its nuisance abatement. There have been a number of recent complaints from residents about chickens.

Financial Impact

Code Enforcement will be impacted but estimated to be minimal.

Recommendation

Staff recommends an ordinance limiting the number of chickens per property and banning roosters.

Suggested Motion

The City has a public duty and statutory police authority to foster and improve by ordinance the health, safety and general welfare of its citizens by limiting the number of backyard hens and prohibiting roosters because of the noise, odors, property value diminution, property damage, and marauding animals. Maintenance of roosters and more than eight backyard hens, is inimical to the health, safety and general welfare of the citizens of the City.

Attachments

1. Proposed Ordinance

Section 4-37- Backyard Hens

(a) **Legal Parameters-** It shall be unlawful for the owner or occupant of any lot or parcel of land in the city to keep backyard hens in violation of the terms of this ordinance

(b) **Allowable Backyard Hens** - Backyard hens are allowable, regardless of zoning, on lots that contain single-family dwelling units, excluding apartment complexes, condominiums, townhouses and patio homes.

(c) **Number Allowed-** No more than eight (8) hens are allowed per lot regardless of size and number of dwelling units except in those areas zoned for agricultural uses. It shall be unlawful to keep or maintain any rooster.

(d) **Uses-** All aspects of the keeping of hens, including keeping chicks, eggs, manure, compost and other related attributes and activities, must be only personal and noncommercial.

(e) Coop and Run Standards

- 1) A coop is a roofed-housing structure where hens are kept. The coop has an indoor area where chickens sleep, perch, nest and lay eggs. The coop also provides shelter from weather and predators.
- 2) A run is an enclosed pen located outside of the coop structure.
- 3) An enclosed run is completely bounded on all sides, including overhead, by a fence, cage, or wire.
- 4) An open run is bounded on all sides by a fence, cage, or wire but is open overhead.
- 5) A coop, combination coop and run of sufficient size should be provided for the hens to include a minimum coop area of four (4) square feet per chicken if a run is provided. A minimum of ten (10) square feet coop area is required if no run is provided or chickens are to be contained in the coop.
- 6) Chickens shall be secured in the chicken coop during non-daylight hours. During daylight hours, chickens may be located in the run if provided. The coop and run shall be properly designed and constructed to provide adequate security from rodents, wild birds, and predators and provide sufficient ventilation
- 7) The maximum area for all coop and run structures is 300 square feet.
- 8) The maximum height for a coop and run is seven (7) feet measured from the ground to the top of the structure.
- 9) The minimum height for an open run is four (4) feet.

(f) Location

- 1) All hens, coop structures and runs must be located in the rear yard.
- 2) Coop structures and runs must be located at least 25 feet from any rear or interior side lot line. For corner lots the corner-side yard setbacks shall be the same as the principal building.

(g) **Maintenance**- All areas within the coop and run shall be kept in a neat and sanitary condition, including removal of droppings, uneaten feed, feather and other waste, in order to preclude odors and other nuisance violations.

(h) **Slaughter**

- 1) On– premise slaughter shall be prohibited.
- 2) Dead hens shall be removed according to the provisions of Section 4-35 of the City Code.

(i) **Enforcement**- Enforcement shall be as provided in Section 6-149 et seq. of the Code of Ordinances.

(j) **Existing Coops and Chickens**- This Ordinance shall apply to all backyard hens in the City, whether now existing or those in the future.

(k) Any person, firm, corporation or other legal entity violating the provisions of this article shall be subject to punishment in accordance with section 1-6.

(l) **Effective Date**- This Ordinance shall be effective as of the date of adoption.

Mebane Fire Dept. Monthly Report

	April	Year to Date	% Change from 2021
Structural Response			
Totals	26	106	-15%
Average Personnel Per Response	10	13	
Average Volunteer Response	2	2	
Non Structural Responses			
Totals	53	259	11%
Total Fire Response	79	365	3%
Location (Year to Date)	North	South	
Total Number/Percentage	186/51%	179/49%	
Average Fire Response Time	North 5:05	South 5:32	
Percentage of Calls Inside City	56%	55%	
Percentage of Calls Outside City	34%	30%	
Percentage of Calls for Mutual Aid	10%	15%	
EMT Response	184	685	24%
Location (Year to Date)	North	South	
Total Number/ Percentage	322/47%	363/53%	
CPS Seats Checked	14	59	
Smoke Alarms Checked/Installed	0	50	
Station Tours/Programs	8	15	
# of Participants	154	375	
Events Conducted/Attended	1	5	
Views on Fire Safety Facebook Posts	560	560	



The Planning Board meeting was held at the Glendel Stephenson Municipal Building located at 106 E. Washington Street, Mebane, NC 27302 and livestreamed via YouTube. The video can be accessed through the following link: <https://www.youtube.com/watch?v=Afat8CL6VJY>

Members Present:

Chairman Edward Tulauskas
Judy Taylor, Vice Chair
Gale Pettiford
Susan Semonite

Keith Hoover
Larry Teague
William Chapman

City Staff Present:

Ashley Ownbey, Planner
Audrey Vogel, Planner

Cy Stober, Development Director
Kirk Montgomery, IT Director

1. Call to Order

At 6:30 p.m. Chairman Edward Tulauskas called the meeting to order.

2. Approval of April 11, 2022, Meeting Minutes

Judy Taylor made a motion to approve the meeting minutes. William Chapman seconded the motion which passed unanimously.

3. City Council Actions Update

Cy Stober, Development Director, provided an update on the City Council's recent action at the April City Council meeting

4. *Continued from April 11th Planning Board Meeting:*

Request to establish R-12(CD) zoning +/- 148.98 acres for a Planned Unit Development of 308 single-family homes and 184 townhomes, by rezoning 2570 S NC 119 (GPIN 9803664499) from R-20; rezoning an adjacent unaddressed property (GPIN 9803752741) from B-2 and R-20 and establishing zoning on a portion of the property not zoned by the City of Mebane; rezoning portions of an adjacent unaddressed property (GPIN 9803578931) from R-20; and, rezoning portions of 2502 S NC 119 (GPIN 9803677687) from B-2 by Leoterra Development, Inc.;

AND

Request for a Special Use Permit for a Special Purpose Lot to allow for a public sewer pump station on the unaddressed property (GPIN 9803752741) by Leoterra Development, Inc.

Leoterra Mebane, LLC, is requesting to rezone the properties to R-12(CD) (Residential Conditional District) to allow for a Planned Unit Development of 308 single-family homes and 184 townhomes. The properties are in Alamance County outside of the City limits. Leoterra Mebane, LLC, owns the largest property and has all portions of the other properties under contract for purchase, contingent upon approval of the conditional rezoning. Proposed onsite amenities, waiver requests and traffic improvements are detailed in the meeting agenda packet available [here](#).



The request was on the agenda of the April 11th meeting. The matter was continued to the May meeting to allow the applicant to modify their request and hold an additional neighborhood meeting.

Ashley Ownbey provided an overview and PowerPoint presentation of the request, highlighting the changes in the site plan since the April meeting.

Craig Turner of Fox Rothschild LLP (101 N. Tryon St. Suite 1300 Charlotte, NC 28246) representing the applicant gave a recap of the previous Planning Board meeting and provided an overview of the proposed rezoning request. He added that attorney La-Deidre Matthews is available to respond to questions about the SUP request and traffic consultant Chase Smith of Ramey Kemp to discuss the traffic study.

The applicant Buddy Lyons of Leoterra Development, Inc. provided a detailed presentation of the changes to the proposed site plan which included modified setbacks, an ADA accessible walking path, and improved landscape buffers. Mr. Lyons also presented research and photos of the existing cemetery on site and committed to fencing the historic grave site and adding a plaque. Mr. Lyons discussed that this project was a “down-zoning” because the existing B-2 zoning and un-zoned area in the county would allow for higher intensity uses compared to the proposed residential use, particularly for traffic, referencing a traffic study that compared the development to hypothetical commercial or industrial uses. He also said that this development would have a positive impact on property values while some of the current permitted uses would not.

Larry Teague asked how many of the people at the neighborhood meeting approved of the project after the proposed adjustments to the site plan? Buddy Lyons responded that the improvements to the landscape buffer and the cemetery addressed concerns raised by the neighbors, and that the increase of the side setback would likely not be that significant to them. He added that traffic is by far the biggest concern for neighbors.

Larry Teague asked if the HOA would be responsible for the cemetery. Mr. Lyons affirmed that it would provided that there aren't any specific historic laws about cemeteries prohibiting them. In response to a question from Keith Hoover, Buddy Lyons noted that the cemetery consists of one headstone for the Turner Family but may have one or two more grave sites under the overgrown vegetation.

Keith Hoover asked if an industrial park would have a greater impact on traffic in the area, per the hypothetical traffic study. Buddy Lyons responded that traffic could be nearly double for a commercial development and that Ramey Kemp is considered a reputable traffic consultant.

Gale Pettiford asked if the cemetery is documented with Alamance County as historic. Buddy Lyons responded that it would be cleaned up, dedicated, and undisturbed by the project, but they need to do an environmental report to learn more about it. Gale Pettiford suggested that they contact the Alamance County Historical Properties Commission for more information and documentation. In



response to a question from Judy Taylor, Buddy Lyons added that they also plan to fence in the cemetery provided that it is allowable.

Judy Taylor asked if any existing vegetation would be preserved on site particularly for the buffer and if a fence would be part of the buffer. Mr. Lyons responded that most of the site is an open field, and they are limited in how much they can preserve due to grading. He added that there is a lot of interest in using native planting that enhances the landscape and has discussed this with some of the residents interested in environmental conservation. He also responded that a fence would be added provided that it is not an issue for the public sidewalks.

William Chapman commented that he drove Farrell Road and expressed concerns about the physical condition of the road and asked how the increased traffic may impact the road. Mr. Lyons explained that the road has a lower level of maintenance from the state, and that the biggest issue he was from the uneven surfaces created by gravel driveways. Project Engineer Aden Stoltzfus, P.E. added that they would improve the road by providing sidewalks along the project's side of Farrell Road.

In response to a question from Larry Teague, Chase Smith explained that the development would triple the amount of traffic on Farrell Road. He added that the majority of the initial phases would use Kimrey Rd instead of Farrell and Turner Rds. Buddy Lyons added that the improvements on Turner Rd required for Cambridge Park project would also improve the conditions, and that they are interested in working with the City to install a traffic light at the Turner Rd intersection.

Susan Semonite asked how many homes would be constructed in each phase of development. Mr. Aden Stoltzfus highlighted each phase on the site plan.

Judy Taylor expressed concern that the payment-in-lieu for public recreation seemed low and that there is a significant demand for recreation facilities in that southern area of Mebane. Buddy Lyons responded that their project fully complies with the amount required for payment-in-lieu and goes beyond that by making the walking paths ADA accessible so that they could be publicly dedicated sometime in the future. Cy Stober added that the true market value is reflected in the calculation of payment-in-lieu.

The following members of the public spoke about the project:

1. Tara Cole, 2200 Farrell Rd shared concerns about the loss of landscape and environmental open space. She commented that the price point for the home products is not affordable for the people in the surrounding area and questioned if people would relocate to Mebane if the economy doesn't stay strong. Ms. Cole commented that there are limited services in the area, for example the pharmacy. She expressed an interest in more diverse housing, age restricted housing, and small businesses to serve the residents. Ms. Cole expressed concern about traffic and congestion on NC 119, Turner and Farrell Rd and cited several developments in the pipeline on NC 119 that will increase traffic even more, and the current infrastructure can not accommodate Hawfields Landing.



2. Thomas Coates, 2602 Jamie Baker Dr commented that the proposed development would destroy the Farrell Road neighborhood and that buffers wouldn't fix the negative impact on Farrell Rd. He echoed concerns about traffic, the project is not for the middle class and that growth in Mebane is unsustainable. He added that he's lived in the area for 20 years but would consider leaving if the project is approved.
3. Heather Merritt, 2170 Farrell Rd, noted that she attended the neighborhood meeting and appreciated Mr. Lyons efforts to work with the neighborhood, but the proposed changes don't address her primary concerns about traffic, speeding, and damage to Farrell Road. She added that she supported residential development, not commercial development, but urged the Planning Board and applicant to consider the dire traffic situation and put pressure on NCDOT to act.
4. Richard White, 2635 Jamie Baker Dr cited several excerpts from the Mebane By Design Comprehensive Land Development Plan (CLP) that did not support the proposed rezoning. He read a quote about prioritizing growth inward that is designed with infrastructure in mind. Mr. White noted that the proposed development would be uncontrolled growth and urban sprawl. He echoed that the infrastructure could not support the project, particularly due to severe traffic and trucking on NC 119. He quoted from the CLP that controlling the size and number of homes in Mebane would increase demand. He commented that he moved to Mebane for the slower pace of life not found in the Research Triangle, and regrets to see how Mebane has changed so rapidly. He concluded that the developers do not care about the neighbors' quality of life and the development should look more like the other side of Farrell Road, and the proposed development is not harmonious and not consistent with the CLP.
5. Jenna White 2635 Jamie Baker Dr echoed concerns about traffic, density, and disruption to the quality of life on Farrell Road. She spoke about the valuable natural resources and wildlife on the property such as white oak and woodpeckers. She noted that the area is not viable for commercial development, and residential development must be sustainable and consider the voices of the community. Ms. White concluded by playing an audio recording of the wildlife on the subject property and noted that the birds heard on the recording would not survive high density development.
6. Christopher Cole, 2200 Farrell Rd, echoed the concerns about infrastructure, density, and traffic congestion in the area. Mr. Cole also spoke about the challenge the proposed development would pose for emergency services.
7. Maria Trinidad, 2111 Tigger Ct commented that she loves her neighborhood on Farrell Rd and expressed opposition to the proposed rezoning.
8. Barbara Faison 2511 Farrell Rd shared concerns about traffic in the area and recounted an instance where an accident on NC 119 caused a major traffic jam on Farrell Road.



9. Stacy Canty, 2220 Farrell Rd thanked her neighbors for their remarks and shared their concerns about traffic. Ms. Canty discussed how much Mebane has changed over the last 20 years and that she could never afford one of the proposed homes.
10. Patricia Coates, 2602 Jamie Baker Dr asked the Planning Board not to ruin her quite neighborhood and elaborated on the need for recreation facilities in the area.
11. Janet Ecklebarger 2872 Nereus Dr thanked Buddy Lyons for his willingness to collaborate with the surrounding neighbors and expressed opposition to the density of the project. Ms. Ecklebarger told the planning board the project is not consistent with the CLP, and that R-20 would be a better density. In response to a question from Ms. Ecklebarger, Cy Stober noted that there are 23 pump stations in Mebane.
12. Allen Rowland 2538 Kimrey Rd echoed concerns about the impact of the proposed development on the quality of life for the Farrell Road community and the dire traffic situation on NC 119. He asked the board to hear and address the concerns of current residents before approving more homes.

Following the public comments, Buddy Lyons spoke to the Planning Board about how difficult it has been to work in Mebane, and how his team has worked hard to meet the City's requirements and address concerns of the neighbors. He emphasized that his project is a down-zoning and gave an example of how the property could be used for warehouse and self-storage because of their minimal sewer requirements. Mr. Lyons opined that a residential development would truly be in the best interest in the neighborhood. He added that the project would provide more access to Farrell Rd for emergency services by connecting it to Kimrey Road.

Craig Turner told the Planning Board that growth is coming to Mebane and Alamance County is of the fastest growing counties in North Carolina. He described the other developments in the area, such as Amazon, Chick-fil-a and other distribution centers and explained that the subject property will not remain a pastoral open space. He reiterated that the current B-2 zoning would allow for a higher intensity commercial development with more traffic. He emphasized that the proposed conditional rezoning is a reasonable request and reiterated that Leoterra has gone the extra mile to be a good developer.

Judy Taylor made a motion to recommend the approval of the conditional zoning request and special use permit request. Larry Teague seconded the motion. After some confusion, the motion did not pass per a roll call vote split 3-4.

Larry Teague commented that he hates to see the loss of farmland and open space in Mebane but acknowledged Buddy Lyons and Leoterra Development inc. as "one of the best developers he's seen in Mebane."

Gale Pettiford clarified her opposition for the request due to public safety concerns, specifically the ability for emergency services



Susan Semonite indicated her opposition is also due to public safety concerns, in addition to traffic density and inadequate infrastructure.

Gale Pettiford asked what the Mebane Fire Department thought about the project, with respect to public safety when traffic gets so backed up during school hours. Cy Stober responded that the Mebane Fire Department is on the Technical Review Committee (TRC) and has reviewed the project and recommended approval.

Cy Stober instructed the Planning Board that they needed to make another motion since it did not pass.

Keith Hoover explained that he opposed the project as presented due to the side setbacks and that there needs to be more space between the homes.

Gale Pettiford made a motion to recommend the denial of the R-12 CD rezoning request and special use request due to concerns about public safety. Susan Semonite seconded the motion. The motion passed 5-2.

Cy Stober explained that the Planning Board is an advisory body, and the requests will go before the Mebane City Council on June 6th at 6 pm. He added that per statutory requirements, the public hearings will be advertised in the newspaper, and notices will be posted on the properties and mailed to surrounding neighbors.

5. Comprehensive text amendments to the Mebane Unified Development Ordinance including Article 2-7, 10, 12, Appendix A, Appendix G, and the Zoning Map

City staff presented text amendments to portions of Articles 2 – 7, 10, and 12, the Official Zoning Map, and Appendices A and G of the Unified Development Ordinance (UDO). The proposed amendments are the result of six months of collaborative discussions and work with Green Heron Consulting, LLC, and a two-month public input process to ensure that the Mebane UDO is A) responsive to local concerns and priorities, most notably the goals and objectives stated in plans adopted by the City Council; B) reflective of City staff concerns on application and interpretation of the existing language in the UDO; and C) bringing the UDO into alignment with current professional practices and standards.

Cy Stober introduced the proposed amendments including an overview of the purpose, project timeline and connection to Mebane By Design CLP.

Ashley Ownbey and Audrey Vogel discussed the public outreach strategy for the proposed amendments and presented the following key findings of the public surveys:

- More than 60% of respondents agreed that aluminum, iron, steel, wood, vinyl, wood & welded wire should be permitted fence materials in all yards.



- 40% of respondents indicated that chain link fence materials should not be permitted in front yards.
- Respondents indicated a preference for more bicycle, ADA, and motor vehicle parking in Downtown areas and more electric vehicle charging stations in commercial areas.
- Respondents favored landscaping and recreation areas as “open space” but not stormwater devices.
- Respondents favored an increase in buffer requirements, particularly for industrial and high-density residential uses.
- Outside of Mebane's Downtown and commercial centers, respondents indicated a preference for larger lot developments. Walkability is preferred nearer Downtown.
- There is strong support for metal as a building material for accessory structures and commercial buildings.

Cy Stober provided a detailed presentation the proposed changes in each article of the UDO. These changes are summarized in the agenda packet available on the City’s website [here](#) and upon request. He asked that the Planning Board take action on the following items at a minimum: zoning map symbology, accessory structures, fences, and the definitions. **Throughout his presentation, Cy answered questions from the Planning Board and members of the public and provided clarification about particular revisions. The key items of discussion are summarized below.**

Regarding a proposed amendment for electric vehicle charging stations, Tom Boney of the Alamance News asked where in the City are there currently EV charging stations? Cy Stober responded, at Sheetz, Arby’s, Tanger Outlets, and Cone Health.

Regarding the proposed amendment to eliminate the RA-20 zoning district, Tom Boney asked if the property owners within that zoning district would be notified. Cy Stober responded that they have not at this time, explaining that they would be replaced with the R-20 zoning which has the same zoning restrictions, he added that additional exemptions could be achieved through bona-fide farm status.

Regarding the proposed amendment to switch the industrial zoning districts so that M-1 would be light manufacturing and M-2 would be heavy manufacturing, Tom Boney asked if this aligned with other municipalities in Alamance County. Mr. Stober responded that it aligns with Burlington, but he was not sure about Graham.

In response to a question from Larry Teague, Cy Stober clarified that the current requirement that limits the number of accessory structures on residential properties applies to the Mebane ETJ.

Rami Al-Chacar, 3010 Bluebird Lane, asked questioned the intent of restricting the use of metal to only high-quality material. Mr. Al-Chacar explained that he worked in the metal building industry and that modern metal siding is manufactured to sustain 140 mph winds and 30 lbs of solar, certified by an engineer without being “high quality” steel and is significantly more



affordable than stick-built. He expressed concern that this restriction is based on aesthetics, and it isn't affordable for the average income of Alamance County residents.

Susan Semonite asked if there was a better way to classify metal materials, that "high-quality" seemed arbitrary.

Keith Bottoms, 7620 E Washington St, responded that the quality could largely be determined by the coating on the metal. Mr. Bottoms explained that the metal used for buildings and garages (not-prefab sheds) nowadays are higher quality, are more structurally sound and affordable than stick-built buildings.

Mr. Bottoms expressed opposition to the amendment that would allow metal only for residential properties 1.5 acres or larger. He explained that he wanted to build a metal garage on his 0.5-acre property in the ETJ, and a stick-built garage would cost double. Mr. Bottoms asked why the lot size was relevant to residential building materials?

Cy Stober responded that metal is currently only permitted for accessory structures on 2 acre lots or large in the RA-20 zoning district, and the intent of the proposed amendment is to allow the materials in all zoning districts provided that a 1.5-acre threshold is still met, which would limit the use of metal on smaller residential lots throughout town. Mr. Stober added that it would be easier to regulate metal if there was an overlay zoning district for the downtown and historic areas of Mebane, but there isn't one. Cy Stober also indicated that Article 6 of the UDO is very clear on what is considered "high quality metal" listing out flat metal siding with a non-metallic appearance or if integrated as an ornamental feature and standing seam or bat metal siding including interlocking rivets, the development director may approve the use of similar materials not identified prohibited building materials metal. Prohibited building materials are listed out as metal siding composed of sheets that are not interlocking and or not of durable construction including corrugated metal sliding and boxer metal siding. Cy Stober added that there is flexibility here to review if there's an engineer's letter regarding wind shear.

Mr. Bottoms questioned why a high-quality metal garage would not be allowed on his 0.5-acre property compared to a stick-built garage in the exact same place and dimension? Cy Stober responded that it was a matter of appearance. Mr. Bottoms asked if that was a violation of NC general statutes, comparing it to prohibiting the color that he could paint his home pink which is illegal. Mr. Stober responded that state law does prohibit the regulation of the appearance of single-family residences, so if it was attached to the home, they could not regulate it. Mr. Bottoms reiterated that he did not understand why or how the size of the property could factor into the regulation of appearance, particularly for properties in the ETJ.

Rami Al-Chacar echoed Mr. Bottoms concerns and added that the proposed regulation would eliminate affordability for Mebane residents and that it is not typical to see metal prohibited in Alamance County and across the state. Mr. Al-Chacar argued that there is a high demand for metal, it is very popular and installed with aesthetically appealing design.



Cy Stober replied that in his review of 12 peer communities in North Carolina, a number of them do regulate metal as a building material for both commercial and residential purposes. He repeated that the UDO currently prohibits metal everywhere in Mebane and they are proposing to expand the use of metal in the City by allowing on properties 1.5 acres or larger.

Tom Boney asked if the current requirement is being enforced, referencing small metal buildings seen throughout town. Cy Stober responded that it is permitted in the M-1 and M-2 districts, but in other areas of towns it is enforced through complaints only.

Keith Hoover asked how the quality of metal would be defined in the UDO. Mr. Stober responded that it is defined in Article 6 which he read earlier.

Keith Bottoms reiterated his opposition to the proposed regulation of metal, stating that his property is large enough for a metal garage that would look professional and nice, but wouldn't be allowed because it doesn't meet the minimum 1.5-acre lot area.

After Cy Stober presented the proposed revisions to the fence regulations, Susan Semonite asked if welded wire and wood fences, such as the one on 5th St, would be allowed. Mr. Stober answered that those materials would be prohibited, in the front yard and the backyard. The existing fence would be grandfathered in. Larry Teague made a point that the purpose of that type of welded wire fence allows for the containment of small dogs in yards. Judy Taylor asked if there was a certain size that could be allowed in the rear yard for dogs and pets. Cy answered that the proposed revision is to prohibit it universally. Mr. Stober also clarified that chain link is currently allowed universally and he is proposing to restrict it to rear yards.

Susan Semonite asked if they could vote to recommend approval for all of the amendments with some clarifications or conditions attached to the welded wire and metal materials issues? Cy Stober clarified that that would be an appropriate action they could take. He reminded the board that they do not need to vote on all of the amendments at the meeting and could continue to the next meeting, but staff would like them to act on the handful of more urgent revisions including the zoning map symbology, accessory structures, fences, and the definitions.

Tom Boney asked why these items such as fences and accessory structures were considered urgent. Cy Stober responded that these items currently place heavy burden on staff with respect to enforcement.

Larry Teague added that there is urgency to establish a standard for fences moving forward particularly for the new neighborhoods. Susan Semonite added that these communities do have HOA's that regulate fences already.

Judy Taylor asked about the proposed changes to the development standards for accessory dwelling units. Cy Clarified that ADUs are currently permitted in all residential zoning districts, and they are proposing to lower the size requirement for detached from 150 percent of the minimum lot size to 100 percent. He clarified that the City does not regulate short term rentals.



Planning Board

Minutes to the Meeting
May 9, 2022, 6:30 p.m.

Following Mr. Stober's presentation and discussion from the Planning Board Members, he reminded the board that they could make a motion to recommend the entire suite of amendments, or they could propose any conditions, continue the discussion to the next meeting.

Keith Hoover made a motion to approve the amendments to the City of Mebane Unified Development Ordinance as presented, stating that the amendments are consistent with the objectives and policies for growth and development in the Comprehensive Land Development Plan Mebane By Design, and are mostly required by State law. Gale Pettiford seconded the motion, which passed unanimously.

Cy Stober thanked the Planning Board for their time and City Staff for their efforts.

6. New Business

- a. Audrey Vogel shared that there is a vacancy on the Planning Board and that the Planning Department is actively seeking applications to fill that vacancy.
- b. Ashley Ownbey shared some details about the BPAC's efforts to promote Bike Month in May

7. Adjournment

Chairman Edward Tulauskas adjourned the meeting at 10:20 p.m.