Town of Summerfield
Unified Development Ordinance

Town of Summerfield, NC

(JANUARY 2016 DRAFT)
Town of Summerfield Unified Development Ordinance

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Article 1: General Provisions

A. Title

This ordinance shall be officially known as the “Town of Summerfield, N.C., Unified Development Ordinance,” which may also be referred to as the “Unified Development Ordinance,” “Development Ordinance,” “Town Ordinance,” “Ordinance,” or “UDO.” Additionally, “Town of Summerfield” may also be referred to as simply “Town.”

B. Authority

1. General Authority: This Ordinance consolidates the Town’s regulatory authority for land development as authorized by North Carolina General Statutes (NCGS) and is adopted pursuant to:
   a) the authority granted to the Town of Summerfield by the General Assembly of the State of North Carolina;
   b) the Town charter;
   c) North Carolina General Statutes;
   d) all other relevant laws of the State of North Carolina; and,
   e) any special legislation enacted for the Town.

2. References to North Carolina General Statutes: Whenever any provision of this Ordinance refers to or cites a section of the North Carolina General Statutes, which may also be referred to as “NCGS,” and that section is later amended or superseded, this Ordinance shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

C. General Purpose and Intent

The purpose of this Ordinance is to protect the public health, safety, and general welfare of the citizens and landowners of Summerfield and to implement the policies and objectives of Town-adopted plans addressing the Town's growth and development. The intent of this Ordinance is more specifically to:

1. foster convenient, compatible, and efficient relationships among land uses;
2. better manage or lessen congestion in the streets;
3. ensure the provision of adequate open space between uses for light, air, and fire safety;
4. prevent the overcrowding of land and avoid undue concentrations of population;
5. preserve the character and quality of residential neighborhoods while providing increased housing choices;
6. facilitate the adequate provision of transportation, utilities, parks, recreation, and other public facilities;
7. maintain and enhance the character of various districts within the Town through an emphasis on design quality;
8. maintain and protect high quality aesthetic standards for development;
9. conserve the value of buildings and land;
10. conserve the natural resources and environmental quality of the Town and its environs;
11. protect development and residents from flooding and other natural hazards; and,
12. ensure the sustainability and viability of development by assuring the proper installation and maintenance of infrastructure necessary for continued use.

D. Applicability and Jurisdiction

1. General Applicability: The provisions of this Ordinance shall apply to the development of all land within the corporate limits of the Town of Summerfield unless it is expressly exempted by a specific section or subsection of this Ordinance.

2. Application to Governmental Units: Except as stated herein, the provisions of this Ordinance shall apply to:
   a) development by the Town or its agencies or departments;
   b) development of buildings by state or county agencies or departments, public colleges or universities, or other political subdivisions of the State, in accordance with the standards in NCGS § 160A-392; and,
c) to the full extent permitted by law, development owned or held in tenancy by the government of the United States, its agencies, departments or corporate services.

3. No Development Until Compliance with Ordinance: No land shall be developed without full compliance with the provisions of this Ordinance and all other applicable Town, County, State, and federal regulations.

E. Conformance with Adopted Plans

1. Conformance: This Ordinance is intended to ensure that all development within the Town’s jurisdiction will be consistent with the goals, objectives, policies, strategies, and actions of adopted plans addressing the Town’s growth and development, including but not limited to, the plans identified in Section E.2 below. Additionally, all amendments to this Ordinance’s text or Official Zoning Map should maintain and enhance consistency between this Ordinance and the adopted plans.

2. Adopted Plans:
   a) Summerfield Comprehensive Plan: The 2010 Summerfield Comprehensive Plan shall serve as the basic policy guide for the administration of this Ordinance. The plan contains vision statements, policies, and actions guiding the management of growth and development of the physical environment of the Town. The vision statements, policies, and actions of the plan may be amended from time-to-time to meet changing circumstances and priorities;
   b) Special Area Plans: From time to time, the Town may adopt plans focused on specific geographic areas and corridors within the Town. Such plans are likely to include goals, objectives, policies, and actions related to, and serve as a guide to, various aspects of land use, development intensity, and design;
   c) Functional Plans: From time to time, the Town may adopt plans for specific infrastructure and services (e.g., local streets plan, parks and recreation master plan, greenway and trails plan, emergency management plan). Such plans typically contain goals, objectives, policies, and actions related to the form and timing of the Town’s growth and development as well as to the location and design of public infrastructure; and,
   d) Intergovernmental Cooperative Planning: From time to time, the Town may participate in collaborative planning efforts with the State of North Carolina, Guilford County, and other government jurisdictions in the area. Examples may include water resources planning, watershed management, and regional transportation planning among others. Such planning may be a source of guidance on decisions related to land use and development.

F. Relationship with Other Laws

1. Conflicts with Other Town Codes or Laws: If a provision of this Ordinance is inconsistent with another provision of this Ordinance or with a provision found in other adopted Town codes or ordinances, the more restrictive provision shall govern unless the terms of the more restrictive provision specifies otherwise. The more restrictive provision is the one that imposes greater restrictions or burdens, or more stringent controls.

2. Conflicts with Private Agreements: The Town shall not be responsible for monitoring or enforcing private covenants and restrictions (e.g., homeowners association (HOA) restrictive covenants). Property owners shall be responsible for knowledge of and adherence to private covenants and restriction.

3. Conflicts with State or Federal Law: If a provision of this Ordinance is inconsistent with a provision found in the law or regulations of the State or federal government, the more restrictive provision shall control, to the extent permitted by law.

4. Existing Agreements or Vested Rights: Nothing in this Ordinance is intended to repeal, supersede, annul, impair, or interfere with any existing private agreements or established vested rights pursuant to all applicable laws, provided such agreements or rights are lawfully established and remain in effect.

G. Official Zoning Map

1. Generally: The Official Zoning Map designates the location and boundaries of the various base zoning districts and overlay areas established in this Ordinance. It shall be kept on file at Summerfield Town Hall and is available for public inspection during normal business hours. It may be kept in either hardcopy or digital form. It shall be the final authority as to the status of the current zoning
district classification of land in the Town and shall only be amended in accordance with this Ordinance. The Official Zoning Map shall include all map amendments approved to date, which may not yet have been physically altered on the map.

2. **Map Incorporated by Reference:** The Map and all notations thereon is incorporated by reference and made part of this Ordinance.

3. **Zoning Classification of Lands Added to Jurisdiction:**
   
   a) **Town Council Determination:** Town Council shall determine the zoning designation of lands added to the Town’s jurisdiction through annexation at the time such lands are added based on the following factors:
   
   - (1) the land’s designation on adopted plans addressing the Town’s growth and development;
   - (2) the land’s current land use;
   - (3) the existence of a previously-approved site or subdivision plan;
   - (4) the character of adjacent lands;
   - (5) existing County zoning classifications;
   - (6) landowner requests; and,
   - (7) other factors considered relevant at the time of the annexation.

   b) **Relationship to Voluntary Annexation Requests:** Where an area is proposed to be added to the Town’s jurisdiction through a landowner’s petition for voluntary annexation, the landowner may submit an application for a Map Amendment (General Rezoning) (see Article 3, Section B.1) requesting a specific base zoning district classification along with the annexation petition. In such a case, the public hearing for the map amendment application may be held concurrently with any public hearing required for the annexation, but the public hearings shall be advertised separately and as required by statute. Such request shall be considered as stated in (a) above.

   c) **Relationship to Involuntary Annexation:** Where an area is proposed to be added to the Town’s jurisdiction through the involuntary annexation process, a landowner may submit an application for a Map Amendment (General Rezoning) (see Article 3, Section B.1) requesting a specific base zoning district classification that is equal to or less intense than the existing county base zoning designation for consideration following annexation. Such request shall be considered as stated above.

4. **Interpretation of Zoning Map Boundaries:** The Administrator shall be responsible for interpretations of the Official Zoning Map in accordance with the standards in Article 3, Section B.17: Interpretation and the following standards:

   a) **Center Line:** Where a boundary line lies within and follows a street 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 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 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 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) **Property Lines:** Boundaries shown as approximately following a property line shall be interpreted as following the property line as it existed when the boundary was established. If a subsequent minor adjustment (such as from settlement of a boundary dispute or overlap) results in the property line moving 10’ or less, the zoning boundary shall be interpreted as moving with the property line. In the event that a district boundary line divides a lot or tract, each part so divided shall be used in conformity with the regulations established by this Ordinance for the district in which said part is located.

   d) **Watercourses:** Boundaries shown as approximately following a river, stream, canal, lake, or other watercourse shall be interpreted as following the centerline of the watercourse as it actually exists, and as moving with that centerline to the extent the watercourse moves as a result of natural processes (flooding, erosion, sedimentation, etc.).

   e) **Watersheds:** Outer boundaries of General Watershed Area districts indicated as approximately following ridge lines or streets shall be construed to follow ridge lines (the actual drainage basin boundaries). Watershed Critical Area district outer
boundaries not forming the inner boundaries of General Watershed Area districts shall be construed in the same manner. Boundaries between General Watershed Area districts and Watershed Critical Area districts indicated as approximately following major landmarks (identifiable major features) such as streets shall be construed to follow the centerlines of such features or, where applicable, the projections of the centerlines of such features.

f) Corporate limits: Boundaries shown as approximately following established municipal corporate limits or other political boundaries shall be interpreted as following the corporate limits or boundary.

g) Extensions: Boundaries shown parallel to or as extensions of features indicated in this subsection shall be interpreted as such.

h) Scaling: If the specific location of a depicted boundary cannot be determined from notations on the Official Zoning Map or application of the above standards, it shall be determined by using the map’s scale to determine the boundary’s distance from other features shown on the map.

Where the actual locations of existing physical or natural features vary from that shown on the Official Zoning Map, or in other circumstances not covered by this subsection, the Administrator shall have the authority to interpret the district boundaries. Appeals of the Administrator’s decision shall be reviewed by the Board of Adjustment.

5. Changes to Official Zoning Map: Changes made in zoning district boundaries or other matters portrayed on the Official Zoning Map shall be made in accordance with the provisions of this Ordinance (see Article 3, Section B.1). Where the ordinance enacting a zoning district boundary change contains wording explaining or clarifying the location of the new boundary, the Administrator may enter on the Official Zoning Map notations reflecting the ordinance wording. The Administrator shall maintain copies of superseded versions of the Official Zoning Map for historical reference.

H. Effective Date and Transitional Provisions

1. Effective Date: This Ordinance shall become effective on [insert effective date of this Ordinance], and repeals and replaces the Summerfield Development Ordinance, as originally made effective on July 1, 1997, and subsequently amended.

2. Violations Continue: Any violation of the previous zoning regulations or subdivision regulations shall continue to be a violation under this Ordinance and any other applicable ordinances, laws, or statutes. Violations of this Ordinance shall be subject to the penalties set forth in Article 10: Enforcement, and any other applicable ordinances, laws, or statutes, unless the development complies with the express terms of this Ordinance or the other ordinances, laws, or statutes.

3. Complete Applications:
   a) Any development application submitted and accepted as complete before the effective date of this Ordinance, but still pending final action as of that date, shall be reviewed and decided in accordance with the regulations in effect when the application was accepted. To the extent such an application is approved and proposes development that does not comply with this Ordinance, the subsequent development, although permitted, shall be nonconforming and subject to the provisions of Article 8: Nonconformities.
   b) Completed applications shall be processed in good faith and shall comply with any timeframes for review, approval, and completion as established in the regulations in effect at the time of application acceptance. If the application fails to comply with the required timeframes, it shall expire and future development shall be subject to the requirements of this Ordinance.
   c) An applicant with a pending application accepted before the effective date of this Ordinance may choose to have the proposed development reviewed and decided under the standards of this Ordinance by withdrawing the pending application and submitting a new application in accordance with the standards of this Ordinance.

4. Approved Applications: Any development approvals granted before the effective date of this Ordinance shall remain valid until their expiration date. Developments with valid approvals or permits may be carried out in accordance with the terms and conditions of their approval and the development standards in effect at the time of approval, provided the permit or approval is valid and has not expired. If the prior approval expires or is revoked (e.g., for failure to comply with the terms and conditions of approval), any subsequent development of the site shall be applied for in accordance with the procedures and standards of this Ordinance. To the extent a prior-approved application proposes development that does not comply with this Ordinance, the subsequent development, although permitted, shall be nonconforming and subject to the provisions of Article 8: Nonconformities.
5. **Approved Conditional Use Zoning:** Lands subject to a conditional use zoning classification approved before the effective date of this Ordinance shall continue to be subject to the approved site plan and conditions even if the conditional use zoning district classification is amended as part of the adoption of this Ordinance.

6. **Nonconformities:** If any use, structure, lot, or sign legally existed on the effective date of this Ordinance, but does not fully comply with the standards of this Ordinance, then that use, structure, lot, or sign shall be considered nonconforming under this Ordinance and shall be controlled by the provisions of Article 8: Nonconformities.

I. **Vested Rights**

1. **Site-Specific Development Plan Approval Required:** A vested right shall be deemed established with respect to any property upon the valid approval, or conditional approval, of a site-specific development plan or a phased development plan, following notice and public hearing by the Town. Such vested right shall confer upon the landowner the right to undertake and complete the development and use of said property under the terms and conditions of the site-specific development plan or the phased development plan including any amendments thereto. The Town may approve a site-specific development plan or a phased development plan upon such terms and conditions as may reasonably be necessary to protect public health, safety, and welfare. Such conditional approval shall result in a vested right, although failure to abide by such terms and conditions will result in a forfeiture of vested rights. A site-specific development plan or a phased development plan shall be deemed approved upon the effective date of the Town’s action.

2. **Duration and Termination of Vested Rights:**
   a) A right which has been vested as provided for in this section shall remain vested for a period of two years. This vesting shall not be extended by any amendments or modifications to a site-specific development plan.
   b) The Town may extend such rights for a period exceeding two years but not exceeding five years where warranted in light of all relevant circumstances, including but not limited to, the size and phasing of development, the level of investment, the need for the development, economic cycles, and market conditions. These determinations shall be in the sound discretion of the Town.
   c) The Town may approve a phased development plan to vest the zoning classification or classifications so approved for a period of two years. The document that triggers such vesting shall be so identified at the time of its approval. The Town still may require the landowner to submit a site-specific development plan for approval by the Town with respect to each phase or phases in order to obtain final approval to develop within the restrictions of the vested zoning classification or classifications. Nothing in this section shall be construed to require the Town to provide for vesting of rights upon approval of a phased development plan.
   d) Following approval or conditional approval of a site-specific development plan or a phased development plan, nothing in this section shall exempt such a plan from subsequent reviews and approvals by the Town to ensure compliance with the terms and conditions of the original approval, provided that such reviews and approvals are not inconsistent with said original approval. Nothing in this section shall prohibit the Town from revoking the original approval for failure to comply with applicable terms and conditions of the approval or this Ordinance.
   e) Upon issuance of a building permit, the provisions of NCGS § 160A-418 and NCGS § 160A-422 shall apply, except that a permit shall not expire or be revoked because of the running of time while a vested right under this section is outstanding.
   f) If no building permit is required and if the activity authorized by the vested development approval is not commenced within two years after the date the site plan or subdivision plat is approved, a vested right shall automatically expire.
   g) If a building permit is required, a right which has been vested shall automatically expire if a building permit has not been issued within two years after the date the site plan or subdivision plat was approved.

J. **Severability**

It is the legislative intent of Town Council in adopting this Ordinance that all provisions shall regulate development in accordance with the existing and future needs of the Town as established in this Ordinance and promote the public health, safety, and general welfare of landowners and residents. If any section, subsection, sentence, boundary, clause, or phrase of this Ordinance is for any reason held by a
court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. Town Council hereby declares that it would have passed this Ordinance and any section, subsection, sentence, boundary, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, boundaries, clauses, or phrases be declared invalid.
Article 2: Administration

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B. Summary Table of Development Review Responsibilities ......................... 2–19
A. Review and Town Decision-Making Bodies

1. Review and Decision-Making Bodies Generally: The following Town boards and Town officials have powers and responsibilities in administering and reviewing applications for development approval under this Ordinance:
   a) Town Council;
   b) Planning Board;
   c) Board of Adjustment (BOA); and,
   d) Administrator and staff.

In addition to the review and decision-making bodies listed in this section, there are other Town boards and appropriate non-Town agencies who may be asked to review and comment on specific application types during various development reviews.

2. Town Council: It shall have the following powers and duties under this Ordinance to exercise the authority granted it by State law:
   a) Decision-making authority (original) to initiate, review, and decide applications for the following:
      (1) map amendments (general rezoning);
      (2) map amendments (conditional rezoning);
      (3) amendments to the text of this Ordinance; and,
      (4) planned area developments.
   b) Approval, by resolution, of a schedule of fees governing applications for permits and other development approvals reviewed under this Ordinance and civil penalties for violations of this Ordinance. Such schedule of fees and penalties shall be separately published and kept on file in Town offices.
   c) Authority to take any other action not delegated to the Planning Board, Board of Adjustment, Administrator, or other decision-making body or staff as Town Council may deem desirable and necessary to implement the provisions of this Ordinance.

3. Planning Board (Formerly Referred to as “Zoning Board”): The Planning Board is established pursuant to NCGS § 160A-361.
   a) Power and duties:
      (1) Decision-making authority to review and decide on the following:
         (a) minor site plans, as may be referred from the Administrator;
         (b) major site plans;
         (c) minor subdivisions, as may be referred from the Administrator;
         (d) preliminary plats for major subdivisions; and,
         (e) major revisions to previously approved major site plans or subdivision.
      (2) Recommendation authority to review and recommend to Town Council on the following:
         (a) map amendments (general rezoning);
         (b) map amendments (conditional rezoning);
         (c) amendments to the text of this Ordinance;
         (d) planned area developments;
         (e) street closings;
         (f) street name changes;
         (g) easement removals;
         (h) right-of-way abandonment;
         (i) right-of-way encroachments; and,
         (j) watershed matters as assigned.
(3) Plan-making authority:

(a) creation of studies of the area within its jurisdiction and surrounding areas;
(b) determination of objectives to be sought in the development of a study area;
(c) preparation and adoption of plans for achieving these objectives;
(d) development and recommendation of policies, ordinances, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner;
(e) advising Town Council concerning the use and amendment of means for carrying out plans; and,
(f) exercising any functions in the administration and enforcement of various means for carrying out plans that Town Council may direct.

(4) Authority to exercise any other powers and duties delegated to it by Town Council, consistent with State law.

b) Membership, appointment, and terms of office:

(1) Number of members: The Planning Board shall consist of at least five members and may have alternates appointed by Town Council. All members shall reside within the corporate limits of the Town of Summerfield.

(2) Alternate members: An alternate member may sit only in lieu of a regular member as assigned by the Chair. When seated, alternate members shall have the same powers and duties as the member they replace.

(3) Length of terms: Members and alternate members shall serve a term of three years, provided that upon initial appointment the terms of office may be two years or four years, so as to provide for staggered terms. The terms of all Board members shall not expire at the same time.

(4) Maximum consecutive terms: Members shall serve at the will of Town Council, with no maximum number of consecutive terms.

(5) Filling of vacancies: Vacancies created by resignation or other causes shall be filled as follows:

a) a new member or an alternate member may be appointed to fill the unexpired term of the member so vacating;

b) members filling vacancies shall serve for the remainder of the unexpired term; and,

c) a member who moves outside the corporate limits shall be replaced by a qualifying member appointed by Town Council.

(6) Compensation: Compensation for board members may be provided for by Town Council.

c) Chair and Vice-Chair: The Planning Board shall elect a Chair and a Vice-Chair from among its members, each to serve a one-year term, renewable without limit as to consecutive terms. The Chair shall preside over all meetings and the Vice-Chair shall preside over meetings in the absence of the Chair. If both the Chair and Vice-Chair are absent, the Planning Board shall vote to determine who shall serve as acting Chair for a particular meeting.

d) Staff to the Planning Board: The Administrator shall serve as the professional staff liaison and provide it with administrative support. The Administrator shall also serve as Secretary for the Planning Board and shall notify members of all meetings and keep the minutes. The Administrator may appoint another member of the Town staff to serve in these capacities.

e) Meetings:

(1) Schedule: The Planning Board shall hold at least one regular meeting each month unless the Chair determines that there are no agenda items for consideration.

(2) Official public record: The Planning Board shall keep minutes of its proceedings, showing the vote of each member upon every question or, if absent or failing to vote, indicate such fact. It shall also keep records of its examinations and other official actions. All such records and minutes shall be public record.

(3) Publication of notice: Notice of all Planning Board meetings shall be provided in accordance with State law and the publicly-noticed meeting requirements.

(4) Open to the public: All meetings shall be open to the public.
Procedure: In conducting its meetings, the Planning Board shall follow the rules of procedure adopted in accordance with this Ordinance and State law.

f) Quorum and necessary vote: Three members of the five-member Planning Board shall constitute a quorum. No official business of the board shall be conducted without a quorum present. An affirmative vote of the majority of board members present and constituting a quorum is required for all decisions of the Planning Board.

g) Attendance: A Planning Board member shall attend at least 50% of regularly-scheduled board meetings held annually from the date of the member’s appointment. Any member who fails to comply with this requirement shall be automatically removed from the Planning Board. The Chair of Planning Board shall notify Town Council if a member fails to comply with this attendance requirement.

h) Rules of procedure: The Planning Board shall adopt rules of procedure governing its procedures and operations.

4. Board of Adjustment (BOA): The BOA is established pursuant to NCGS § 160A, Article 13. Town Council can choose to appoint BOA members or disband it. If it disbands it, Town Council shall sit as the BOA and is subject to the provisions of this Ordinance.

a) Power and duties:

(1) Decision-making concerning:
   a) special use permits;
   b) variances; and,
   c) changes in non-conforming uses.

(2) Review and decision-making concerning applications for appeals on the following:
   a) major and minor site plans;
   b) major and minor subdivisions;
   c) exempt subdivisions (exclusion plat);
   d) subdivision waivers;
   e) sign permits and exemptions, temporary use permits;
   f) development clearance certificates, vested rights (e.g., interpretations by the Administrator); and,
   g) any other order, requirement, decision, determination, or interpretation made by a Town administrative
      official charged with enforcing this Ordinance.

(3) Authorization to carry out any other powers and duties delegated to it by Town Council that are consistent with State law.

b) Membership, appointment, and terms of office:

(1) Number of members: The BOA shall consist of five regular members and two alternate members appointed by Town Council and shall serve at its pleasure. All members shall reside within the corporate limits of the Town.

(2) Alternate members: An alternate member may sit only in lieu of a regular member, as assigned by the Chair in accordance with the Board’s Rules of Procedure. When so seated, alternate members shall have the same powers and duties as the member they replace. In no instance shall more than five regular and alternate members take part in a quasi-judicial hearing of the BOA.

(3) Length of terms: Members and alternate members shall be appointed for three-year, staggered terms. Members shall serve until their successors are appointed.

(4) Filling of vacancies: Vacancies occurring for reasons other than expiration of terms shall be filled for the period of the unexpired term only.

(5) A member who moves outside the corporate limits shall be replaced by a qualifying member.

c) Chair and Vice-Chair: The BOA shall elect a Chair and a Vice-Chair from among its members, each to serve a one-year term, without limit as to consecutive terms. The Chair shall preside over all meetings and the Vice-Chair shall preside over meetings
in the absence of the Chair. If both the Chair and Vice-Chair are absent, the BOA shall vote to determine who shall serve as
Chair for the meeting.

d) Staff to the Planning Board: The Administrator shall serve as the professional staff liaison to the BOA and provide it with
administrative support. The Administrator shall also serve as Secretary for the BOA and shall notify board members of all
meetings and keep the minutes. The Administrator may appoint another Town staffer to serve in these capacities.

e) Meetings:

(1) Schedule: The BOA shall hold at least one regular meeting each month unless the Chair determines that there are
no agenda items for consideration.

(2) Official public record: The BOA shall keep minutes of its proceedings, showing the vote of each member upon every
question or, if absent or failing to vote, indicate such fact. The BOA shall also keep records of its examinations and
other official actions. All such records and minutes shall be public record.

(3) Publication of notice: Notice of all BOA meetings shall be provided in accordance with State law and public hearing
requirements.

(4) Open to the public: All meetings shall be open to the public.

(5) Procedure: In conducting its meetings, the BOA shall follow rules of procedure adopted in accordance with North
Carolina General Statutes and Section 3.A.15: Quasi-Judicial Public Hearing Procedures Procedure consistent with
the procedural requirements of this Ordinance and State law.

f) Quorum and necessary vote: Three members of the five-member BOA shall constitute a quorum. No official business of
the board shall be conducted without a quorum present. The requisite number of members necessary to render a quasi-
judicial decision shall be as prescribed in Articles 3 and 8 herein.

g) Attendance: A BOA regular member shall attend at least 50% of regularly-scheduled board meetings held annually from
the date of the member’s appointment. Any member who fails to comply shall be removed by the Town Council. The Chair
of BOA shall notify Town Council if a member fails to comply with this attendance requirement.

h) Rules of procedure: The BOA shall adopt rules of procedure governing its procedures and operations.

5. Administrator and Staff: The Administrator is the official responsible for administering the provisions of this Ordinance. The
Administrator may delegate, through the assignment of official duties, these administrative decisions to other Town staff as he or
she deems appropriate.

a) Power and duties:

(1) Application review and decision-making concerning:

(a) residential plot plans;
(b) minor site plans;
(c) preliminary plats for minor subdivisions;
(d) final plats for major and minor subdivisions;
(e) development clearance certificates;
(f) floodplain development permits;
(g) sign permits and exemptions;
(h) temporary use permits;
(i) certificates of occupancy in conjunction with Guilford County Inspections Department;
(j) vested rights;
(k) exempt subdivisions (exclusion plats);
(l) administrative adjustments;
(m) interpretations;
(n) street addresses; and,
(o) watershed development permits.
(2) Report-making authority to collect information, conduct research, and prepare staff reports for the following:

(a) map amendments (general rezoning);
(b) map amendments (conditional rezoning);
(c) amendments to the text of this Ordinance;
(d) planned area developments;
(e) special use permits;
(f) major site plans;
(g) preliminary plats;
(h) variances;
(i) subdivision waivers; and,
(j) street closings.

(3) Additional duties:

(a) administering and enforcing this Ordinance;
(b) conducting pre-submittal conferences;
(c) establishing application content requirements and a schedule for review of applications;
(d) reviewing applications for completeness;
(e) maintaining the Official Zoning Map and related materials;
(f) providing expertise and technical assistance to review bodies and decision-making bodies of the Town on other matters as may be requested;
(g) maintaining a record of all permits and approvals on file and making copies available upon request;
(h) initiating corrective zoning map amendments and zoning text amendments where necessary to ensure compliance with North Carolina General Statutes and adopted plans; and,
(i) as appropriate, forwarding applications, requesting review, and coordinating input from non-Town government agencies and service providers generally involved with development review (e.g., the Guilford County Health Department, the Summerfield Fire District, the Guilford County School Board, the NC Highway Division, and the NC Land Quality Section).

B. Summary Table of Development Review Responsibilities

Table 2.B.1: Development Review Responsibilities identifies the advisory or decision-making responsibilities of the various bodies that have specific permit review roles under this Ordinance. Certain decisions require approvals by several separate decision-making bodies.
### TABLE 2.B.1: DEVELOPMENT REVIEW RESPONSIBILITIES

<table>
<thead>
<tr>
<th>Permit or Procedure</th>
<th>A = appeal</th>
<th>D = decision</th>
<th>R = recommendation</th>
<th>SR = staff report</th>
</tr>
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<tbody>
<tr>
<td><strong>AMENDMENTS</strong></td>
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<tr>
<td>Map amendments (general or cond. rezoning), text amendments, Planned Area Development plans</td>
<td>SR</td>
<td>R</td>
<td>D</td>
<td></td>
</tr>
<tr>
<td>Special use permit (development plan required)</td>
<td>SR</td>
<td></td>
<td></td>
<td>D</td>
</tr>
<tr>
<td><strong>SITE PLANS</strong></td>
<td></td>
<td></td>
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<tr>
<td>Residential plot plan (see Variance for appeals)</td>
<td>D</td>
<td></td>
<td></td>
<td>A</td>
</tr>
<tr>
<td>Minor site plan</td>
<td>D</td>
<td></td>
<td></td>
<td>A</td>
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<tr>
<td>Major site plan</td>
<td>SR D</td>
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<td>A</td>
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<tr>
<td>Minor subdivision:</td>
<td></td>
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<tr>
<td>Preliminary plat</td>
<td>D</td>
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<td>A</td>
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<tr>
<td>Final plat</td>
<td>D</td>
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<td>A D</td>
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<td>Major subdivision:</td>
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<td>Preliminary plat</td>
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<tr>
<td>Final plat</td>
<td>D</td>
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<td>A D</td>
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<tr>
<td><strong>OTHER PLANS</strong></td>
<td></td>
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<tr>
<td>Landscape plan</td>
<td>D</td>
<td></td>
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<td>A</td>
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<tr>
<td>Tree preservation plan</td>
<td>D</td>
<td></td>
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<td>A</td>
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<tr>
<td><strong>PERMITS AND CERTIFICATES</strong></td>
<td></td>
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<tr>
<td>Development clearance certificate (DCC)</td>
<td>D</td>
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<td></td>
<td>A</td>
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<tr>
<td>Floodplain development permit</td>
<td>D</td>
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<td>A</td>
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<tr>
<td>Sign permit</td>
<td>D</td>
<td></td>
<td></td>
<td>A D</td>
</tr>
<tr>
<td>Temporary use (event) permit</td>
<td>D</td>
<td></td>
<td></td>
<td>A D</td>
</tr>
<tr>
<td>Vested rights</td>
<td>D</td>
<td></td>
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<td>A</td>
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<tr>
<td>Watershed development plan</td>
<td>D</td>
<td></td>
<td></td>
<td>A</td>
</tr>
<tr>
<td><strong>VARIANCES AND EXEMPTIONS</strong></td>
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<tr>
<td>Variance</td>
<td>SR</td>
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<td>D</td>
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<tr>
<td>Subdivision exemption (exclusion plat)</td>
<td>D</td>
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<td>A</td>
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<tr>
<td>Administrative adjustment</td>
<td>D</td>
<td></td>
<td></td>
<td>A</td>
</tr>
<tr>
<td>Appeal (general)</td>
<td></td>
<td></td>
<td></td>
<td>A</td>
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<tr>
<td><strong>OTHER PROCEDURES</strong></td>
<td></td>
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<tr>
<td>Interpretation</td>
<td>D</td>
<td></td>
<td></td>
<td>A</td>
</tr>
<tr>
<td>Change in non-conforming use</td>
<td>SR</td>
<td></td>
<td></td>
<td>D</td>
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<tr>
<td>Street name</td>
<td>D</td>
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</tr>
<tr>
<td>Street name change</td>
<td>SR R D</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Street address</td>
<td>D</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Street closing</td>
<td>SR R D</td>
<td></td>
<td></td>
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</tbody>
</table>
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Article 3: Permits and Procedures

A. Common Review Procedures (Common to All Types of Applications)

The provisions of this section shall apply to all development applications and submittals under this Ordinance, unless otherwise stated in this section or in Section 3.B: Procedures for Specific Types of Development Applications.

1. Authority to File Applications:
   
   a) Applications for development approvals for a specific parcel of land shall be submitted by:
      
      (1) Town Council, Planning Board or Administrator; or,
      
      (2) the owner(s) of the land on which the development is proposed; or,
      
      (3) a person authorized to submit the application on behalf of the owner(s) as evidenced by a letter or document signed by such owner(s); this person may also be referred to, as appropriate, as an "authorized agent."

   b) If there are multiple owners or other persons authorized to submit the application, all such persons shall sign the application or a letter or document consenting to the application.

   c) The burden of proof as to proper authority to file an application shall rest with the applicant(s). An approved application for development that is later found to have been submitted without proper and complete authority shall be automatically invalidated.

2. Application Contents: The Administrator is authorized to and shall establish the requirements for application contents and forms. The Administrator may amend and update these requirements as determined necessary. (Note: Proposed improvement in a designated floodplain requires significant additional detail.)

3. Fees: Town Council shall establish application fees and may amend and update them as determined necessary.

4. Submission and Review Schedule: The Administrator is authorized and shall establish the submission and review requirements for development applications. The Administrator may amend and update these requirements as determined necessary.

5. Standardized Map Plans: Several standardized map plans are referenced in this Ordinance in association with specific types of development applications. Specifications and required components of these map plans are set forth in Appendix 1: Map Standards. The general purpose of each standardized map plan is as follows:

   a) Sketch Plan: This is submitted early in the development review process to allow for comment and changes before significant time and money is invested in detailed planning. The sketch plan provides basic information about the applicant and the proposed development. It is not formally approved or denied and is not binding on either the applicant or the Town.

   b) Preliminary Plat: This and all required attachments are submitted as the first step in the subdivision approval process. Preliminary plat approval authorizes the applicant to prepare and submit construction plans for all required improvements. Preliminary plat approval does not authorize the transfer of lots, does not authorize the commencement of improvements, and does not authorize the commencement of any construction on the lots created.

   c) Construction Plans: The approval of detailed construction plans is required prior to the start of any construction. The submittal of complete construction plans shall be in accordance with the regulations of this Ordinance and those referenced by this Ordinance. Approvals of construction plans required by this Ordinance but not executed by the Town shall be evidenced by a full set of approved plans with an approval letter by the agency charged with approval authority. As-built drawings are required for all improvements.

   d) Final Plat: Approval of installed improvements, evidence of approval of completed improvements, or submission of completion bonds is required prior to the commencement of the final plat procedure. A final plat shall then be prepared to the standards of this Ordinance and submitted for approval. After review, execution of certifications, and approval of the final plat, it shall then be recorded with the Guilford County Register of Deeds and the transfer of lots may begin.
Site Plan: A detailed site plan is prepared for formal review and approval. It includes specific details about the physical characteristics of the parcel(s) of land. It will show the proposed size and location of buildings, parking areas, utility locations, driveways, water and sewer provisions, site grading and drainage, and landscape buffer areas. Additional required attachments may include details for building elevations, signage, tree preservation, stormwater management facilities, and other major improvements. An approved site plan authorizes the applicant to proceed with grading and building permits.

Master Development Plan: This will show delineated areas where particular types of development or groups of buildings will be located, along with access and internal circulation through the development. Specific site plan or subdivision submittal and approval is required prior to the commencement of any type of construction.

Plot Plan (Single-Family Individual Lot): This must be prepared and submitted by the lot owner in order to receive a Development Clearance Certificate (DCC) and subsequent building permit for a principal or accessory residential structure. A plot plan must be drawn to scale showing the placement of a proposed home or other proposed accessory structure(s).

6. Pre-Submittal Conference (Optional): Prior to the preparation, review, and approval of a subdivision, site plan, or complex rezoning, a pre-submittal conference is recommended. Its purpose is to obtain comments from the technical review authorities regarding the development of a proposed development or case. Such discussions are optional; however, they may save time, money, and effort in preparing and submitting necessary plans and plats. Various departments and agencies have information, requirements, and insight necessary for a successful project.

A sketch plan prepared in accordance with Appendix 1: Map Standards shall be submitted if the applicant chooses to exercise this option. The Town will forward preliminary materials to technical review authorities, which will review these and make comments or suggestions. A synopsis of information and comments will be prepared and a copy will be forwarded to the applicant.

7. Informational Meeting (Optional):
   a) Purpose: Informational meetings are encouraged as opportunities for informal communication between applicants, owners and occupants of nearby lands, and other residents who might be affected by development proposals. The purpose of the meeting is to educate neighbors about the proposed development and application, to receive feedback, to address concerns, and to resolve conflicts and outstanding issues, if possible.

   Such meetings may be held prior to a Planning Board meeting at the request of the applicant. Town Council, Planning Board, or Board of Adjustment may also continue a meeting or hearing and request that the developer hold an informational meeting to resolve issues and concerns of the neighboring property owners.

   b) Procedure: An informational meeting shall comply with the following procedures:

      (1) Timing: It shall be scheduled after 5:30 p.m. on a weekday.

      (2) Location: It shall be held at a location convenient to adjacent owners and occupants of nearby lands.

      (3) Notification:

         (a) Mailed Notice: The applicant shall mail notice of the informational meeting to all property owners as shown on the county tax listing of all parcels of land within one-quarter mile (0.25 mile) of any portion of the parcel involved in the development application. Town staff will assist the applicant to obtain this list.

         (b) Notice Content: The notice shall state the meeting date, time, place, and general nature of the proposal.

      (4) Conduct of Meeting: The applicant shall host the meeting and he or his representative(s) will present the development proposal, answer questions, respond to concerns, and consider ways to resolve conflicts. Any binding agreements between the applicant and neighbors shall be their responsibility of the applicant and no agreement shall be contingent upon the Town waiving any portion of the laws, procedures, or regulations of this Ordinance.

8. Preliminary Submission:
   a) Purpose: A preliminary submission is to assist the developer in complying with Ordinance requirements and other applicable State and local laws. It also provides reasonable assurance that detailed construction plans and record plats have a better
likelihood of approval before undertaking plan preparations. If a development is to be created in stages, it is requested for the purpose of coordinating the entire tract, that the preliminary plat or site plan be submitted for all of the land which is or likely to be included in subsequent stages. All fees are due and payable upon completed submittal.

b) Content: The submittal shall include all required materials specified in the appendix of this Ordinance for the purposes of commencing review. Any submittal that is incomplete, as determined by the Administrator, shall not be processed and reviewed. The Administrator shall notify the applicant of the deficiencies. Incomplete submittals will be available to be retrieved for a 10-day period after the deficiency notice has been mailed, after which time materials will be disposed of.

Correction of any erroneous information may be required. All proposed development plans shall be prepared by a registered civil engineer, professional land surveyor, or other qualified design professional as permitted by North Carolina General Statutes.

9. Determination of Completeness:
   a) The Administrator shall determine if an application or submittal is complete. A complete submittal is one that:
      (1) contains all information and materials established by the Administrator as required for submittal of the particular type of application;
      (2) is in the form established by the Administrator as required for submittal of the particular type of application;
      (3) includes information in sufficient detail for evaluation as to whether it complies with the appropriate substantive standards of this Ordinance; and,
      (4) is accompanied by the fee established for the particular type of submission.
   b) When a submission is determined to be complete, the Administrator shall refer it to the appropriate staff, review agencies, and review bodies for evaluation in accordance with the procedures and standards of this Ordinance. The timeframe and review cycle shall be based on the date the submittal is determined to be complete. Scheduling of any public hearing(s) or approvals shall be done after reviewing agencies have been given adequate time for review and comment.

10. Decision by Administrator: If a submittal is subject to review and decision by the Administrator, the Administrator shall review the application, relevant support material, and any comments from other staff and review agencies, and then approve with or without conditions or deny based on the appropriate review standards for the particular permit or approval. A memorandum of understanding shall be prepared with any conditions, deficiencies, corrections, additions, or deletions noted by the Town and/or any reviewing authorities that would prohibit the approval of the development.

11. Preparation of Staff Report:
   a) Staff Report Required: If a submittal is subject to staff review and a subsequent public hearing or consideration by a review body, the Administrator shall review the application, relevant support material, and any comments from other staff and review agencies, and then prepare a written staff report.
   b) Content: The staff report shall be addressed to the review body or decision-making body, as appropriate, and shall state whether the application complies with all appropriate Ordinance standards and other adopted Town plans. The staff report may identify ways in which areas of noncompliance might be eliminated and adverse effects might be mitigated. (**clarify whether a staff recommendation should be included as TC has expressed mixed opinions on this**)

The staff report shall be transmitted to the applicant and made available to the review body or decision-making body and to the public a reasonable period of time before the first scheduled review body meeting or public hearing on the application.

12. Public Hearings and Publicly-Noticed Meetings:
   a) Distinction Between Public Hearings and Publicly-Noticed Meetings: Under State law, some types of development applications are subject to review in a public hearing while others require a publicly-noticed meeting. These two types are distinguished as follows:
      (1) A publicly-noticed meeting occurs whenever a board of the Town meets and deals in any way with the business of that board. Public meetings, whether regular or special meetings, are governed by NCGS and the procedural rules established by the particular Town board holding the meeting.
Although the board holding the meeting may allow the public to speak, public input is not the meeting intent and is not required by State law. Two basic legal requirements of a public meeting are that the public be notified and be allowed to attend. As set forth in this Ordinance, major site plans and major subdivisions are reviewed and approved in a public meeting by the Town Planning Board.

(2) A public hearing is also a public meeting, but the main purpose of most public hearings is to obtain public testimony or comment. A public hearing may occur as part of a regular or special meeting, or it may be the sole purpose of a special meeting, with no other matters addressed. There are two types of public hearings, legislative and quasi-judicial:

(a) Legislative public hearings are required by State law to obtain public input on proposed changes in Town laws, such as the Ordinance text or Map. These hearings are generally less formal than quasi-judicial public hearings.

(b) Quasi-judicial public hearings involve the legal rights of specific parties, and the decisions made as a result of such hearings must be based upon and supported by the “record or facts” presented during the hearing. These hearings are subject to stricter procedural requirements than legislative hearings and involve sworn testimony. Under this Ordinance, all quasi-judicial hearings are held by the Board of Adjustment, and are required for special use permits, variances, changes in non-conforming use, and appeals.

b) Scheduling a Public Hearing or Publicly-Noticed Meeting: When a submittal is subject to either, the Administrator shall ensure that it is scheduled for a regularly-scheduled meeting of the body reviewing the application;

c) Timing: The public hearing or meeting on the application shall be held to comply with the schedule set forth in accordance with NCGS.

d) Summary Table: Table 3.A.12: Required Public Hearings and Publicly-Noticed Meetings identifies the review and decision-making bodies responsible for conducting public hearings on development submissions, where public hearings are required, and the type of hearing (standard public hearing or quasi-judicial public hearing). The table also shows publicly-noticed meetings held by advisory review bodies on development applications.

### Table 3.A.12: Required Public Hearings and Publicly-Noticed Meetings

<table>
<thead>
<tr>
<th>Submittal/Application Type</th>
<th>Bodies Conducting Public Hearings or Publicly-Noticed Meetings</th>
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<tbody>
<tr>
<td></td>
<td>Planning Board</td>
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<tr>
<td>Major site plan</td>
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<td>Major subdivision</td>
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<td>Map amendment (general rezoning)</td>
<td>M</td>
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<tr>
<td>Map amendment (conditional rezoning)</td>
<td>M</td>
</tr>
<tr>
<td>Text amendment</td>
<td>M</td>
</tr>
<tr>
<td>Planned Area Development</td>
<td>M</td>
</tr>
<tr>
<td>Street name changes</td>
<td>M</td>
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<td>Street closing</td>
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<td>Special use permit</td>
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<td>Variance</td>
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<td>Subdivision waiver</td>
<td></td>
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<tr>
<td>Change in non-conforming use</td>
<td></td>
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<tr>
<td>Appeal (general)</td>
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</tbody>
</table>
13. Public Notification:

a) Content: All notices required under this Ordinance shall comply with North Carolina General Statutes and unless otherwise specified in this Ordinance shall:

(1) identify the date, time, and place of the public hearing;
(2) describe the land involved by street address or by its relationship to a fronting street and the nearest cross street (if applicable) and its size (except posted notice);
(3) describe the nature and scope of the proposed development or action;
(4) indicate that interested parties may appear, speak, and submit evidence and written comments on the matter;
(5) indicate where additional information on the matter may be obtained; and,
(6) indicate where written comments or evidence on the application may be submitted before the public hearing.

b) Published Notice: The Administrator shall publish a notice per NCGS § 160A-364 when the provisions of this Ordinance require that notice of a public hearing be published.

c) Mailed Notice:

(1) The Administrator shall prepare a notice of the public hearing and deliver it via first-class Mail per North Carolina General Statutes.
(2) The Administrator shall prepare an affidavit affirming that notice meeting the content requirements of this subsection was mailed. It shall be conclusive that notice has been given in accordance with the terms of this subsection.
(3) Per North Carolina General Statutes, mailed notice shall not be required when a submittal for a Map Amendment (General Rezoning) includes more than 50 lots or tracts owned by at least 50 different landowners. Alternate published notice shall be prepared and accomplished as required.

d) Posted Notice:

(1) The Administrator shall post the notice on the subject property/properties per North Carolina General Statutes when the provisions of this Ordinance require it. The notice shall remain in place until after a final decision is rendered.
(2) Notices shall be posted on Town signs designed specifically for such notices.
(3) The posted notice shall be located adjacent to each public street right-of-way bordering the subject property/properties. If no part of the subject property/properties is visible from the public right-of-way, the notice shall be posted in the public right-of-way of the nearest street in such a manner as to ensure consistency with the intent of this subsection.
(4) In addition to posted notice on the subject property/properties, notice of the public hearing shall also be posted in a conspicuous location within Summerfield Town Hall at least 10 days before the date fixed for the hearing.
(5) The Administrator shall prepare an affidavit affirming that notice meeting the requirements of this subsection was posted. It shall be conclusive that posted notice has been given in accordance with the terms of this subsection.

e) Constructive Notice:

(1) Minor defects in any notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt is made to comply with applicable notice requirements. Minor defects may include but are not limited to:

(a) errors in a legal description; or
(b) typographical or grammatical errors that do not impede communication of the notice to affected parties.
(2) Failure of a party to receive written notice shall not invalidate subsequent action. However, in all cases, the requirements for the timing of the notice and for specifying the time, date, and place of a public hearing and the location of the subject property/properties shall be strictly adhered to.
(3) If questions arise at the hearing regarding the adequacy of notice, the body conducting the hearing may review the required affidavits and notices before taking final action on the request.
Town of Summerfield Website Notice: Any person or organization may access any public hearing notice, meeting agenda, and meeting minutes on the Town of Summerfield's official website. Packets for individual cases may be reviewed for free at Summerfield Town Hall or may purchased there.

14. Standard Public Hearing Procedures: All public hearings that are designated in Table 3.A.12: Required Public Hearings and Publicly-Noticed Meetings as standard public hearings (P) shall comply with the procedures set forth in this subsection:

a) Burden of Proof: The burden of demonstrating that a submittal complies with applicable review and approval standards is on the applicant. The burden is not on the Town or other parties to show that the standards are not met by the applicant.

b) Conduct of Hearing:

(1) Rights of All Persons: Any person may appear at the hearing and submit documents, materials, and other written or oral testimony, either individually or as a representative of an organization. Persons speaking at the hearing shall identify themselves, state their home or business address, and if appearing on behalf of another person or organization, state the name and mailing address of the person or organization they represent.

(2) Presentation of Testimony and Submission of Documents and Materials: The body conducting the hearing may place reasonable time restrictions on the presentation of testimony and the submission of documents and other materials.

(3) Continuance of Hearing: The body conducting the public hearing may, on its own motion or at the request of any person, continue the public hearing to a fixed date, time, and place.

c) Order of Proceedings: The order of proceedings shall generally be as follows, with modifications made as prescribed by the hearing chairperson:

(1) Presentation of Staff Report: Town staff shall provide a brief introductory narrative and/or graphic description of the application and present the staff report and any previous review body findings and recommendations.

(2) Applicant Presentation: The applicant shall present any information the applicant deems appropriate.

(3) Public Comment: Any person other than the applicant or the applicant’s representative(s) may be permitted to speak in accordance with the review or decision-making body’s rules of procedure, or at its discretion, as appropriate, in support of or in opposition to the submittal. At the discretion of the chairperson, such person may be granted additional time to speak when it is justified.

(4) Applicant Response to Comments: The applicant may respond to any comments, documents, or materials presented by the Town or the public.

(5) Town Staff Response to Comments: Town staff may respond to any comments, documents, or materials presented by the applicant or the public.

(6) Close of Hearing: The chairperson of the body conducting the hearing shall close the hearing.

d) Record of Public Hearing:

(1) The body conducting the hearing shall record the proceedings by appropriate means; the record shall consist of:

(a) the submittal under consideration;
(b) the staff report;
(c) all other written Town staff materials prepared for the submittal;
(d) all other written materials related to the submittal provided by the public;
(e) review-body recommendations, where relevant, and the record from its proceedings;
(f) this Ordinance and any relevant adopted Town plans;
(g) all documents entered into the record at the hearing; and,
(h) the recorded testimony.

(2) If a sound recording is made, any person shall be entitled to listen to the recording at a reasonable time or make copies at that person's own expense at Summerfield Town Hall.
e) Action by the Decision-Making Body:

(1) After the close of the public hearing, the decision-making body shall consider the application, relevant support materials, staff report, all review-body recommendations, public testimony, and other information from the public hearing. It shall decide on the submittal based on such information and the relevant review standards and the body shall take action as promptly as possible in consideration of the interests of the applicant and Town citizens.

(2) Unless stated otherwise in this Ordinance, the form of the decision shall include at least the following elements:

(a) a statement of a decision of approval, approval with conditions, or denial (whichever is appropriate); and,
(b) a statement of the factors considered in the decision and the basis for it and any conditions of approval.

15. Quasi-Judicial Public Hearing Procedures: All public hearings that are designated in Table 3.A.12: Required Public Hearings and Publicly-Noticed Meetings as quasi-judicial public hearings (Q) shall comply with the procedures set forth in this subsection:

a) Burden of Proof: The burden of demonstrating that an submittal complies with applicable review and approval standards of this Ordinance is on the applicant, which shall be demonstrated by competent, material, and substantial evidence. The burden is not on the Town or other parties to show that the standards have not been met by the applicant.

b) Conduct of Hearing:

(1) Opportunity to Present Testimony and Evidence: Any affected party shall be afforded a reasonable opportunity to present testimony and evidence in support of or in opposition to the application and to ask questions of the applicant, applicant’s representatives, and Town staff. At the discretion of the chairperson of the public hearing, persons may be granted an opportunity to ask questions of any other member of the public who has testified at the hearing.

(2) Presentation of Testimony and Submission of Documents and Materials: The body conducting the hearing may place reasonable and equitable time restrictions on the presentation of testimony and the submission of documents and other materials, and may exclude testimony or evidence that is determined irrelevant, immaterial, incompetent, unreliable, or unduly repetitious. (Note: A quasi-judicial hearing is a formalized means of gathering revelant evidence and not an opportunity for citizens to merely speak their minds, as is the case with a public hearing concerning a legislative matter, such as a rezoning.)

(3) Not Bound by Rules of Evidence: In conducting a quasi-judicial public hearing, the Board of Adjustment is not bound by the rules of evidence, or limited to consideration of evidence that is admissible in a court of law. The BOA may consider all testimony and evidence presented at the public hearing that it deems competent and material to the application under consideration, except as otherwise limited by State law.

(4) Cross Examination: Any inquiry under cross-examination shall be limited to matters raised in the direct examination of the witness. No re-direct or re-cross shall be allowed unless requested by the applicant, an affected party, or the Town. The requestor shall state the desired area of inquiry and the request to redirect or re-cross is approved by the chairperson of the public hearing. If re-direct or re-cross is allowed, it shall be limited to questions of the witness on issues raised in the cross-examination.

(5) Continuance of Hearing: The BOA may, on its own motion or at the request of any person, continue the public hearing to a fixed date, time and place.

c) Order of Proceedings: The order of proceedings shall generally be as follows, with modifications made as prescribed by the hearing chairperson:

(1) Swearing In: The Chair of the BOA or the Clerk to the BOA shall swear in or affirm all persons who will testify.

(2) Ex Parte Disclosure: Members of the BOA shall disclose all ex parte communications at the beginning of the hearing. Persons who have actual or perceived conflicts of interest with respect to the case being heard shall identify the nature of the conflict. The remaining voting members of the BOA shall thereafter determine whether a conflict exists and whether such member shall be recused from hearing the case. A member shall be recused from voting if he has a conflict as identified in NCGS § 160A-388(e)(2).
(3) Presentation of Staff Report: The Town shall provide a brief introductory narrative and/or graphic description of the submittal and present the staff report and any findings and recommendations of other review bodies, including testimony of witnesses and expert witnesses. Cross-examination by members of the BOA shall be allowed after each witness. Cross-examination by the applicant and the affected parties is also allowed.

(4) Applicant Presentation: The applicant shall present any testimony and evidence the applicant deems appropriate, including testimony of witnesses and expert witnesses. Further examination by members of the BOA shall be allowed after each witness. Cross-examination by the applicant and the affected parties is also allowed.

(5) Affected Parties’ Presentations: Other parties may present any testimony and evidence they deem appropriate, including testimony of witnesses and expert witnesses. Further examination by members of the BOA shall be allowed after each witness. Cross-examination by the applicant and the Town is also allowed, unless otherwise directed by the chairperson. First, those in support of the application are allowed to speak and enter testimony and evidence into the record, followed by those in opposition.

(6) Rebuttal: The chairperson shall allow all parties to the proceeding to present a rebuttal in the following order:
   (a) affected parties’ or their representative(s)’ rebuttal, if appropriate;
   (b) applicant’s rebuttal, if requested, if requested; and,
   (c) Town staff’s rebuttal, if necessary or desired.

(7) Conclusion: The chairperson shall allow all parties to the proceeding a prescribed number of minutes to present a summation of their presentation in the following order:
   (a) affected parties’ or their representative(s)’ summation, if any; and,
   (b) applicant’s summation.

(8) Close of Hearing: After receiving all testimony and evidence in accordance with this section, the hearing chairperson shall close the hearing. Only clarifications of evidence already presented or allowance of the applicant to comment on any proposed conditions offered by the BOA shall be allowed after the hearing has been closed.

d) Establishment and Maintenance of Record:

(1) The BOA shall record the proceedings by any appropriate means; the record shall consist of:
   (a) the submittal under consideration;
   (b) the staff report;
   (c) all other written Town staff materials prepared for the submittal;
   (d) all other written materials related to the submittal that is presented at the public hearing;
   (e) review-body recommendations, where relevant, and the record from its proceedings;
   (f) this Ordinance and any relevant adopted Town plans;
   (g) all written communications about the submittal received by members of the BOA and Town staff;
   (h) all documents entered into the record at the hearing; and,
   (i) the testimony and other statements and opinions offered at the public hearing.

(2) If a sound recording is made, any person shall be entitled to listen to the recording at a reasonable time or make copies at that person’s own expense at Summerfield Town Hall.

e) Action by the Board of Adjustment:

(1) After the close of the public hearing, the Board of Adjustment shall consider the application, relevant support materials, staff report, all review-body recommendations (if relevant), public testimony, and other evidence entered into the record from the public hearing. The BOA shall make a determination on all contested facts and make a decision based on such information and relevant review standards. The BOA shall take action as promptly as possible in consideration of the interests of the applicant, affected parties, and Town citizens. Any BOA decision shall be based upon competent, material, and substantial evidence in the record. Reasonable and appropriate conditions may be attached to any quasi-judicial decision.
The form of the decision shall include at least the following elements:

(a) a description or summary of material and substantial factual evidence presented at the hearing including
    the BOA’s determination of any contested facts and their application to the applicable standards;
(b) a vote on each of the relevant findings of fact based on evidence presented at the hearing with statements
    supporting why such vote was taken;
(c) the decision;
(d) any conditions of approval, if appropriate; and,
(e) reasons for the decision, including the required conclusions, findings of fact, and presented evidence.

The BOA decision shall become effective upon filing of the written decision with the Clerk to the BOA.

f) Decision Notification to Applicant and Others: Within five business days after a BOA decision has been rendered, the
   Administrator shall deliver a copy of the decision via personal delivery, electronic mail, or first-class mail to the applicant,
   property owner, and any person who has submitted a written request for a copy. The Administrator shall certify that proper
   notice has been given.

g) Appeal of a BOA Decision: Any appeal of a final BOA decision shall be to the Superior Court of Guilford County and shall be
   filed with the Clerk of Court by the later of 30 days after the decision becomes effective or after a written copy has been
   delivered. When first-class mail is used to deliver the notice, three days shall be added to the file-by date. (Note: Appeals
   from final decisions by other decision-making bodies shall be as specified for the particular application type.)

16. Conditions of Approval: Where the express terms of this Ordinance authorize a decision-making body to approve a development
    submittal with conditions, such body may impose reasonable and appropriate conditions or restrictions on the approval. The conditions
    may, as appropriate, ensure compliance with particular standards of this Ordinance, prevent or minimize adverse effects from the
    proposed development on surrounding lands, or ensure conformance to goals, objectives, policies, strategies, and actions, including
    the Summerfield Comprehensive Plan and other adopted plans addressing the Town’s growth and development.

The restrictions and conditions imposed must be related in both type and amount to the impact that the proposed development
would have on the public and surrounding development. All conditions imposed shall be expressly set forth in the permit approval.
No condition approved by the BOA shall allow for a use not otherwise allowed by this Ordinance on the subject property.

17. Notification to Applicant: The Administrator shall notify the applicant of the decision in writing.

18. Appeals: Any appeal from a final decision by the BOA shall be to the Superior Court of Guilford County and shall be filed with the
    Clerk of Court no later than 30 days after the date the decision of the BOA is filed with the Town Clerk. Appeals from final decisions
    by other decision-making bodies shall be as specified for the particular application type.

19. Deferral of Application or Hearing:

   a) Request Before Public Hearing Notice: An applicant may request that a review body’s consideration of an application at
      public hearing be deferred by submitting a written request for deferral to the Administrator before the public hearing notice
      is published or mailed. The Administrator may grant such requests for good cause. The date of the public hearing at which
      the application will be heard shall be set at the time the deferral is granted.

   b) Request After Public Hearing Notice: If a request for deferral of a review body’s consideration of an application is submitted
      after the public hearing notice is published or mailed, the request for deferral shall be submitted to the Administrator, and
      shall be placed on the public hearing agenda and acted upon by the body conducting the hearing. The decision-making
      body may grant such requests for good cause, or if finding no good cause for deferral, may proceed to hold the hearing. The
      date of the public hearing at which the deferred application will be heard shall be set at the time the deferral is granted. If a
      deferral is granted, the application may be subject to additional application fees to defray the additional costs of processing
      the application.

20. Changes to Submittal After Notice of Public Hearing: After notice of public hearing has occurred, changes to an application (including
    changes to an application at the public hearing) other than those made solely to satisfy staff or review body recommendations or
    conditions shall be governed by the provisions of this section:
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a) Major Changes: No substantive changes may be made in major elements of the development proposal relating to uses, densities, intensities, and/or access without referral of the application, as amended, back to the Administrator for staff review and to any review bodies for review, as is required for the original review of the submittal.

b) Clerical Errors: Minor additions, deletions, or corrections responding to clerical errors in an application may be made without referral of the application back to the Administrator and review bodies.

c) Conditions of Approval: Proposed changes in conditions of approval may be considered without referral of the application back to the Administrator or review bodies provided the decision-making body determines that the changes do not constitute a major, substantive change in the development proposal.

21. Request for Withdrawal of Application:

a) Submission of Request: Any request for withdrawal of an application subject to a public hearing shall be submitted in writing to the Administrator or shall be made through a verbal request at a public hearing.

b) Request Before Public Hearing Notice: The Administrator shall approve a request for withdrawal of an application if it is submitted before the public hearing notice is published or mailed.

c) Request After Public Hearing Notice: If the request for withdrawal of an application is submitted after the public hearing notice is published or mailed, the request for withdrawal shall be placed on the public hearing agenda and acted upon by the review body conducting the hearing. Whenever an application subject to a requirement for a public hearing before Town Council is withdrawn after the public hearing notice is published or mailed but before a decision by Town Council, no similar application may be submitted for the same lands for a period of 90 days following the withdrawal.

d) Fees: Fees shall be refunded for withdrawn applications, provided the request for withdrawal is filed with the Administrator prior to any required public notification.

22. Restrictions on Resubmittal and Waiver of Time Limit (Rezonings and Special Uses):

a) Whenever an initial request for a development permit or approval is denied, no re-application for substantially the same request involving the same parcel(s) of land or portion thereof shall be filed for a public meeting or hearing within a one-year period from the date of final action on the previous application, unless there is:

(1) a substantial change in circumstances relevant to the issues and/or facts considered during review of the application that might reasonably affect the decision-making body's application of the relevant review standards to the development proposed in the application; or,

(2) new or additional information that was not available at the time of review that might reasonably affect the decision-making body's application of the relevant review standards to the development proposed in the application; or

b) A second application for the same parcel of land or portion thereof for a materially-different development request may occur within a one-year period from final action on the initial application. Criteria to help determine whether an application is materially different may include (for example):

(1) a major change in the proposed development to a significantly less-intense land use (e.g., heavy commercial to limited office);

(2) a dramatic reduction in the level of traffic to be generated (e.g., by a factor of 50% or more);

(3) a dramatic reduction in the amount of impervious surface to be constructed (e.g., by a factor of 50% or more); or,

(4) the final decision on the application was based on a material mistake of fact, being defined as evidence that influenced the decision.

23. Examination and Copying of Application and Other Documents: At any time upon reasonable request and during normal Town Hall business hours, any person may examine an application, a finalized staff report, or materials submitted in support of or in opposition to a submittal. Copies of such materials shall be made available in accordance with the Town's current fee schedule.
24. **Simultaneous Processing of Applications:** Whenever two or more applications for a development permit or approval are required under this Ordinance, the applications may, at the discretion of the Administrator, be processed simultaneously, so long as all applicable State and local requirements are satisfied.

25. **Expiration:** Development permits and approvals shall expire as provided by this Ordinance for the various types of development applications. If no provision for expiration is given by this Ordinance for a particular type of development permit or approval and if no expiration period is imposed as part of an approval by the decision-making body, the permit or approval shall expire if development is not commenced or a subsequent permit is not obtained within two years. This provision shall not apply to general rezonings. A change in ownership shall not affect this timeframe.

B. **Procedures for Decisions by Administrator**

This section includes the individual review procedures, standards, and related information for each of the applications for development permits and approvals, as summarized in Table 2.B.1: Development Review Responsibilities. The general flow is as follows:

**PROCESS FOR THE FOLLOWING REQUESTS FOR:**

1. Interpretation
2. Development Clearance Certificate (DCC) with Plot Plan
3. Plot Plan or Minor Site Plan
4. Subdivision Exemption (Exclusion Plat)
5. Minor Subdivision
6. Temporary Use (Event) Permit
7. Sign Permit

> Each begins with a pre-submittal conference, if desired, followed by…
> submission of complete application/materials followed by…
> Administrator review and decision followed by…
> Guilford County Health Department review of water and septic (only for a DCC with Plot Plan, a Plot Plan or Minor Site Plan, or a Minor Subdivision).

1. **Interpretation**

   a) **Purpose:** The purpose of this section is to provide a uniform mechanism for interpreting provisions of this Ordinance whose meaning or application to a particular circumstance may not be readily clear.

   b) **Authority:** Interpretations of all provisions of this Ordinance shall be made by the Administrator, including but not limited to: interpretations of Ordinance text; interpretations of zoning district boundaries; interpretations of compliance with a condition of approval; and, interpretations of whether an unspecified use falls within a similar use classification allowed in a zoning district.

   c) **Initiation:** An application for a formal written interpretation may be initiated by the Town Council, Planning Board, BOA, any resident or landowner, or any person having a contractual interest in land in the Town.

   d) **Procedure:**

      (1) **Review and Action by the Administrator:** The Administrator shall review and take action on the application in accordance with the procedures of Section 3.A.10: Decision by Administrator and the standards in Section 3.B.1.(e): Interpretation Standards.
2. Development Clearance Certificate (DCC) with Plot Plan

a) Purpose: The Development Clearance Certificate is the means by which the Town of Summerfield communicates to Guilford County that a building permit, as well as other permits under the County's purview, may be issued for a particular development. The DCC often serves as a cover document which summarizes an accompanying package of information related to the request.

b) Applicability: No building permit may be issued for the following types of development without first receiving a DCC from the Administrator:

1. Residential Plot Plan: Typically includes house and driveway, and may include a swimming pool or other improvement requiring a building permit.

2. Change in Use: Typically involves a proposed change in the occupancy of a building from one permitted use to another as may be authorized in a particular zoning district.

3. Site Plan Approval: Typically involves the development or redevelopment of a non-residential use according to a site plan approved by the Town.

4. Other Forms of Development: From time to time, the County may ask the Town to issue a DCC to an applicant for other forms of development not specifically identified by this Ordinance.

3. Plot Plan or Minor Site Plan

a) Purpose: Site plan review is intended to ensure that the layout and general design of proposed development is compatible with surrounding uses and complies with all applicable Ordinance standards and Town regulations. This section establishes the procedure and standards for review and approval of residential plot plans and minor site plans.

b) Applicability:

1. Residential Plot Plans: No building permit for a single-family or two-family dwelling on a single lot shall be issued until a plot plan, prepared in accordance with the specifications of Appendix 1: Map Standards, is approved by the Town, and a DCC is issued by the Town. This requirement also applies to accessory structures.

2. Minor Site Plans: Unless exempted in accordance with Section 3.B.5.(b)(4): Exemptions, the following developments shall be required to have a minor site plan approved by the Town in accordance with this section before issuance of a building permit:
(a) changes in use;
(b) new single-building, non-residential development or additions of less than 2,500 ft² in gross floor area; and,
(c) new single-building, multi-family development containing three or four dwelling units.

(3) Exemptions: The following development may be exempted from the requirements of this section:

(a) internal construction that does not increase gross floor area or building height, increase the density or intensity of use, or affect parking requirements; and,
(b) change in use that does not increase gross floor area or building height, increase the density or intensity of use, or affect parking requirements.

c) Initiation: An application for site plan approval may be initiated by the owner or the owner’s representative.

d) Residential Plot Plan or Minor Site Plan Procedure:

(1) Basic Procedures: Except as modified by Sections 3.B.5.(d)(2)-(5) below, procedures and requirements for the submission, completeness determination, review, recommendation, hearing, and decision on applications are as established in Section 3.A: Common Review Procedures.

(2) Review and Action by Administrator: The Administrator shall review and take action on the application in accordance with the procedures of Section 3.A.10: Decision by Administrator and standards in Section 3.B.5.(f): Site Plan Standards.

(3) Conditions of Approval: In approving a residential plot plan or minor site plan, the Administrator may impose appropriate conditions on the approval in accordance with Section 3.A.16: Conditions of Approval.

(4) Appeal: An appeal from the Administrator’s decision on a residential plot plan or minor site plan application shall be reviewed and decided by the BOA in accordance with Section 3.A.18: Appeal.

4. Subdivision Exemption (Exclusion Plat)**************************************************************************

a) Procedure:

(1) Exclusion Plat Required: To enable the Administrator to make a determination as to whether a proposed division of land qualifies for exemption from the Town’s subdivision regulations, the applicant shall submit an exclusion plat in accordance with the specifications set forth in North Carolina General Statutes.

(2) Review and Action by Administrator. The Administrator shall review and take action on the application in accordance with North Carolina General Statutes. If the Administrator determines that the division of land does not constitute a subdivision and therefore is exempt from the Town’s subdivision regulations, an exemption certificate shall be executed upon the face of the plat. Said plat shall be recorded with the Guilford County Register of Deeds.

(3) Notification to Applicant: If the Administrator determines that the division of land constitutes a subdivision and therefore is not exempt from the subdivision requirements of this Ordinance, the notification shall state the division of land is subject to this Ordinance’s subdivision requirements and shall refer the applicant to Section 3.B.6: Subdivisions.

(4) Appeal: An appeal from the Administrator’s decision on a subdivision exemption application shall be reviewed and decided by the BOA in accordance with Section 3.A.18: Appeals.

b) Subdivision Exemption Standards (The definition of a “subdivision” under North Carolina General Statutes includes the four exemptions listed in the following subsection.): A subdivision exemption shall be approved only upon a finding that the division of land is:

(1) a combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots meet or exceed the minimum standards of this Ordinance;

(2) A division of land into parcels greater than 10 acres in area where no street right-of-way dedication is involved;

(3) The public acquisition by purchase of strips of land for the widening or opening of streets; or,
5. **Minor Subdivision**

a) **Purpose:** The purpose of this section and Article 7: Subdivision Standards is to promote the health, safety, morals, convenience, order, prosperity, and welfare of the present and future inhabitants of the Town by:

1. providing for the orderly growth and development of the Town;
2. coordinating streets/roads within proposed subdivisions with any Town transportation plans and other public facilities;
3. coordinating pedestrian and bicycle facilities within proposed subdivisions with any Town plans for such facilities;
4. providing right-of-way for streets and utility easements;
5. avoiding congestion/overcrowding and encouraging the proper arrangement of streets in relation to existing or planned streets;
6. ensuring adequate open space and recreation facilities to serve development; and,
7. ensuring there is proper recordation of landownership or property owner association records, where applicable.

b) **Applicability:**

1. General Application: The review procedures in this section and standards in Article 7: Subdivision Standards shall apply to minor subdivisions, as defined in Article 11: Definitions:
2. Subdivision Plat Approvals Required:
   a) No subdivision may take place until both a subdivision preliminary plat and final plat for the subdivision are approved in accordance with this section.
   b) Preliminary plat approval shall be required prior to final plat approval or installation of infrastructure proposed as part of the subdivision.
   c) Final plat approval shall be required before any conveyance of proposed lots or the submittal of any application for a building permit authorizing the development on any lot or parcel proposed as part of the subdivision.
3. Exemptions: A division of land that does not fall within the definition of subdivision as defined by North Carolina General Statutes shall be assessed in accordance with statutes.

c) **Initiation:** Applications for approval of a subdivision preliminary plat, final plat, or subdivision exemption may be initiated by any person who may submit applications in accordance with Section 3.A.1: Authority to File Applications.

d) **Preliminary Plat Required for All Subdivisions:**

1. A preliminary plat shall be required for all subdivisions, including group developments.
2. The preliminary plat shall be prepared by a registered land surveyor, registered landscape architect, registered architect, or licensed engineer, and shall be prepared in accordance with the specifications of Appendix 1: Map Standards.

e) **Minor Subdivision Preliminary Plat Approval:**

1. Basic Procedure for Minor Subdivision Review: Except as modified by Sections 3.B.6.(e)(2)(o) below, procedures and requirements for the submission, completeness determination, review, recommendation, hearing, and decision on minor subdivision applications are as established in Section 3.A: Common Review Procedures.
2. Review and Action by Administrator or Planning Board: The Administrator shall review and take action on the application in accordance with the procedures of Section 3.A.10: Decision by Administrator and the standards in Section 3.B.6.(j) and Article 7: Subdivision Standards. The Administrator will reserve the right to seek Planning Board approval for minor subdivisions at his/her discretion.
3. Conditions of Approval: In approving a minor subdivision (preliminary plat), the Administrator may impose appropriate conditions on the approval in accordance with Section 3.A.16: Conditions of Approval.
(4) Appeal: An appeal from the Administrator’s decision on a minor subdivision application shall be reviewed and decided by the BOA in accordance with Section 3.A.18: Appeal.

(5) Revision of Application: In cases where revision of the application is required, the applicant shall be provided 45 business days to revise the application. If a revised preliminary plat application is not received within this timeframe, it shall be considered withdrawn. Upon receipt of a revised application within the appropriate timeframe, the Administrator shall review and take action on the revised application in accordance with the procedures of Section 3.A.10: Decision by Administrator and standards in Section 3.B.6.(j) and Article 7: Subdivision Standards.

(6) Appeal: An appeal from the Planning Board’s decision on a preliminary plat application shall be reviewed and decided by the BOA in accordance with Section 3.A.18: Appeal.

f) Minor and Major Preliminary Plat Approval by Guilford County Environmental Health Division: A preliminary plat that does not have public sewer available shall be submitted for approval by the Environmental Health Division of the Guilford County Health Department or the State of North Carolina prior to final preliminary plat approval. The following approval procedure shall be utilized:

1. **For individual septic tanks systems:** A health drawing or plot plan for each lot shall be submitted to the County with every preliminary plat in accordance with the specifications of Appendix 1: Map Standards or submission of a soils evaluation prepared by a soils engineer or other professional permitted by North Carolina General Statutes to the County with every preliminary plat and approved by the Environmental Health Division of the Guilford County Health Department.

2. **For community or alternate sewage systems:** A soils evaluation with all required information and prepared by a soils engineer or other professional permitted by North Carolina General Statutes shall be submitted to the State. Evidence of submission and approval by the State will be required by both the County and the Town.

3. The Environmental Health Manager will sign and date each preliminary plat prior to its return to the Town.

g) Expiration:

1. Preliminary plat approval shall automatically expire if an application for approval of a final plat, including every phase of the subdivision, is not submitted within two years after the date of preliminary plat approval. A change in ownership of the land shall not affect this time period.

2. Upon written request submitted at least 30 days before expiration of the two-year period provided in Section 3.B.6.(i)(1) and upon a showing of good cause, the Administrator may grant one extension not to exceed six months for the applicant to submit required final plat applications.

h) Minor and Major Preliminary Plat Standards: A preliminary plat shall be approved only upon a finding that all of the following standards are met:

1. the development complies with the applicable standards in Article 7: Subdivisions;
2. the development complies with all other applicable standards in this Ordinance;
3. the development complies with all requirements or conditions of any applicable development approvals (e.g., PD Master Plan and PD Terms and Conditions; Conditional Rezoning); and,
4. the development complies with all other applicable Town regulations.

i) Effect of Approval of Preliminary Plat: Approval of a preliminary plat shall constitute approval of the general layout and shapes of subdivision lots and open spaces and the layout, alignment, and design of the streets, utility lines, and other public infrastructure serving the subdivision. Approval of a preliminary plat allows the applicant to prepare construction plans for approved streets, installation of approved utilities and public infrastructure, and preparation and submittal of a final plat for all or part of the subdivision. Approval of a preliminary plat does not constitute approval of a final plat or authorize the conveyance of proposed lots or parcels.

j) Inspection of Public Improvements and Performance Guarantees: Before submitting an application for approval of a final plat, the applicant shall submit a request for inspection of all required public improvements to the Administrator or to the...
County if authorized by the Administrator. To the extent that any required improvements are not approved as complete, the applicant shall provide a performance guarantee in accordance with Section 7.F: Performance and Maintenance Guarantees for the incomplete improvements.

k) Amendments: A preliminary plat may be amended, extended, or modified only in accordance with the procedures and standards established for its original approval.

6. Temporary Use (Event) Permit

   a) Applicability: The provisions of this section shall apply to all temporary uses identified in Table 4.G.2: Temporary Uses and Events as well as any temporary uses and events similar in nature as may be interpreted by the Administrator under duties set forth in Section 4.F.1.(d).

   b) Procedure:

      (1) Basic Procedures: Except as modified by Sections 3.B.9.(d)(2)–(5) below, procedures and requirements for the submission, completeness determination, review, recommendation, hearing, and decision on applications are as established in Section 3.A: Common Review Procedures.

      (2) Review and Action by Administrator: The Administrator shall review and take action on the application in accordance with the procedures and requirements of Section 3.A.10: Decision by Administrator and the standards in Section 4.J: Temporary Use and Event Standards.

      (3) Conditions of Approval: In approving a temporary use permit, the Administrator may impose appropriate conditions on the approval in accordance with Section 3.A.16: Conditions of Approval.

      (4) Appeal: An appeal of the Administrator's decision on a temporary use permit application shall be reviewed and approved by the BOA in accordance with Section 3.A.1: Appeal.

      (5) Expiration: A temporary use permit shall be effective beginning on the date specified in the permit approval and shall remain effective for the period indicated on the permit.

   c) Temporary Use Permit Standards: A temporary use permit shall be approved only upon a finding that the temporary use, as proposed, complies with the relevant standards in Section 4.J: Temporary Use and Event Standards.

   d) Renewal or Amendment: A temporary use permit may be renewed or amended only in accordance with the procedures and standards established for its original approval and consistent with Section 4.J.6: Conditions for Permit Renewal or Amendment.

7. Sign Permit

   a) Purpose and Intent: As authorized by NCGS § 160A-174, the purpose of this section is to regulate the type, number, placement and scale (size and height), quality of material, construction, erection, alteration, illumination, display, use, maintenance and removal of signs in the Town. In addition, the purpose of this section is to:

      (1) reduce excess and distracting signage and sign clutter;
      (2) encourage the innovative use of design;
      (3) promote both renovation and proper maintenance to ensure that permitted signs don't become a hazard or nuisance;
      (4) protect the public interest in the creation, maintenance, safety, and appearance of streets and highways;
      (5) promote safety and an attractive and visually-harmonious environment for visitors and business interests;
      (6) preserve and increase property values in both residential and non-residential areas;
      (7) prevent the overcrowding of land;
      (8) be sensitive to and recognize the need for local businesses to adequately identify their products and services and to provide reasonable regulations while safeguarding their interests;
      (9) prevent the over-concentration, improper placement, and excessive height, bulk, number, and area of signs;
      (10) encourage signs that will enhance community appearance and help create an aesthetic environment that contributes to the ability of the community to attract sources of economic development and growth;
(11) allow for adequate and effective signs for communicating identification while preventing signs from dominating the visual appearance of the area in which they are located;
(12) create a more productive, enterprising, and professional business atmosphere; and,
(13) promote a positive appearance and aesthetically-pleasing overall environmental setting as part of a community-wide effort to protect and enhance the quality of life for residents and visitors.

b) Applicability:

(1) General Application: Except for signs exempted in accordance with Section 6.I: Exemptions, a sign permit approved in accordance with the procedures of this section and the standards of Section 6.I: Sign Regulations is required before any sign may be erected or altered in the Town.

(2) Exemptions: Certain types of signs, as specified in Section 6.I: Exempt Signs are exempt from the requirement to obtain a sign permit:

c) Initiation: An application for a sign permit may be initiated by any person who may submit applications in accordance with Section 3.A.1: Authority to File Applications.

d) Procedure:

(1) Basic Procedures: Except as modified by Sections 3.B.10.(d)(2)–(4) below, procedures and requirements for the submission, completeness determination, review, recommendation, hearing, and decision on applications are as established in Section 3.A: Common Review Procedures.

(2) Review and Action by Administrator: The Administrator shall review and take action on the application in accordance with the procedures of Section 3.A.10: Decision by Administrator and the standards in Section 6.I: Sign Regulations.

(3) Conditions of Approval: In approving a sign permit, the Administrator may impose appropriate conditions on the approval in accordance with Section 3.A.16: Conditions of Approval.

(4) Appeal: An appeal from the Administrator’s decision on a sign permit application shall be reviewed and decided by the BOA in accordance with Section 3.A.18: Appeals.

C. Procedures for Decisions by Planning Board

This section includes the individual review procedures, standards, and related information for each of the applications for development permits and approvals, as summarized in Table 2.B.1: Development Review Responsibilities. The general flow is as follows:

**PROCESS FOR THE FOLLOWING REQUESTS FOR:**

1. Major Site Plan
2. Major Subdivision

   > Each begins with a pre-submittal conference, if desired, followed by…
   > submission of complete application/materials followed by…
   > informational meeting, if desired, followed by…
   > Town staff review and report followed by…
   > Planning Board decision followed by…
   > Guilford County Health Department review of water and septic.
1. **Major Site Plan**

   a) **Purpose:** Site plan review is intended to ensure that the layout and general design of proposed development is compatible with surrounding uses and complies with all applicable standards in this Ordinance and all other applicable Town regulations. The purpose of this section is to establish the procedure and standards for review and approval of site plans.

   b) **Applicability:**

      (1) **Major Site Plans:** The following developments shall be required to have a major site plan approved by the Town in accordance with this section before issuance of a building permit:

         a) new non-residential or multi-family development with two or more buildings;
         b) new single-building, non-residential development or additions with 2,500 ft² or more in gross floor area;
         c) new single-building, multi-family development with five or more dwelling units;
         d) zero-lot-line development; and,
         e) any site plan linked to a special use permit.

      (2) **Exemptions:** None.

   c) **Initiation:** An application for site plan approval may be initiated by any person who submits an application in accordance with Section 3.A.1: Authority to File Applications.

   d) **Major Site Plan Procedure:**

      (1) **Basic Procedures:** Except as modified by Sections 3.B.5.(e)(2)-(4), procedures and requirements for the submission, completeness determination, review, recommendation, and decision on applications are as established in Section 3.A: Common Review Procedures. Specific steps to be completed before any publicly-noticed meeting include:

         a) optional pre-submittal conference with Town staff per Section 3.A.6;
         b) submittal of complete application per Section 3.A.8. and 9; and,
         c) staff review and report on the complete application (Section 3.A.10 and 11).

      (2) **Optional Pre-Submittal Conference:** Before preparing a complete application, the applicant may meet with the Administrator to review a sketch plan prepared in accordance with Section 3.A.5.(a).

      (3) **Review and Comments by Administrator:**

         a) **Initial Review:** A major site plan shall be reviewed by the Administrator consistent with the provisions of Section 3.B.5.(f): Site Plan Standards and Appendix 1: Map Standards. The Administrator’s written response shall detail any deficiencies with respect to site details that do not comply with any Ordinance provision.

         b) **Incorporation of Staff Comments and Resubmission:** The applicant shall incorporate comments made by the Administrator into a revised site plan. The Administrator shall reserve the right to require subsequent resubmissions if staff comments are not sufficiently addressed.

      (4) **Review and Action by Planning Board:**

         a) The Planning Board shall review the major site plan to consider the application, consistency with the Comprehensive Plan, relevant support materials, and the staff comments and make its decision based on the application’s compliance with Ordinance standards. The Planning Board shall determine whether the major site plan application complies with the standards in Section 3.B.5.(f): Site Plan Standards and other standards of this Ordinance. The Board shall, by a majority vote of a quorum present, take one of the following actions: 1) approve the application; 2) conditionally approve the application; 3) continue consideration of the application; or, 4) deny the application.

         b) In cases where revision of the application is required, the applicant shall be provided 45 business days for revisions. If a revised major site plan application is not received within that timeframe, it shall be considered withdrawn. Upon receipt of a revised application within the appropriate timeframe, the Administrator shall review and take action on the revision.
(5) Appeal: An appeal from the Planning Board’s decision on a major site plan application shall be reviewed and decided by the BOA in accordance with Section 3.A.18: Appeal.

e) Site Plan Standards: A site plan shall be approved only upon a finding that all of the following standards are met:

(1) the development complies with the applicable district and use-specific standards;
(2) the development complies with all other applicable standards in this Ordinance;
(3) the development complies with all requirements or conditions of any applicable development approvals (e.g., PD Master Plan and PD Terms and Conditions; Conditional Rezoning); and,
(4) the development complies with all other applicable Town and other governmental regulations.

f) 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 at the applicant’s own risk.

g) Performance Guarantees: The submittal of a performance bond or guarantee may be approved where required street paving and other on-site or off-site public infrastructure or required landscaping and other private site improvements have not been installed or completed for good cause in accordance with the standards in Section 7.F: Performance and Maintenance Guarantees.

h) Expiration of Site Plan or Plot Plan Approval: Approval shall expire and a new site plan or plot plan is required in accordance with the procedures in this section if construction or development does not begin within two years following site plan or plot plan approval or if it is begun within two years and is then discontinued for a period greater than 180 days. A change in ownership of the land shall not affect this time period.

i) Amendments: Except for minor deviations as defined below, a site plan may be amended, extended, or modified only in accordance with the procedures and standards established for its original approval.

(1) Minor Deviations: Minor deviations to an approved site plan are modifications that, in the opinion of the Administrator, do not constitute an amendment and can be considered as a minor deviation in accordance with Section 3.B.5.(j)(2): Minor Deviations from Site Plan and Conditions.

(2) Minor Deviations from Site Plan and Conditions:

(a) Subsequent plans and permits for development under an approved site plan may include minor deviations from the site plan or its conditions, provided such deviations are limited to changes addressing technical considerations that could not reasonably be anticipated during the site plan approval process or any other change that has no material effect on the character of the approved site plan or any of its approved conditions. The following shall constitute minor deviations: 1) structure floorplan revisions; 2) minor shifts in building size or location; or, 3) facility design modifications for amenities and the like.

(b) Changes that materially affect the basic concept of the site plan or basic parameters set by the site plan conditions are not considered minor deviations, and shall only be changed as amendments to the site plan per Section 3.B.5.(j).

j) Street and Utility Construction:

(1) Plans: When required, street and utility construction plans for all public or private streets, water, sanitary sewer, and storm sewer facilities shall be submitted to the Administrator (or to the County as authorized by the Administrator) following conditional approval or approval of the site plan. For each phase of the site plan, 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 the section and being required to serve that section.

(2) No Construction without Plan Approval: None of the improvements listed above shall be constructed until the street and utility construction plans for such improvements have been reviewed and approved by the appropriate authority.

(3) Inspections: Work performed pursuant to approved street and utility construction plans shall be inspected and approved by the appropriate authority.
k) Permits: Upon approval of the site plan, the developer shall be eligible to apply for building and any other permits and authorizations as required by this Ordinance or other laws, unless otherwise provided in this Ordinance.

2. Major Subdivision

a) Purpose: The purpose of this section and Article 7: Subdivision Standards is to promote the health, safety, morals, convenience, order, prosperity, and welfare of the present and future inhabitants of the Town by:

(1) providing for the orderly growth and development of the Town;
(2) coordinating streets and roads within proposed subdivisions with the Town's transportation plan(s) and with other public facilities;
(3) coordinating pedestrian and bicycle facilities within proposed subdivisions with the Town's plan(s) and policies for such facilities;
(4) providing right-of-way for streets and utility easements;
(5) avoiding congestion/overcrowding and encouraging the proper arrangement of streets in relation to existing or planned streets;
(6) ensuring there is adequate open space and recreation facilities to serve development; and,
(7) ensuring there is proper recordation of land ownership or property owner association records, where applicable.

b) Applicability:

(1) General Application: The review procedures in this section and standards in Article 7: Subdivision Standards shall apply to major subdivisions as defined in Article 11: Definitions.

(2) Subdivision Plat Approvals Required:

(a) No subdivision may take place until both a subdivision preliminary plat and final plat for the subdivision are approved in accordance with this section.

(b) Preliminary plat approval shall be required prior to final plat approval or installation of infrastructure proposed as part of the subdivision.

(c) Final plat approval shall be required before any conveyance of proposed lots or the submittal of any application for a building permit authorizing the development on any lot or parcel proposed as part of the subdivision.

(3) Exemptions: A division of land that does not fall within the definition of a “subdivision” as defined by North Carolina General Statutes shall be assessed in accordance with North Carolina General Statutes.

c) Initiation: Applications for approval of a subdivision preliminary plat, final plat, or subdivision exemption may be initiated by any person who may submit applications in accordance with Section 3.A.1: Authority to File Applications.

d) Preliminary Plats Required for All Subdivisions: A preliminary plat shall be required for all subdivisions. It shall be prepared by a registered land surveyor, registered landscape architect, registered architect, or licensed engineer and shall be prepared in accordance with the specifications of Appendix 1: Map Standards.

e) Major Subdivision Preliminary Plat Approval:

(1) Basic Procedures: Except as modified by Sections 3.B.5.(f)(2)-(5), procedures and requirements for the submission, completeness determination, review, recommendation, and decision on applications are as established in Section 3.A: Common Review Procedures. Specific steps to be completed before review of the application by the Planning Board include:

(a) optional pre-submittal conference with Town staff per Section 3.A.6;
(b) submittal of complete application per Section 3.A.8. and 9; and,
(c) staff review and report on the complete application (Section 3.A.10 and 11).

(2) Optional Pre-Submittal Conference: Before preparing a complete application, the applicant may meet with the Administrator to review a sketch plan prepared in accordance with Section 3.A.5.(a).
(3) Formal Application:

(a) Initial Review by Administrator: The preliminary plat shall be reviewed by the Administrator, consistent with the provisions of Article 7: Subdivision Standards and Appendix 1: Map Standards. The Administrator’s written response shall detail any deficiencies with respect to any preliminary plat or subdivision details that do not comply with any provision in this Ordinance.

(b) Incorporation of Staff Comments and Resubmission: The applicant shall incorporate comments made by the Administrator into a revised preliminary plat. The Administrator shall reserve the right to require subsequent resubmissions if staff comments are not sufficiently addressed.

(c) Review and Action by Planning Board: The Planning Board shall review the preliminary plat to consider the application, relevant support materials, and staff comments and make its decision based on the application’s compliance with the standards in Section 3.B.6.(j) and Article 7: Subdivision Standards. If the Planning Board determines that the preliminary plat application complies with the subdivision standards, the Board shall, by a majority vote of a quorum present, take one of the following actions: 1) approval as submitted; 2) conditional approval; 3) denial; or, 4) continuance.

(4) Revision of an Application: In cases where revision of the application is required, the applicant shall be provided 45 business days to revise the application. If a revised preliminary plat application is not received within that timeframe, the application shall be considered withdrawn. Upon receipt of a revised application within the appropriate timeframe, the Administrator shall review and take action on the revised application in accordance with the procedures of Section 3.A.10: Decision by Administrator and the standards in Section 3.B.6.(j) and Article 7: Subdivision Standards.

(5) Appeal: An appeal from the Planning Board’s decision on a preliminary plat application shall be reviewed and decided by the BOA in accordance with Section 3.A.18: Appeal.

f) Minor and Major Preliminary Plat Approval by the County Environmental Health Division: A preliminary plat that does not have public sewer available shall be submitted for approval by the Environmental Health Division of the Guilford County Health Department or the State of North Carolina prior to final preliminary plat approval. The following approval procedure shall be utilized:

(1) For individual septic tanks systems: A health drawing or plot plan for each lot shall be submitted to the County with every preliminary plat in accordance with the specifications of Appendix 1: Map Standards or a soils evaluation shall be submitted. The soils evaluation must be prepared by a soils engineer or other professional permitted by North Carolina General Statutes and it must be submitted to the County with every preliminary plat and it must be approved by the Environmental Health Division of the Guilford County Health Department.

(2) For community or alternate sewage systems: A soils evaluation prepared by a soils engineer or other professional permitted by North Carolina General Statutes shall be submitted with all required information to the State. Evidence of submission and approval by the State of North Carolina will be required to both the County and the Town.

(3) The Environmental Health Manager must sign and date each preliminary plat prior to its return to the Town.

g) Expiration:

(1) Preliminary plat approval shall automatically expire if an application for approval of a final plat, including every phase of the subdivision, is not submitted within two years after the date of preliminary plat approval. A change in ownership of the land shall not affect this time period.

(2) Upon written request submitted at least 30 days before expiration of the two-year period provided in Section 3.B.6.(j)(1) and upon a showing of good cause, the Administrator may grant one extension not to exceed six months for the applicant to submit required final plat applications.

h) Minor and Major Preliminary Plat Standards: A preliminary plat shall be approved only upon a finding that all of the following standards are met:

(1) The development complies with the applicable standards in Article 7: Subdivisions;
(2) The development complies with all other applicable standards in this Ordinance;

(3) The development complies with all requirements or conditions of any applicable development approvals (e.g., PD Master Plan and PD Terms and Conditions; Conditional Rezoning); and,

(4) The development complies with all other applicable Town regulations.

i) Effect of Approval of Preliminary Plat: Approval of a preliminary plat shall constitute approval of the general layout and shape of subdivision lots and open space layout, alignment, and design of the streets, utility lines, and other public infrastructure serving the subdivision. Preliminary plat approval allows the applicant to proceed with construction of approved streets, installation of approved utilities and public infrastructure, and preparation and submittal of a final plat for all or part of the subdivision. This approval does not constitute approval of a final plat or authorize the conveyance of proposed lots or parcels.

j) Inspection of Public Improvements and Performance Guarantees: Before submitting an application for approval of a final plat, the applicant shall submit a request for inspection of all required public improvements to the Administrator (or to the County as may be authorized by the Administrator). To the extent that any required improvements are not approved as complete, the applicant shall provide a performance guarantee in accordance with Section 7.F: Performance and Maintenance Guarantees for the incomplete improvements.

k) Amendments: A preliminary plat may be amended, extended, or modified only in accordance with the procedures and standards established for its original approval.

l) Minor and Major Final Plat Approval:

(1) Procedure:

(a) Basic Procedures: Except as modified by Sections 3.B.6(n)(1)h–h, procedures and requirements for the submission, completeness determination, review, recommendation, and decision on applications are as established in Section 3.A: Common Review Procedures.

(b) Application Submission: No application for approval of a final plat for a subdivision or an approved phase of a subdivision shall be submitted unless: 1) a subdivision preliminary plat is approved and is unexpired; and, 2) construction and installation of all public improvements approved as part of the subdivision plan for the subdivision section or phase are inspected and approved as complete or a performance guarantee for incomplete improvements is provided in accordance with Section 7.F: Performance and Maintenance Guarantees.

(c) Review and Action by Administrator: The Administrator shall review and take action on the application in accordance with the procedures of Section 3.A.10: Decision by Administrator and the standards in Section 3.B.6.(n)(2): Final Plat Standards. If the final plat is approved, the Administrator shall enter certificates of approval and acceptance of dedication to public use of any right-of-way, easements, public improvements, parks, and open space shown on the plat.

(d) Conditions of Approval: In approving a final plat, the Administrator may impose appropriate conditions on the approval in accordance with Section 3.A.16: Conditions of Approval.

(e) Appeal: An appeal from the Administrator’s decision on a final plat application shall be reviewed and decided by the BOA in accordance with Section 2.A.4.

(f) Certification: If the final plat application is approved, the applicant shall revise it as necessary to incorporate any conditions of approval and any required certification forms and signatures and shall submit the revised plat to the Administrator within 15 days after the date of approval. Upon determining that the plat is properly revised, the Administrator shall enter onto the plat a signed certification that the plat is approved by the Town in accordance with this Ordinance, along with any other certifications as may be appropriate.

(g) Recordation: The applicant shall file an approved and certified final plat with the Guilford County Register of Deeds for recording and shall provide proof of recording to the Administrator.

(h) Expiration: Final plat approval shall automatically expire if the plat is not recorded with the Guilford County Register of Deeds within 60 days after the date it is certified as approved.
(2) Final Plat Standards: A final plat shall be approved only upon a finding that all of the following standards are met:

(a) the final plat is in substantial conformity with the approved subdivision plat;
(b) the final plat complies with the standards in Article 7: Subdivision Standards;
(c) the final plat complies with all other relevant provisions of this Ordinance;
(d) the final plat complies with all other relevant Town regulations; and,
(e) the final plat includes all required certificates.

(3) Effect of Approval of Final Plat: Approval of a final plat allows an applicant to proceed with recording the plat and conveying the platted lots by reference to the recorded plat.

(4) Amendment: An approved final plat may be amended or modified only in accordance with the procedures and standards established for its original approval. If the final plat is recorded and lots or parcels conveyed to others, any application to amend the final plat that proposes to alter the layout or size of any street, alley, or other accessway or open space shall be submitted by the owners of all the lots or parcels shown on the originally-approved and recorded final plat. Applications seeking to modify a single lot line or other modifications not affecting streets or open space areas shall not require application of all owners within the final plat.

(5) Acceptance of Dedications: Approval of a final plat and recordation of the plat with the Guilford County Register of Deeds shall, unless otherwise specified on the plat, constitute the acceptance of the dedication to public use of any right-of-way, easements, completed public improvements, and public parks or open space as shown on the final plat. This acceptance of dedication shall not constitute or imply a responsibility of the Town or other public agency to open or maintain such right-of-way, easements, public improvements, or parks or open space until so determined by the Town Council or other public agency.

D. Procedures for Decisions by Town Council

This section includes the individual review procedures, standards, and related information for each of the applications for development permits and approvals, as summarized in Table 2.B.1: Development Review Responsibilities. The general flow is as follows:

**PROCESS FOR THE FOLLOWING REQUESTS FOR:**

1. Map Amendment (General Rezoning)
2. Map Amendment (Conditional Rezoning)
3. Text Amendment
4. Planned Area Development (PD)

> Each begins with a pre-submittal conference, if desired, followed by…

> submission of complete application/materials followed by…

> informational meeting, if desired, followed by…

> Town staff review and report followed by…

> Planning Board recommendation followed by…

> Town Council hearing and decision.
1. Map Amendment (General Rezoning)

   a) Purpose: The purpose of this section is to provide a uniform means for amending the Official Zoning Map (Rezoning). Map amendments include all boundary changes for base zoning districts, overlay zoning areas, or planned area development districts.

   b) Authority: Town Council may adopt an ordinance amending the Official Zoning Map upon compliance with the provisions of this section.

   c) Initiation: An application to amend the Official Zoning Map (Rezoning) may be initiated by the Town Council, Planning Board, Administrator, or a person who submits applications in accordance with Section 3.A.1: Authority to File Applications.

   d) Conditional Rezonings Distinguished:

      (1) Applications for an amendment to the Official Zoning Map (Rezoning) that are accompanied by applicant-sponsored conditions or limitations shall be considered as applications for conditional rezoning, and shall be reviewed in accordance with this section and Section 3.B.2: Conditional Rezoning.

      (2) At no time shall an application for an amendment to the Official Zoning Map (Rezoning) be converted into an application for a conditional rezoning, nor shall an application for a conditional rezoning be converted into an application for an amendment to the Official Zoning Map (Rezoning). Such conversions shall require withdrawal and re-submittal of a new application.

   e) Procedure:

      (1) Basic Procedures: Except as modified by Sections 3.B.1.(e)(2)-(6), procedures and requirements for the submission, completeness determination, review, recommendation, hearing, and decision on applications are as established in Section 3.A: Common Review Procedures. Specific steps to be completed before review of the application by the Planning Board include:

         (a) optional pre-submittal conference with Town staff per Section 3.A.6;

         (b) submittal of complete application per Section 3.A.8. and 9;

         (c) optional informational meeting with area residents and property owners per Section 3.A.7; and,

         (d) staff review and report on the complete application (Section 3.A.10 and 11).

      (2) Review and Recommendation by Planning Board:

         (a) Following staff review, the Planning Board shall hold a publicly-noticed meeting with a comment period (not a formal public hearing) concerning the application in accordance with Section 3.A.13: Public Notification. After close of the comment period, the Planning Board will make a decision based upon the application, consistency with the Comprehensive Plan and other Town-adopted plans, relevant support materials, staff report, and any comments given by the public. Upon making a decision, the Planning Board, by a majority vote of a quorum present, shall adopt a written recommendation for one of the following actions based on the standards in Section 3.B.1.(g): Map Amendment Standards: 1) approval as submitted; 2) denial; or, 3) continuance of the meeting.

         (b) In making its recommendation, the “[P]lanning [B]oard 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. The [P]lanning [B]oard shall provide a written recommendation to the [Town Council] that addresses plan consistency and other matters as deemed appropriate by the [P]lanning [B]oard, but a comment by the [P]lanning [B]oard that a proposed amendment is inconsistent with the [C]omprehensive [P]lan shall not preclude consideration or approval of the proposed amendment by the [Town Council].”

            (Note: The preceding quoted language directly reflects NCGS § 160A-383.)

      (3) Public Hearing, Review, and Decision by Town Council:

         (a) Following staff review and receipt of the Planning Board’s recommendation, Town Council shall conduct a standard public hearing on the application in accordance with Section 3.A.13: Public Notification and Section 3.A.14: Standard Public Hearing Procedures. After close of the hearing, Town Council shall consider
the application, consistency with the Comprehensive Plan, relevant support materials, staff report, Planning Board recommendation, and any comments given by the public. Town Council, by a majority vote of a quorum present or any super-majority vote required in accordance with Section 3.B.1.(f): Protest Petitions, shall take one of the following actions based on the standards in Section 3.B.1.(g): Map Amendment Standards: 1) approval as submitted; 2) denial; 3) remand back to the Planning Board for further consideration; or, 4) continuance of the hearing.

(b) “Zoning regulations shall be made in accordance with a comprehensive plan. When adopting or rejecting any zoning amendment, the [Town Council] shall also approve a statement describing whether its action is consistent with an adopted comprehensive plan and any other officially adopted plan that is applicable, and briefly explain why the [Town Council] considers the action taken to be reasonable and in the public interest. That statement is not subject to judicial review.” (Note: The preceeding quoted language directly reflects NCGS § 160A-383.) Town Council will approve a Statement of Consistency and Reasonableness to describe its decision in these statutorily-outlined terms.

(c) Expiration: Approval of an amendment to the Official Zoning Map (Rezoning) shall not expire, but the amended map is subject to further amendment in accordance with amendment procedures set forth in this section.

(f) Map Amendment (Rezoning) Standards: Amending the Official Zoning Map (Rezoning) is a matter committed to the legislative discretion of Town Council. In evaluating the proposed amendment, consideration should include all uses permitted in that district. In determining whether to adopt or deny a proposed amendment, the Town shall consider and weigh whether and the extent to which the proposed amendment:

(1) is consistent with all Town-adopted plans that are applicable;
(2) is needed because there are changed conditions that require an amendment;
(3) addresses a demonstrated community need;
(4) is compatible with existing and proposed uses surrounding the subject land and whether it is the appropriate zoning district for the land;
(5) would result in a logical and orderly development pattern or deviate from logical and orderly development patterns;
(6) would encourage premature development;
(7) would result in strip or ribbon commercial development;
(8) would result in the creation of an isolated zoning district unrelated to and not serving adjacent and surrounding districts;
(9) would result in significant adverse impacts on property values of surrounding lands; and,
(10) would result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

2. Map Amendment (Conditional Rezoning)************************************************************************

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

b) Initiation: In accordance with North Carolina General Statutes, an application for a conditional rezoning may be initiated only by the owner(s) of all the property to be included in the proposed conditional zoning district.

c) Procedure:

(1) Basic Procedures: Except as modified by Sections 3.B.2.(c)(2)-(11), procedures and requirements for the submission, completeness determination, review, recommendation, hearing, and decision on applications are as established in Section 3.A: Common Review Procedures. Specific steps to be completed before any public hearing on the application include:

(a) optional pre-submittal conference with Town staff per Section 3.A.6;
(b) submittal of complete application per Section 3.A.8. and 9;
(c) optional informational meeting with area residents and property owners per Section 3.A.7; and,
(d) staff review and report on the complete application (Section 3.A.10 and 11).

(2) Optional Pre-Submittal Conference: For conditional rezoning requests, the pre-submittal conference required under Section 3.A.6 shall include a meeting with Town staff, preferably on-site, to discuss a sketch plan of the proposed development conditions and to identify environmentally-sensitive and/or rural-character preservation areas that should be incorporated into the sketch plan prior to filing for rezoning.

(3) Optional Informational Meeting: After any pre-submittal conference but before the submittal of a formal application, an informational meeting can be held; it shall be held in accordance with the requirements of Section 3.A.7.

(4) Application to Include Conditions for Development: The application shall include a sketch plan that depicts the conditions upon which the property will be developed, including the general configuration and relationship of the principle elements, including uses, general building types, density/intensity, resource protection, pedestrian and vehicular circulation, stormwater management, and open space. The application shall include mapped and written conditions proposed by the applicant consistent with the provisions of Section 3.B.2.(c)(10): Conditions of Approval.

(5) Review and Consideration of Potential Vested Rights: The Administrator shall review and consider the proposed plan for potential vested rights and shall advise both the applicant and the approving authority of potential vested rights in accordance with NCGS § 160A-385.1. A plan showing the information specified by North Carolina General Statutes definition of a “site-specific development plan” shall be used for review and consideration.

(6) Review and Staff Report by Administrator: Before review by the Planning Board, the application shall be reviewed by the Administrator, who may suggest revisions to the proposed conditions consistent with the provisions of Section 3.B.2.(c)(10): Conditions of Approval. Only those revisions agreed to in writing by the applicant shall be incorporated into the application and may be reflected in the staff report.

(7) Review and Recommendation by Planning Board:

(a) Following staff review, the Planning Board shall hold a publicly-noticed meeting with a comment period (not a formal public hearing) concerning the application in accordance with Section 3.A.13: Public Notification. After close of the comment period, the Planning Board will make a decision based upon the application, consistency with the Comprehensive Plan and other Town-adopted plans, relevant support materials, staff report, and any comments given by the public. Upon making a decision, the Planning Board, by a majority vote of a quorum present, shall adopt a written recommendation for one of the following actions based on the standards in Section 3.B.1.(g): Map Amendment Standards: 1) approval as submitted; 2) denial; or, 3) continuance of the meeting.

(b) As part of its review of the application, the Planning Board may suggest revisions to the proposed conditions, consistent with the provisions of Section 3.B.2.(c)(10): Conditions of Approval. Only those revisions agreed to in writing by the applicant shall be incorporated into the application.

(c) In making its recommendation, the “[P]lanning [B]oard 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. The [P]lanning [B]oard shall provide a written recommendation to the [Town Council] that addresses plan consistency and other matters as deemed appropriate by the [P]lanning [B]oard, but a comment by the [P]lanning [B]oard that a proposed amendment is inconsistent with the [C]omprehensive [P]lan shall not preclude consideration or approval of the proposed amendment by the [Town Council]."

(8) Public Hearing, Review, and Decision by Town Council:

(a) Following staff review and receipt of the Planning Board’s recommendation, Town Council shall conduct a standard public hearing on the application in accordance with Section 3.A.13: Public Notification and Section 3.A.14: Standard Public Hearing Procedures. After close of the hearing, Town Council shall consider the application, consistency with the Comprehensive Plan, relevant support materials, staff report, Planning Board recommendation, and any comments given by the public.
(b) As part of its review of the application, Town Council shall review the proposed conditions and may suggest revisions to the proposed conditions, consistent with provisions of Section 3.B.2.(c)(10): Conditions of Approval.

(c) Town Council, by a majority vote of a quorum present or any super-majority vote required in accordance with Section 3.B.1.(f): Protest Petitions, shall take one of the following actions based on the standards in Section 3.B.1.(g): Map Amendment Standards: 1) approval as submitted; 2) approval with revised or additional conditions agreed to by the applicant, in writing; 3) denial; 4) remand back to the Planning Board for further consideration; or, 5) continuance of the hearing.

(d) “Zoning regulations shall be made in accordance with a comprehensive plan. When adopting or rejecting any zoning amendment, the [Town Council] shall also approve a statement describing whether its action is consistent with an adopted comprehensive plan and any other officially adopted plan that is applicable, and briefly explain why the [Town Council] considers the action taken to be reasonable and in the public interest. That statement is not subject to judicial review.” (Note: The proceeding quoted language directly reflects NCGS § 160A-383.) Town Council will approve a Statement of Consistency and Reasonableness to describe its decision in these statutorily-outlined terms.

(9) Conditions of Approval:

(a) Only conditions mutually agreed to by the owners of the property to be rezoned and the Town may be applied to a conditional zoning district.

(b) Conditions shall be limited to those that address conformance of development and use of the site with Town regulations and adopted plans and that address the impacts reasonably expected to be generated by the development or use of the site.

(c) Conditions may be in the form of text or of plans and maps.

(d) No condition shall be less restrictive than the standards of the parallel general use (base) zoning district, any applicable overlay zoning area standard, or other applicable requirement in this Ordinance.

(10) Expiration:

(a) If no application for approval of a subdivision preliminary plat or site plan (major or minor) for any part of the rezoned land is submitted within two years after approval of the conditional rezoning, the Administrator shall initiate a Map Amendment (Conditional Rezoning) application to rezone the land back to its prior zoning classification or any other base zoning classification determined to be appropriate. A change in ownership of the land shall not affect this time period. However, this period may be approved for up to five years under relevant circumstances as provided for in Section 3.B.2.(c)(11)b.

(b) For some developments, Town Council may provide that the expiration period noted under Section 3.B.2.(c)(11)a can exceed two years but shall not exceed five years, as warranted in light of all relevant circumstances, including but not limited to the size and phasing of development, the level of investment, the need for the development, economic cycles, and market conditions. Such a determination shall be in the sound discretion of Town Council. As a condition of approval when an extended expiration period is requested, the Town may require the applicant to submit a phased development plan. This condition is intended to be consistent with NCGS § 160A-385.1.(d) concerning the “duration and termination of vested right.”

(c) Upon written request submitted at least 30 days before expiration of the timeframe provided for in Section 3.B.2.(c)(11)a or b and upon a showing of good cause, the Administrator may grant one extension not to exceed six months for the applicant to submit required development applications.

d) Conditional Rezoning Standards: Review of and the decision on a Map Amendment (Conditional Rezoning) application shall be subject to the standards in Section 3.B.1.(g) Map Amendment (Rezoning) Standards.

e) Effect of Approval: Lands rezoned to a conditional zoning district shall be subject to the standards applicable to the parallel general use (base) zoning district, as modified by the more restrictive conditions proposed by the applicant and approved
by Town Council. The applicant shall record the restrictive conditions of approval with Guilford County Register of Deeds. These standards and modifying conditions are binding on the land as an amendment to this Ordinance and the Official Zoning Map. The applicant may apply for and obtain subsequent development permits and approvals only in accordance with the approved conditions and appropriate procedures and standards set forth in this Ordinance.

f) Minor Deviations from Conditions:

(1) Subsequent plans and permits for development within the conditional zoning district may include minor deviations from the approved conditions, provided such deviations are limited to changes addressing technical considerations that could not reasonably be anticipated during the conditional rezoning review process or any other change that has no material effect on the character of the approved conditional zoning district or any of its approved terms or conditions. The following shall constitute examples of minor deviations:

(a) floorplan revisions internal to the structure;
(b) minor shifts in building size or location; and,
(c) facility design modifications for amenities and the like.

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

g) Designation on Official Zoning Map: Designation of a conditional zoning district on the Official Zoning Map shall bear the same designation as the parallel general use (base) zoning district but shall also include the suffix “C” along with the case number approving the conditional rezoning.

3. Text Amendment

a) Purpose: The purpose of this section is to provide a uniform means for amending the text of this Ordinance.
b) Authority: Town Council may adopt an ordinance amending the text of this Ordinance upon compliance with the provisions of this section.
c) Initiation: An application to amend the text of this Ordinance may be initiated by Town Council, Planning Board, Administrator, an owner of land in the Town, or a person with a financial or other interest in land in the Town.
d) Procedure:

(1) Basic Procedures: Except as modified by Sections 3.B.3.(d)(2)–(6), procedures and requirements for the submission, completeness determination, review, recommendation, hearing, and decision on applications are as established in Section 3.A: Common Review Procedures. Steps to be completed before any public hearing on the application include:

(a) optional pre-submittal conference with Town staff per Section 3.A.6;
(b) submittal of complete application per Section 3.A.8. and 9; and,
(c) staff review and report on the complete application (Section 3.A.10 and 11).

(2) Review and Recommendation by Planning Board:

(a) Following staff review, the Planning Board shall hold a publicly-noticed meeting with a comment period (not a formal public hearing) concerning the application in accordance with Section 3.A.13: Public Notification. After close of the comment period, the Planning Board will make a decision based upon the application, consistency with the Comprehensive Plan and other Town-adopted plans, relevant support materials, staff report, and any comments given by the public. Upon making a decision, the Planning Board, by a majority vote of a quorum present, shall adopt a written recommendation for one of the following actions based on the standards in Section 3.B.1.(g): Map Amendment Standards: 1) approval as submitted; 2) denial; or, 3) continuance of the meeting.

(b) In making its recommendation, the “[P]lanning [B]oard 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. The [Planning] Board shall provide a written recommendation to the [Town 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 [Town Council]."

(Note: The preceding quoted language directly reflects NCGS § 160A-383.)

(3)  Public Hearing, Review, and Decision by Town Council:

(a) Following staff review and receipt of the Planning Board’s recommendation, Town Council shall conduct a standard public hearing on the application in accordance with Section 3.A.13: Public Notification and Section 3.A.14: Standard Public Hearing Procedures. After close of the hearing, Town Council shall consider the application, consistency with the Comprehensive Plan, relevant support materials, staff report, Planning Board recommendation, and any comments given by the public. Town Council, by a majority vote of a quorum present, shall take one of the following actions based on the standards in Section 3.B.3.(e): Text Amendment Standard: 1) approval as submitted; 2) approval with revisions; 3) denial; 4) remand back to the Planning Board for further consideration; or, 5) continuance of the hearing.

(b) “Zoning regulations shall be made in accordance with a comprehensive plan. When adopting or rejecting any zoning amendment, the [Town Council] shall also approve a statement describing whether its action is consistent with an adopted comprehensive plan and any other officially adopted plan that is applicable, and briefly explain why the [Town Council] considers the action taken to be reasonable and in the public interest. That statement is not subject to judicial review.” (Note: The preceding quoted language directly reflects NCGS § 160A-383.) Town Council will approve a Statement of Consistency and Reasonableness to describe its decision in these statutorily-outlined terms.

(4)  Expiration: Approval of an amendment to the text of this Ordinance shall not expire, but the amended text is subject to further amendment in accordance with amendment procedures set forth in this section.

e) Text Amendment Standards: Amending the text of this Ordinance is a matter committed to the legislative discretion of the Town Council. In determining whether to adopt or deny a proposed amendment, the Town shall consider and weigh whether and the extent to which the proposed amendment:

(1) is consistent with all Town-adopted plans that are applicable;
(2) is in conflict with any provision of this Ordinance, and related Town regulations;
(3) is needed because there are changed conditions that require an amendment;
(4) addresses a demonstrated community need;
(5) is consistent with the purpose and intent of the zoning districts in this Ordinance or would improve compatibility among uses and ensure efficient development within the Town;
(6) would result in a logical and orderly development pattern; and,
(7) would result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

4. Planned Area Development (PD)******************************************************************************

The procedures set forth in this section apply to Planned Area Development (PD) districts:

a) Purpose: Planned Area Developments, also known as “Master Planned Developments” and “Unified Developments,” are planned and developed under unified control and in accordance with more flexible standards and procedures that are more conducive to creating more mixed-use, pedestrian-oriented, and otherwise higher-quality development than could be achieved through general use (base) zoning district regulations. The purpose of this section is to provide a uniform means for amending the Official Zoning Map to establish any PD zoning district.

b) Scope: A PD is established by amendment of the Official Zoning Map to rezone land to a PD zoning district classification that is defined by a master plan and a “terms and conditions” document. Subsequent development within the PD district occurs through the site plan review and subdivision review procedures (as appropriate), to ensure compliance with the approved master plan and terms and conditions.
c) Initiation: To ensure unified control, an application for a PD zoning classification may be initiated only by the owner(s) of all the property to be included in the proposed PD district.

d) Procedure:

(1) Basic Procedures: Except as modified by Sections 3.B.4(d)(2)-(8), procedures and requirements for the submission, completeness determination, review, recommendation, hearing, and decision on applications are as established in Section 3.A: Common Review Procedures. Specific steps to be completed before any public hearing on the application include:

(a) optional pre-submittal conference with Town staff per Section 3.A.6;
(b) submittal of complete application per Section 3.A.8. and 9;
(c) optional informational meeting with area residents and property owners per Section 3.A.7; and,
(d) staff review and report on the complete application (Section 3.A.10 and 11).

(2) Optional Pre-Submittal Conference (On-Site Preferred): For PD requests, the pre-submittal conference required under Section 3.A.6 shall include a meeting with Town staff, preferably on-site, to discuss a sketch plan of the proposed development conditions and to identify environmentally-sensitive and/or rural-character preservation areas that should be incorporated into the development plan prior to filing for rezoning. The intent of the conference is to familiarize Town staff with the property’s special features and to provide an informal opportunity for staff to offer guidance to the applicant regarding the tentative location of conservation areas, potential building sites, street alignments, and other development factors.

(3) Optional Informational Meeting: After any pre-submittal conference but before the submittal of a formal application, an informational meeting can be held; it shall be held in accordance with the requirements of Section 3.A.7.

(4) Application to Include Master Plan and Conditions for Development: The application shall include a master plan that depicts the general configuration and relationship of the principal elements of the proposed development and uses. It shall also include a "terms and conditions" document that defines development parameters and environmental mitigation and also outlines how community facilities will be provided to serve the planned area development. To ensure unified control, it shall also include a copy of the title to all land that is part of the proposed PD zoning district classification.

(5) Review and Consideration of Potential Vested Rights: The Administrator shall review and consider the proposed plan for potential vested rights and shall advise both the applicant and the approving authority of potential vested rights in accordance with NCGS § 160A-385.1. A plan showing the information specified by North Carolina General Statutes definition of a “site-specific development plan” shall be used for review and consideration.

(6) Review and Recommendation by Planning Board:

(a) Following staff review, the Planning Board shall hold a publicly-noticed meeting with a comment period (not a formal public hearing) concerning the application in accordance with Section 3.A.13: Public Notification. After close of the comment period, the Planning Board will make a decision based upon the application, consistency with the Comprehensive Plan and other Town-adopted plans, relevant support materials, staff report, and any comments given by the public. Upon making a decision, the Planning Board, by a majority vote of a quorum present, shall adopt a written recommendation for one of the following actions based on the standards in Section 3.B.1.(g): Map Amendment Standards: 1) approval subject to the PD Master Plan and Terms and Conditions as submitted; 2) approval subject to conditions related to the PD Master Plan and Terms and Conditions; 3) denial; or, 4) continuance of the meeting.

(b) As part of its review of the application, the Planning Board may suggest revisions to the proposed conditions, consistent with the provisions of Section 3.B.2(c)(10): Conditions of Approval. Only those revisions agreed to in writing by the applicant shall be incorporated into the application.

(c) In making its recommendation, 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. The Planning Board shall provide a written recommendation to the [Town Council] that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a
(7) Public Hearing, Review, and Decision by Town Council:

(a) Following staff review and receipt of the Planning Board’s recommendation, Town Council shall conduct a standard public hearing on the application in accordance with Section 3.A.13: Public Notification and Section 3.A.14: Standard Public Hearing Procedures. After close of the hearing, Town Council shall consider the application, consistency with the Comprehensive Plan, relevant support materials, staff report, Planning Board recommendation, and any comments given by the public.

(b) As part of its review of the application, Town Council shall review the proposed conditions and may suggest revisions to the proposed conditions, consistent with provisions of Section 3.B.2.(c)(10): Conditions of Approval.

(c) Town Council, by a majority vote of a quorum present or any super-majority vote required in accordance with Section 3.B.1.(f): Protest Petitions, shall take one of the following actions based on the standards in Section 3.B.1.(g): Map Amendment Standards: 1) approval subject to the PD Master Plan and Terms and Conditions as submitted; 2) approval subject to conditions related to the PD Master Plan and Terms and Conditions; 3) denial; 4) remand back to the Planning Board for further consideration; or, 5) continuance of the hearing.

(d) “Zoning regulations shall be made in accordance with a comprehensive plan. When adopting or rejecting any zoning amendment, the [Town Council] shall also approve a statement describing whether its action is consistent with an adopted comprehensive plan and any other officially adopted plan that is applicable, and briefly explain why the [Town Council] considers the action taken to be reasonable and in the public interest. That statement is not subject to judicial review.” (Note: The preceding quoted language directly reflects NCGS § 160A-383.) Town Council will approve a Statement of Consistency and Reasonableness to describe its decision in these statutorily-outlined terms.

(8) Conditions of Approval: In approving a PD zoning classification, PD master plan, or PD terms and conditions, the Town Council may impose appropriate conditions on the approval in accordance with Section 3.A.16: Conditions of Approval.

(9) Expiration:

(a) If no application for approval of a subdivision preliminary plat or site plan (major or minor) for any part of the rezoned land is submitted within two years after approval of the planned area development, the Administrator shall initiate an application to rezone the land back to its prior zoning classification or any other base zoning classification determined to be appropriate. A change in ownership of the land shall not affect this time period. However, this period may be approved for up to five years under relevant circumstances as provided for in Section 3.B.4.10(b).

(b) For planned area developments, Town Council may provide that the expiration period noted under Section 3.B.4.10(a) can exceed two years but shall not exceed five years, as warranted in light of all relevant circumstances, including but not limited to the size and phasing of development, the level of investment, the need for the development, economic cycles, and market conditions. Such a determination shall be in the sound discretion of Town Council. As a condition of approval when an extended expiration period is requested, the Town may require the applicant to submit a phased development plan. This condition is intended to be consistent with NCGS § 160A-385.1.(d) concerning the “duration and termination of vested right.”

(c) Upon written request submitted at least 30 days before expiration of the timeframe provided for in Section 3.B.2.(c)(11)a or b and upon a showing of good cause, the Administrator may grant one extension not to exceed six months for the applicant to submit required development applications.

e) Planned Area Development Standards: Review of and the decision on a PD application shall be subject to the standards in Section 3.B.1.(g) Map Amendment (Rezoning) Standards and the requirements for the proposed type of PD district in Section 4.O: Open Space Development Requirements.
Designation on Official Zoning Map: Designation of a PD zoning district on the Official Zoning Map shall note the case number approving the PD zoning classification.

effect of Approval: Lands rezoned to a PD zoning district shall be subject to the approved PD master plan and PD terms and conditions, which shall be recorded with the Register of Deeds. The master plan and terms and conditions are binding on the land as an amendment to the Official Zoning Map. The applicant may apply for and obtain subsequent development permits and approvals necessary to implement the master plan in accordance with the appropriate procedures and standards set forth in this Ordinance. Any permits or approvals shall comply with the master plan and the terms and conditions.

Amendments Procedure:

1. General: If an applicant determines it is necessary to alter the concept or intent of the PD master plan or the PD terms and conditions, these shall be amended, extended, or modified only in accordance with the procedures and standards for its original approval.

2. Amendments Defined: The following items are considered an alteration of the concept or intent of the master plan or terms and conditions and are treated as an amendment:

   a. changes in use designations;
   b. density/intensity increases;
   c. decreases in open space;
   d. substantial changes in the location of streets (particularly if streets are to be deleted or access points to the development moved so that traffic flows both inside and outside the development are affected);
   e. changes in the location of any public easement;
   f. changes in the proportion of housing types by more than 15%; or,
   g. violation of any specific condition of the PD terms and conditions.

3. Minor Deviations: Minor deviations are modifications to an approved PD that in the opinion of the Administrator do not constitute an amendment and can be considered a minor deviation in accordance with Section 3.B.4.(j): Minor Deviations from Master Plan and Terms and Conditions.

Minor Deviations from Master Plan and Terms and Conditions:

1. Subsequent plans and permits for development within an approved PD may include minor deviations from the PD master plan or terms and conditions, provided such deviations are limited to changes addressing technical considerations that could not reasonably be anticipated during the PD zoning classification process. It may also include any other change that has no material effect on the character of the approved PD or any of its approved terms or conditions. The following shall constitute minor deviations:

   a. floorplan revisions internal to the structure(s);
   b. minor shifts in building size or location; or,
   c. facility design modifications for amenities and the like.

2. Changes that materially affect the basic concept of the PD master plan or basic parameters set by the PD terms and conditions are not considered minor deviations and shall only be changed as amendments to the PD master plan or terms and conditions (see Section 3.B.4.(i)).
E. Procedures for Decisions by Board of Adjustment (BOA)

This section includes the individual review procedures, standards, and related information for each of the applications for development permits and approvals, as summarized in Table 2.B.1: Development Review Responsibilities. The general flow is as follows:

**PROCESS FOR THE FOLLOWING REQUESTS FOR:**

1. Special Use Permit
2. Variance
3. Subdivision Waiver
4. Appeal

> Each begins with a pre-submittal conference, if desired, followed by...
> submission of complete application/materials followed by...
> informational meeting, if desired, followed by...
> Town staff review and report followed by...
> Board of Adjustment hearing and decision.

1. Special Use Permit

   a) Purpose: A use designated as a special use in a particular zoning district is one that may be appropriate in the district, but because of its nature, extent, and external effects, requires special consideration of its location, design, and methods of operation before it can be deemed appropriate in the district and compatible with its surroundings. The purpose of this section is to establish procedures and standards for review and approval of special use permits that provide for such special consideration.

   b) Applicability: A special use permit is required for development of any use designated in Table 4.G.1: Permitted Use Table as a special use in the zoning district where proposed.

   c) Initiation: An application for a special use permit may be initiated by any person who may submit applications in accordance with Section 3.A.1: Authority to File Applications.

   d) Procedure:

   (1) Basic Procedures: Except as modified by Sections 3.B.4.(d)(2)-(9), procedures and requirements for the submission, completeness determination, review, recommendation, hearing, and decision on applications are as established in Section 3.A: Common Review Procedures. Specific steps to be completed before any review of the application by the BOA include:

      (a) optional pre-submittal conference with Town staff per Section 3.A.6;
      (b) submittal of complete application per Section 3.A.8. and 9;
      (c) optional informational meeting with area residents and property owners per Section 3.A.7; and,
      (d) staff review and report on the complete application (Section 3.A.10 and 11).

   (2) Review and Consideration of Potential Vested Rights: The Administrator shall review and consider the proposed plan for potential vested rights and shall advise both the applicant and the approving authority of potential vested rights in accordance with NCGS § 160A-385.1. A plan showing the information specified by North Carolina General Statutes definition of a “site-specific development plan” shall be used for review and consideration.

   (3) Public Hearing, Review, and Action by Board of Adjustment: Following staff review, the Board of Adjustment shall conduct a quasi-judicial public hearing on the application in accordance with Section 3.A.13: Public Notification and
Section 3.A.15: Quasi-Judicial Public Hearing Procedures. After close of the hearing, the BOA shall consider the application, relevant support materials, staff report, and testimony or evidence given at the hearing and entered into record. The BOA, by a majority vote of its members who are eligible to vote, shall take one of the following actions based on the standards in Section 3.B.7(e): Special Use Permit Review Standards: 1) approval as submitted; 2) approval subject to conditions; 3) denial; or, 4) continuance of the hearing. (Note: For purposes of this section, vacant positions on the BOA and members who are disqualified from voting on a quasi-judicial matter shall not be considered members for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.)

(4) Conditions of Approval: In approving a special use permit, the BOA may impose reasonable and appropriate conditions on the approval in accordance with Section 3.A.16: Conditions of Approval.

(5) Permit Issuance: If the application is approved, the Administrator shall prepare and issue a special use permit to the applicant that identifies the site and approved plans and documents and lists any conditions of approval.

(6) Submission of Site Plans with Special Use Permit Application: Site plans for any development made pursuant to any special use permit shall be submitted for review according to the requirements of Section 3.B.5: Site Plans. Site plans shall not be approved prior to the issuance of a special use permit. The site plan shall not be substantially different than the development plan presented to the BOA for special use permit consideration. A substantially different site plan may require resubmittal of the application. In approving such site plans, the Administrator or Planning Board, as appropriate, may make minor modifications to the requirements where such modification will result in equal or better performance, provided that the objective and purpose of the requirements and conditions of the special use permit are maintained.

(7) Expiration:

(a) The BOA may prescribe a time limit within which a building permit for the development authorized by a special use permit shall be obtained. Failure to obtain a building permit within the specified time limit shall void the special use permit. Unless specified otherwise by the BOA, a special use permit shall automatically expire if a building permit for the development authorized by the special use permit is not obtained within one year after the date of issuance of the special use permit or if the development authorized by the special use permit is discontinued and not resumed for a period of one year.

(b) Extension. Upon written request submitted at least 30 days before expiration of the time period provided in accordance with Section 3.B.7(d)(9)a and upon a showing of good cause, the Administrator may grant one extension not to exceed six months. Failure to submit a written request for an extension within the time limits established by this section shall result in the expiration of the special use permit.

e) Special Use Permit Review Standards: A special use permit shall be approved by the BOA only after having voted that each of the following standards have been met. The special use:

1. complies with all applicable standards in Article 5: Use-Specific Standards;
2. is compatible with the character of surrounding lands and uses permitted in these zoning district(s);
3. avoids significant adverse impact on surrounding lands regarding service delivery, parking and loading, odors, noise, glare, and vibration;
4. is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands;
5. avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources;
6. maintains safe ingress and egress onto the site and safe road conditions around the site;
7. allows for the protection of property values and the ability of neighboring lands to develop the uses permitted in the zoning district;
8. complies with all other relevant Town, State, and Federal laws and regulations; and,
9. is a proposed use as represented by an “SUP” in the permitted use table located in Article 4.

f) Effect of Approval: A special use permit shall authorize only the particular special use and associated development that is approved. A special use permit, including any approved plans and conditions, shall run with the land and shall not be affected by a change in ownership unless specifically conditioned as part of the approval.
g) Amendments: A special use permit may be amended or modified only in accordance with the procedures and standards established for its original approval.

2. Variance

a) Purpose: The purpose of a variance is to allow certain deviations from the dimensional standards of this Ordinance (such as height, yard setback, lot coverage, or similar numeric standards) when the landowner demonstrates that, owing to special circumstances or conditions beyond the landowner’s control (such as exceptional topographical conditions, narrowness, shallowness, or the shape of a specific parcel of land), the literal application of the standards would result in undue and unique hardship to the landowner and the deviation would not be contrary to the public interest. Variances are to be sparingly exercised and only in rare instances and under exceptional circumstances to relieve undue and unique hardships to the landowner. No change in permitted uses or applicable conditions of approval may be authorized by variance.

b) Authority: The Board of Adjustment shall review and decide any applications for variances from the requirements of this Ordinance in accordance with this section.

c) Applicability: The following standards may be varied through the variance procedure:

1. maximum height standards, maximum lot coverage standards, minimum yard and setback standards, minimum lot area standards, and minimum lot width standards for each zoning district in Article 4: Zoning Districts;

2. placement of accessory buildings, number of lots served by an access easement, terminus of a road, and other circumstances that require variance from the specific standards of this Ordinance; and,

3. the standards in:
   (a) Section 6.B: Sidewalks and Trails;
   (b) Section 6.C: Off-Street Parking, Loading, and Circulation;
   (c) Section 6.E: Landscaping Standards;
   (d) Section 6.F: Fences and Walls;
   (e) Section 6.G: Lighting Regulation;
   (f) Section 6.H: Commercial, Office and Mixed-Use Design Standards; and,
   (g) Section 6.I: Sign Regulations.

d) Initiation: An application for a variance may be initiated by anyone who may submit applications in accordance with Section 3.A.1: Authority to File Applications.

e) Procedure:

1. Basic Procedures: Except as modified by Sections 3.B.14(e)(2)–(6), procedures and requirements for the submission, completeness determination, review, recommendation, hearing, and decision on applications are as established in Section 3.A: Common Review Procedures.

2. Review and Action by Board of Adjustment:

   (a) Following receipt of the application from the Administrator, the BOA shall conduct a quasi-judicial public hearing in accordance with Section 3.A.12: Public Notification, Section 3.A.14: Quasi-Judicial Public Hearing Procedures. After close of the hearing, the BOA shall consider the application, relevant support materials, and any testimony or evidence given at the hearing and included in the record. It shall take one of the following actions based on the standards in Section 3.B.14(f): Variance Standards: 1) approval as submitted; 2) approval subject to conditions; or, 3) denial.

   (b) Granting a variance shall require an affirmative vote of at least four-fifths (4/5) of the members of the BOA who are eligible to vote.

3. Conditions of Approval: In approving a variance, the BOA may impose appropriate conditions on the approval in accordance with Section 3.A.16: Conditions of Approval.
(4) Appeal: Any appeal of a BOA decision concerning a variance shall be to the Superior Court for Guilford County by petition for a writ of certiorari. Any petition to the Superior Court shall be filed with the Clerk of Court no later than 30 days after the date the decision of the BOA is filed in the Summerfield Planning Department or after the date a written copy of the decision is delivered (via personal delivery or by registered or certified mail, return receipt requested) to every aggrieved party who has filed a written request for such copy with the Administrator or BOA at the public hearing, whichever is later.

(5) Recording of the Variance Required:

(a) The Administrator shall record the letter of approval for the variance with the Guilford County Register of Deeds within a reasonable time after the date the variance is approved.

(b) Except where required as a prerequisite for a site plan associated with new development, an approved and recorded variance shall run with the land. In cases in which a variance is a prerequisite to site plan approval, failure of an applicant to apply for a building permit and commence construction within one year of receiving variance approval shall automatically render the decision of the BOA null and void. Such time period shall not be extended with transfer of ownership.

(f) Variance Standards: A variance application shall be approved only upon a finding that all of the following standards have been met: **(At the Administrator level here as opposed to BOA level below, right?)**

(1) strict application of the Ordinance requirements would result in practical difficulties and unnecessary hardships;
(2) any practical difficulties or unnecessary hardships are the result of unique circumstances related to the land and are not the result of the landowner’s actions;
(3) a variance would be the minimum action that would make possible a reasonable use of land or structures;
(4) a variance would be in harmony with the general purpose and intent of this Ordinance and would preserve its spirit; and,
(5) public safety and welfare would be ensured and substantial justice would be done with the granting of a variance.

A variance application shall be approved by the BOA only after a vote that all of the following standards have been met:

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

(g) Insufficient Justification for Variance: None of the following shall constitute grounds for issuance of a variance:

(1) the citing of other nonconforming or conforming uses of land or structures in the same or other districts;
(2) the request for a particular use expressly, or by inference, prohibited in the district; or,
(3) economic hardship or the fact that property may be utilized more profitably with a variance.

(h) Subsequent Development: Development authorized by the variance shall not be carried out until the applicant has secured all other permits required by this Ordinance or any other applicable provisions of the Town. A variance shall not ensure that the development receiving a variance receives subsequent approval for other applications for development unless the relevant and applicable portions of this Ordinance or any other applicable provisions are met.

(i) Amendment: A variance may be amended, extended, or modified only in accordance with the procedures and standards established for its original approval.
3. Subdivision Waiver  ****************************************************************************************************

a) Purpose: The purpose of a subdivision waiver is to allow certain deviations from Article 7: Subdivision Standards when the landowner demonstrates that, owing to special circumstances or conditions beyond the landowner's control (such as exceptional topographical conditions, narrowness, shallowness, or the shape of a specific parcel of land), the literal application of the standards would result in undue and unique hardship to the landowner and the deviation would not be contrary to the public interest. Subdivision waivers are to be sparingly exercised and only in rare instances and under exceptional circumstances to relieve undue and unique hardship to the owner.

b) Initiation: An application for a subdivision waiver may be initiated by any person who may submit applications in accordance with Section 3.A.1: Authority to File Applications.

c) Procedure:

   (1) Basic Procedures: Except as modified by Sections 3.B.1.(e)(2)–(4), procedures and requirements for the submission, completeness determination, review, recommendation, hearing, and decision on applications are as established in Section 30-2.B: Common Review Procedures.

   (2) Review and Recommendation by Planning Board: The Planning Board shall review the application for the subdivision waiver, relevant support materials, and staff comments and make its decision based on the application's compliance with the standards in Section 3.B.15.(d): Subdivision Waiver Standards. If the Planning Board determines that the subdivision waiver application complies with the standards, it shall take one of the following actions by a majority vote of a quorum present: 1) approval as submitted; 2) approval subject to conditions; 3) denial; or, 4) continuance of the meeting.

   (3) Appeal: An appeal from the Planning Board's decision on a major site plan application shall be reviewed and decided by the Board of Adjustment in accordance with Section 3.B.18: Appeal.

   ** (change from current ordinance) **

d) Subdivision Waiver Standards: A subdivision waiver of the standards of Article 7: Subdivision Standards shall be approved only upon a finding that all of the following standards are met:

   (1) strict application of Ordinance subdivision requirements would result in practical difficulties and unnecessary hardships;

   (2) any practical difficulties or unnecessary hardships are the result of topographical or other conditions peculiar to the land and are not the result of the actions of the landowner's actions; and,

   (3) granting the subdivision waiver would not destroy the intent of the requirements being waived.

4. Appeal  ****************************************************************************************************

a) Right of Appeal: Any person who has standing under NCGS § 160A-393(d) or the Town may appeal a final and binding written decision of the Administrator with respect to the administration of this Ordinance to the Board of Adjustment.

b) Initiation: An appeal shall be initiated by the owner or other party subject to the decision by filing a written Notice of Appeal with the Administrator within 30 days of the date of a final and binding interpretation or decision being appealed. Any other party with standing to appeal shall have 30 days from receipt from any source of actual or constructive notice of the decision. A decision notice shall be delivered to the owner of the property subject to the decision and to the appellant, if different from the owner, and can be by personal delivery, electronic mail, or first-class mail. It shall be presumed that all persons with standing to appeal have constructive notice of the decision from the date a sign containing the words “Zoning Decision” or “Subdivision Decision” in letters at least 6” high and identifying a means to contact the Administrator for information about the decision is prominently posted on the subject property, provided that such sign remains on the property for at least 10 days. The sign posting shall be the responsibility of the landowner or applicant and shall not be considered the only form of constructive notice. Verification of the posting shall be provided to the Town.

Any application for an appeal, including the grounds of the appeal, shall be filed with the Town Clerk.
c) Procedure:

(1) Basic Procedures: Except as modified by Sections 3.B.18.(c)(2)–(5), procedures and requirements for the submission, completeness determination, review, recommendation, hearing, and decision on applications are as established in Section 3.A: Common Review Procedures.

(2) Staff Submittal to Board of Adjustment: Upon receipt of a written Notice of Appeal, the Administrator shall transmit to the BOA all documents and exhibits constituting the record upon which the action appealed from is taken. These materials shall constitute the record of the appeal. The Administrator shall also provide a copy of the record to the appellant and to the owner of the property that is subject of the appeal if the appellant is not the property owner.

(3) Review and Action by Board of Adjustment:

(a) Following receipt of the Notice of Appeal from the Administrator, the BOA shall conduct a quasi-judicial public hearing in accordance with Section 3.A.12: Public Notification, Section 3.A.14: Quasi-Judicial Public Hearing Procedures.

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 BOA after the Notice of Appeal has been filed that because of the facts stated in an affidavit, a stay would cause imminent peril to life or property or because the violation is transitory in nature, a stay would seriously interfere with the enforcement of this Ordinance. In such case, enforcement proceedings shall not be stayed except by a court-issued restraining order. If enforcement proceedings are not stayed, the appellant may file a request for an expedited hearing of the appeal, and the BOA shall meet to hear the appeal within 15 days after the request is filed.

The official who made the decision being appealed shall be present at the hearing as a witness. The appellant shall not be limited at the hearing to matters stated in the Notice of Appeal. If any party or the Town would be unduly prejudiced by the presentation of matters not presented in the Notice of Appeal, the Board shall continue the public hearing. After close of the hearing, the BOA shall consider the Notice of Appeal, materials transmitted by the Administrator, and any testimony or evidence given at the hearing and entered into record. The BOA shall affirm (wholly or partly), modify, or reverse the decision being appealed based on evidence of record of the appeal and evidence presented at the public hearing. The BOA shall modify or reverse a decision on appeal only if it finds that there has been a clear and demonstrable error, abuse of discretion, or denial of procedural due process in the application of the facts on record to the standards of this Ordinance. The BOA in rendering a decision shall have all the powers of the official who made the decision. Reasonable and appropriate conditions may be part of any decision rendered by the BOA.

The BOA shall render its decision within a reasonable time after the conclusion of the public hearing.

(b) Modifying or reversing an interpretation or decision shall require an affirmative vote of a majority of members of the BOA who are eligible to vote. For 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 majority if there are no qualified alternates available to take their place.

(4) Expiration: A decision on an appeal application shall not expire, but may be overturned or modified by a subsequent appeal decision or superseded by an amendment to this Ordinance.

d) Effect of Pending Appeal: A pending appeal stays all Town actions seeking enforcement of or compliance with the interpretation or decision being appealed unless the Administrator certifies to the BOA that because of facts stated in the certificate, a stay would cause imminent peril to life or property or would seriously interfere with enforcement of this Ordinance due to the violation’s transitory nature. In that case, proceedings shall not be stayed other than by an order issued by the BOA or a court of competent jurisdiction after notice to the Administrator and for due cause shown.

e) Effect of Appeal Decision: To the extent a decision by the BOA on an appeal pertains to application of a particular provision of this Ordinance in a particular circumstance, the appeal decision shall be binding on subsequent decisions by the Administrator or other Town administrative official applying the same provision in the same circumstance.
F. Procedures for Decisions with or by Other Agencies

This section includes the individual review procedures, standards, and related information for each of the applications for development permits and approvals:

**PROCESS FOR THE FOLLOWING REQUESTS FOR:**

1. Street Name, Address, Sign, and Closing*
2. Building Permit
3. Certificate of Occupancy (and Compliance)

> Each begins with a pre-submittal conference, if desired, followed by…
> submission of complete application/materials followed by…
> Town staff review and/or external agency review and decision.

*(Changing existing street names and street closings require an Administrator staff report, Planning Board recommendation, and Town Council decision.)*

1. Street Name, Address, Sign, and Closing

(Note: For purposes of this full Ordinance section, “street” shall be used used interchangeably with similar terms, such as “road,” “roadway,” “highway,” “route,” etc.)

a) Purpose and Authority: The Town is the only agency with authority to assign or modify street names or addresses and to permanently close existing streets within its Town limits, but it shares Guilford County’s desire to protect public safety by facilitating the finding of homes and businesses for the delivery of goods and services. The Town coordinates with the County and its EMS and Metro 9-1-1 to ensure Town names and addresses are not easily confused. (The County’s GIS Division is also responsible for the management of the Master Road Name database for all of Guilford County.)

b) Street Names: A name shall be assigned to any road, whether public or private, which provides vehicular access to two or more parcels. The developer shall submit names (not numbers) for new streets contained within proposed developments. The Administrator shall approve all street names (but not name changes) with right of appeal to the Town Planning Board. Proposed streets obviously in alignment with existing streets shall be given the same name.

c) Street Naming Conventions: New or revised street names shall follow the following naming conventions:

   (1) The street name shall not contain:

      (a) phonetically-similar words or duplicate existing street names that lie within the County limits, its municipalities, or even within one mile of the County, irrespective of the suffix;
      (b) complicated words or unconventional spellings;
      (c) symbols (e.g., no “#,” “&,” hyphen, periods, apostrophe, etc.);
      (d) the word “and” (in order to avoid confusion);
      (e) any names considered discriminatory, exclusionary, or deemed inappropriate; or,
      (f) initials.

   (2) If prefixes are utilized, the following apply:

      (a) “North” shall be used for the northern portion of streets having the same name;
      (b) “South” shall be used for the southern portion of streets having the same name;
      (c) “East” shall be used for the eastern portion of streets having the same name;
      (d) “West” shall be used for the western portion of streets having the same name;
(e) “N.C. Highway” shall be used for all State-numbered streets;
(f) “U.S. Highway” shall be used for all Federal-numbered streets, excluding those on the Interstate System; and,
(g) “Interstate Highway” shall be used for all Federal-numbered streets on the Interstate System.

(3) If suffixes are utilized, the following apply:

(a) “Street” shall be used for streets running generally in a north-south direction;
(b) “Avenue” shall be used for streets running generally in an east-west direction;
(c) “Drive,” “Trail,” and “Trace” shall be used for streets which follow a wandering alignment in different directions and/or intersecting both a “Street” and an “Avenue;” these streets should generally be scenic and attractive;
(d) “Road” shall be used for streets running generally in a diagonal direction and/or connecting urban areas;
(e) “Boulevard” and “Parkway” shall be used for divided streets, the sides of which are separated by a park or open median strip for their main extent;
(f) “Terrace,” “Point,” “Cove,” “Dale,” or “Way” shall be used for short streets with an exit from one end only (dead end) with no potential for extension;
(g) “Court” shall be used for cul-de-sacs;
(h) “Circle” shall be used for short streets that are circular or semi-circular in form and intersect the streets from which they emanate at two different places;
(i) “Place” or “Lane” shall be used for short streets generally not over a block in length (exit from both ends) with no regard to predominant direction (‘Lane’ is only for private lanes as defined by this Ordinance);  
(j) “Alley” shall be used for short streets of substandard width as between buildings or at the rear of property, generally used for service; and,
(k) No suffix shall be used with a name that is itself already a suffix designation (e.g., no “Parkway Circle” or “Boulevard Drive”).

(4) Due to the size of street name signs and to equipment used by the postal service, the length of street names may not exceed 15 characters. Street names should be simple and use the most common spelling.

d) Street Addresses and Assignment: The Town does not utilize an established grid system as Greensboro and High Point does, but does attempt to keep street numbering conventions consistent with the surrounding area, when possible (odd-numbered on one side of the street and even-numbered on the other side).

(1) Timing: Addresses will be assigned following preliminary plat or site plan approval for single-family attached and non-residential group development. Approval of a final plat is required for conventional single family developments before numbers are assigned and building permits issued. The Planning Board will be furnished with an approved plat or site plan on which to assign addresses and it will be kept on file with the Town.

(2) Primary Addresses: Each unit of property will be assigned a primary address consisting of up to four numerals. Single-family structures (attached or detached) are assigned individual street numbers for each unit.

(3) Secondary Addresses:

(a) Multi-Family Dwellings: Each unit of property will be assigned a primary address consisting of assigned secondary addresses. The secondary address will include the primary address followed by a dash and number and/or letter (e.g., “1621-A Smith Street” with “1621” being the primary address and “A” being the secondary address; the first unit on the first floor would be “1621-1A Smith Street,” the first unit on the second floor would be “1621-2A Smith Street,” etc.).

(b) Non-Residential Buildings: Office, commercial, and industrial buildings with more than one tenant will also be assigned secondary addresses when common exterior drives are used. The secondary address will include the primary address followed by a suite number (e.g., “1621 Smith Street, Suite 101” with “Suite 101” being the first unit on the first floor, “…Suite 201” being the first unit on the second floor, etc.).

(4) Vacant Properties: It’s difficult to determine how many structures will eventually be built on vacant land within a given area, so numbering structures consecutively does not provide flexibility for change; therefore, a street number will typically be assigned for each 100’ of lot frontage.
(5) Corner Lots: The owner or developer shall be assigned an address that accommodates the front entrance of the structure at the time of permit application.

(6) Posting of Addresses: Posting of addresses by the property owner shall be as per required by the “Posting Standards” as identified within the most current Guilford County Development Ordinance. The intent is to standardize postings and complement public safety and location-finding in coordination with the County and its EMS and Metro 9-1-1.

(7) Change of Existing Addresses: When assigning new address numbers (not street names), as few existing ones as possible will be changed and changes shall be subject to the following:

(a) Existing addresses may be changed for just cause. Examples include: no address was left for a vacant lot; a street name change occurred per the Town Ordinance; a person has been unknowingly using the wrong address for an extended time (as determined by the Administrator); a change from a rural route and box number is needed; or a street address number series presently in use is incorrect and misleading.

(b) Notification: The Town will notify all necessary local government departments and the U.S.P.S of any new assignment or change in street address.

e) Street Name Signs: For new public and private streets, street name signs and traffic control signs shall be installed to standards of Section 6.A.5.(e)-(g).

f) Street Closings: Street closings require a fuller process. The Administrator prepares a staff report, the Planning Board makes a recommendation, and Town Council renders a decision.

2. Building Permit

a) Purpose: Building permits in the Town are issued by Guilford County in accordance with NCGS § 160A-417 and North Carolina State Building Codes. The building permit is intended to certify that the proposed construction, moving, alteration, or repair of structures complies with the construction standards in the Building Codes and with all other applicable State and local laws, including this Ordinance.

b) Applicability: No construction, reconstruction, alteration, repair, movement to another site, removal, or demolition of any building or structure may occur until a building permit has been applied for and issued by Guilford County in accordance with NC State Building Codes.

c) Development Clearance Certificate (DCC) Required for Some Building Permits: No building permit shall be issued for development without first receiving a Development Clearance Certificate from the Town, as specified in Section 3.B.12.

3. Certificate of Occupancy (and Compliance)

(Note: As of the effective date of this Ordinance, the Administrator has authorized Guilford County to issue Certificates of Occupancy. The following provisions are delegated to the County until such time as the Town may elect to take over this responsibility.)

a) Purpose: The Certificate of Occupancy (CO) is intended to ensure that completed development has complied with all applicable standards of the current NC Building Codes and the regulations of this Ordinance.

b) Applicability:

(1) General. No land, newly-erected building or structure, or existing building or structure that has been moved or enlarged or changed in use shall be occupied or used until a CO is approved and issued in accordance with this section, certifying that the land, building, or structure and its use complies with this Ordinance.

(2) Non-Conforming Use. A CO shall be required for the purpose of renewing or altering a non-conforming use.

c) Initiation: An application for a CO may be initiated by any person who may submit applications in accordance with Section 3.A.1: Authority to File Applications.

d) Procedure:
Basic Procedures: Except as modified by Sections 3.B.13.(d)(2)-(4), procedures and requirements for the submission, completeness determination, review, recommendation, hearing, and decision on applications are as established in Section 3.A: Common Review Procedures.


Issuance: A CO shall be issued as soon as practical after completion of construction or alterations of such building or sign after:

(a) inspection by the Town to determine compliance with all applicable provisions of this Ordinance;
(b) if required, issuance of an Operations Permit for a septic system or other approved sanitary disposal method by the County or State Health Department; and,
(c) compliance with all applicable provisions of related health, building, and fire codes.

Conditions of Approval: In approving a CO, the Administrator may impose appropriate conditions on the approval in accordance with Section 3.A.16: Conditions of Approval.

Certificate of Occupancy and Compliance: A CO may also serve as a Certificate of Compliance under NC State Building Codes, in which case it shall be known as a Certificate of Occupancy and Compliance. In approving a CO, the Administrator may impose appropriate conditions on the approval in accordance with Section 3.A.16: Conditions of Approval.

Temporary Certificate of Occupancy (TCO): A Temporary Certificate of Occupancy may be issued by the Town prior to the completion of all construction, alterations, or changes if such occupancy will not violate any health or safety considerations of applicable codes.

(a) Time Period: A TCO may be for a time period as the Administrator deems appropriate to complete the work, but not to exceed 180 days.

(b) Surety: A surety will be posted in an amount sufficient to insure that the missing elements specified in the plan will be accomplished within the period of the TCO.

(c) Work Incomplete: If the work is not completed within the period of the TCO, the Administrator shall notify the owner. The owner shall cease use of the building and land immediately and shall not resume such use until a CO has been issued. Failure to cease use shall subject the owner or operator to civil penalties and other enforcement actions available under this Ordinance and compliance with all applicable provisions of related health, building, and fire codes.

(d) Certificate of Operation: If required, an operations permit for a septic system, or other approved sanitary disposal method, must be issued by the County or State Health Department prior to temporary occupancy.

Appeal: An appeal from the Administrator’s decision on a CO application, as it pertains to the requirements of this Ordinance shall be reviewed and approved by the BOA in accordance with Section 3.B.18: Appeals. An appeal from a decision on a CO application as it pertains to State Building Codes shall be appealed to the NC Commissioner of Insurance.

e) Certificate of Occupancy Standards: A CO shall be approved only upon a finding that the land, building, structure, or proposed use complies with all relevant standards of this Ordinance, any other applicable Town requirements and conditions of approval, and NC State Building Codes.

f) Amendment: A CO may be amended, extended, or modified only in accordance with the procedures and standards established for its original approval.
Article 4: Zoning Districts

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### A. Table of Established Zoning Districts and Overlay Areas

*Table 4.A.1: Established Zoning Districts* identifies the types of zoning districts within the Town. These are established and intended to complement and help implement the Summerfield Comprehensive Plan.

<table>
<thead>
<tr>
<th>ZONING DISTRICT NAME</th>
<th>ABBREVIATION</th>
<th>(COMPARED TO PREVIOUS UDO)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Base Agricultural District</td>
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<td></td>
</tr>
<tr>
<td>Agricultural</td>
<td>AG</td>
<td>(same)</td>
</tr>
<tr>
<td>Base Residential Districts</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential</td>
<td>RS</td>
<td>(replaces RS-40, RS-30, and OSRD)</td>
</tr>
<tr>
<td>Rural Residential</td>
<td>RR</td>
<td>(same)</td>
</tr>
<tr>
<td>Estate Residential</td>
<td>EST</td>
<td>(new)</td>
</tr>
<tr>
<td>Base Business Districts</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Business</td>
<td>BN</td>
<td>(replaces NB, LB, GB, and HB)</td>
</tr>
<tr>
<td>Office/Institutional</td>
<td>OI</td>
<td>(replaces LO, PI, and CP)</td>
</tr>
<tr>
<td>Shopping Center</td>
<td>SC</td>
<td>(same)</td>
</tr>
<tr>
<td>Base Industrial District</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Industrial</td>
<td>IND</td>
<td>(replaces LI, HI, and CP)</td>
</tr>
<tr>
<td>Base Planned Area Development District</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Planned Area Development</td>
<td>PD</td>
<td>(new)</td>
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</table>

<table>
<thead>
<tr>
<th>OVERLAY AREA NAME</th>
<th>ABBREVIATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Flood Hazard Area</td>
<td>FHA</td>
</tr>
<tr>
<td>General Watershed Area</td>
<td>GWA</td>
</tr>
<tr>
<td>Critical Watershed Area</td>
<td>WCA</td>
</tr>
<tr>
<td>Scenic Corridor Area</td>
<td>SCA</td>
</tr>
<tr>
<td>Historic District Development Standards and Conservation Area (Reserved)</td>
<td>HDA</td>
</tr>
</tbody>
</table>
B. Zoning Districts General Provisions

1. Types of Zoning Districts: All land within the Town is classified by this Ordinance to be within one of the several base zoning districts, conditional zoning districts, or Planned Area Development (PD) zoning districts.

2. Overlay Zoning Area and Relationship to Base Zoning District: Land within any base or PD zoning district may also be classified into one or more overlay zoning areas. Regulations governing development in an overlay area shall apply in addition to the regulations governing development in the underlying district. If the standards governing a zoning district expressly conflict with those governing an overlay area, the standards governing the overlay area shall control.

3. Planned Area Development District (PD) and Relationship to Base Zoning District: PD zoning districts may be referred to as “floating zones” in that they do not exist on the zoning map until such time as a specific master development plan is proposed as part of a rezoning. A rezoning to PD will replace an existing base zoning district designation with a PD district designation.

4. Compliance with District Standards: No land within the Town shall be used or developed except in accordance with the zoning district use, development standards, and requirements of this article and all other regulations of this Ordinance, as applicable.

C. Zoning Districts Intent Statements

1. Agricultural District Intent: This category only contains the Agricultural District (AG) and is primarily intended to accommodate uses of an agricultural nature, including farm residences and farm-tenant housing. It also accommodates rural, non-farm residences on large tracts of land. The district is established for the following purposes: 1) to preserve and encourage the continued use of land for agricultural, forest, and open space purposes; 2) to sustain the rural nature of the community; and/or, 3) to avoid conversion of farmland to urban uses; Properties operated as a Bona Fide Farm will fall within this classification. Lots will typically be served by private well and individual septic tank systems. The overall gross density in AG areas will be 0.10 units per acre with a minimum lot size of 435,600 ft² or 10 acres.

2. Residential Districts Intent:
   a) Estate District (EST): EST is established for single-family detached homes that are not used for bona fide farm purposes, but may have large accessory structures such as barns or green houses. Its purpose is to preserve rural character, significant natural and man-made features, and environmentally-sensitive areas. This district will be used for residential purposes in the Watershed III, Tier 2 or as desired away from the center of the community. Lots will typically be served by private well and individual septic tank systems. The overall gross density is 0.20 units per acre with a minimum lot size of 217,800 ft² or five acres. Other uses may include parks and other recreational uses.
   b) Rural Residential District (RR): RR is established to accommodate rural non-farm residences on larger tracts of land. Its purpose is to preserve rural character, significant natural and man-made features, and environmentally sensitive areas. This district will be used for residential purposes in the Watershed III, Tier 3 or as desired away from the center of the community. Lots will typically be served by private well and individual septic tank systems. The overall gross density will typically be 0.33 units per acre or less with a minimum lot size of 130,680 ft² or three acres.
   c) Residential District (RS): RS is established to accommodate rural residences on tracts of land. Its purpose is to preserve rural character, significant natural and man-made features, and environmentally-sensitive areas. It will be used for residential purposes and lots will be served by wells, community wells, individual septic systems, or community sewage treatment systems. Lots typically will be located within a minor or major subdivision. The overall gross density will be 0.73 units per acre (or 60,000 ft²). This district will include old RS-40 Residential District approved lots of record existing prior to (insert new authorization date here) with a minimum lot size of 40,000 ft² and old RS-30 Residential District approved lots of recorded existing prior to (adoption date) with a minimum of 30,000 ft². Such lots may need to be reconfigured to meet current health standards.

3. Business Districts Intent:
   a) Business District (BN): BN is intended to accommodate a mixture of retail trade, business, professional and personal services, and eating and drinking establishments that will be located within a scenic corridor overlay area, close to residential areas, and adjacent to a major thoroughfare or all three. Development may take place on individual lots, as part of a mixed-use
development or part of a planned commercial development. All development occurring within shall use architectural features that enhance the community’s rural, historic nature. Uses that pose a threat to ground or surface water are limited, require mitigation measures, or not permitted. Development within this district will employ landscape strategies, building placement, and architectural features to mark service and delivery areas.

b) Office/Institutional District (OI): OI is intended to accommodate public, semi-public, and institutional uses or medical, professional, administrative, and government office uses that might have a substantial land use impact or traffic generation potential.

c) Shopping Center District (SC): SC is primarily intended to accommodate a wide range of retail and service developments meeting community and area shopping needs. The district is established on large sites to provide locations for major developments that contain multiple uses, shared parking and drives, coordinated signage, and high-quality landscaping. SC is a central focus of the community and shall use architectural features that enhance the town’s rural, historic nature. Development will employ landscape strategies, building placement, and architectural features to mark service and delivery areas.

4. Industrial District Intent: IND is primarily intended to accommodate limited manufacturing, wholesaling, warehousing, research and development, and related commercial/service activities which in their normal operations would have little or no adverse effect upon adjoining properties, the community or the environment, particularly ground and surface water. This district also may provide appropriate locations and development regulations for uses that require special measures to ensure compatibility with adjoining properties and to address any environmental concerns, by special use permit. Uses that pose a threat to ground or surface water are limited, require mitigation measures, or not permitted. Development within this district will employ landscape strategies, building placement, and architectural features to mark service and delivery areas and enhance the view of all visible faces of structures.

5. Planned Area Development District (PD) Intent: PD is intended to accommodate, encourage, and promote innovatively-designed developments involving residential or non-residential land uses or combinations of the two, which form an attractive and harmonious unit of the community. Such a planned area development may be designed as: 1) a large-scale, separate entity able to function as an individual community, neighborhood, or mixed-use development; 2) a small-scale project which requires flexibility because of unique circumstances or design characteristics; or, 3) a transitional area between land uses. It can be used either as an overlay area to provide flexibility in an otherwise established land use district or it can be used as an independent district.

In PD zoning, traditional zoning regulations are combined with or replaced by performance considerations to fulfill the objectives of the Summerfield Comprehensive Plan. The designation may be tailored to meet specific permitted uses, design standards, and other details.

The objectives of PD zoning shall include the following:

a) providing flexibility in the standards for innovative development;

b) accommodating variations in building design, lot arrangements, and land uses;

c) allowing greater freedom in identifying and preserving open space, natural resources, and site amenities;

d) providing a well-integrated blending of compatible uses in the same development through innovative site planning;

e) promoting quality design and environmentally-sensitive development that respects surrounding established land use character and incorporates a site’s natural and man-made features, such as trees, streams, hillsides, floodplains, and historic features as an integral part of the design;

f) providing quality design by employing different or unique strategies to meet requirements; and,

g) promoting the use of amenities such as ponds, greens, shared recreational facilities, or other amenities to benefit the development and community.

D. Overlay Areas General Provisions

1. Purpose: Overlay zoning areas are superimposed over portions of one or more underlying base zoning districts, conditional zoning districts, or PD district with the intent of supplementing generally applicable development regulations with additional and specific development regulations that address special area-specific conditions, features, or plans while maintaining the character and purposes of the underlying zoning district. Where any conflict occurs between the regulation of the districts or overlay, the most restrictive regulation will apply.
2. Relationship to Zoning Districts: Regulations governing development in an overlay zoning area shall apply in addition to regulations governing development in the underlying base zoning district, conditional zoning district, or PD district. If the standards governing an overlay zoning area expressly conflict with those governing a base zoning district, conditional zoning district, or PD district, the standards governing the overlay area shall control. Where land is classified into multiple overlay zoning areas and the standards governing one overlay zoning area expressly conflict with those governing another, the more restrictive standard shall apply.

E. Overlay Areas Intent Statements

1. Flood Hazard Area Overlay (FHA) Intent: FHA is intended to set forth regulations which will prevent the damage done by floods. It also limits development to prevent increases in flood levels and limits or prohibits land uses that pose a threat to water supplies.

2. Watershed Area Overlays Intent: Watershed protection is accomplished by establishing low-density development, limiting the amount of impervious surface, and limiting or prohibiting land uses that pose a threat to surface and groundwater supplies, which is especially critical for Summerfield. These regulations are in accordance with the requirements of the North Carolina Environmental Management Commission, the North Carolina General Statutes, and Best Management Practices. Summerfield has two watershed overlays that are specified in Article 9:
   a) General Watershed Area Overlay (GWA): GWA is intended to set forth regulations for the protection of public drinking water supplies and is applicable to all lands which drain toward such supplies and are outside of the WCA.
   b) Critical Watershed Area Overlay (WCA): WCA is intended to set forth regulations for the protection of public drinking water supplies and is applicable to all lands adjacent to and which drain toward existing or proposed supply intakes or reservoirs.

3. Scenic Corridor Area Overlays (SCA) Intent: SCA is intended to protect and preserve the rural character of the community, to provide building architecture, building materials, lighting, signage, and site design that is compatible with Summerfield's rural heritage adjacent to major thoroughfares. Regulations provide increased safety by reducing visual clutter and inappropriate site design. This overlay is intended to set forth regulations for a buffer which will enhance the attractiveness of major thoroughfares to all who enter and/or pass through the Town. The following Scenic Corridor Districts and overlays are hereby established:
   a) I-73 Scenic Corridor (1000’ buffer): This corridor extends for a distance of 1,000’ on either side of the right-of-way (ROW)* of I-73 within the boundaries of the Town limits.
   b) US-220 Scenic Corridor (1000’ buffer): This corridor extends for a distance of 1,000’ on either side of the right-of-way* of US-220 from the northern Town limits to the southern Town limits.
   c) NC-150 Scenic Corridor (500’ buffer): This corridor extends for a distance of 500’ on either side of the right-of-way* of NC-150 from the western Town limits to the eastern Town limits.

   * Construction and improvements for federal and state roadways are on-going and can affect ROW boundaries. Scenic corridors shall be defined based upon recorded ROW boundaries at the time of application and/or decision, regardless of construction activity (e.g., even if a roadway is undergoing construction or improvements, its ROW still forms the basis for the buffer).

4. Historic District Development Standards and Conservation Area (Reserved) Overlay (HDA) Intent: HDA sets forth certain performance standards intended to help preserve the character and value of residential properties, along with the small-town character of older, central business properties with the Summerfield Historic District. This overlay sets forth certain performance standards especially designed to help ensure that: 1) construction, preservation, and restoration of structures is compatible with the historic nature of the existing district; and, 2) non-residential development is appropriate to its location and compatible in scale, use, and style with surrounding historic uses. The performance standards applicable under this overlay are specified in Section 4.P.6 and Section 4.P.7.

F. Understanding the Permitted Use Tables

1. Types of Listed Column Headers and Table Designations:
   - **SIC** Standard Industrial Classification: A “SIC” code is a four-digit numerical code assigned by the federal government to a business to identify its primary business. It was developed to facilitate the collection, presentation, and analysis of data and to promote uniformity among various federal and state agencies and private organizations. The code definition that generates the highest revenue at a specific company location in the past year determines the primary SIC code.
NC  Not Classified: “NC” indicates that a use is not classified within the SIC classification system.
LUC  Land Use Classification: “LUC” includes numbers used to identify the type of planting yard requirements found in Section 6.E: Landscaping Requirements.
AG  Agricultural District: “AG” denotes the only type of agricultural zoning. *** AgTourism? ***
RS  Residential District: “RS” denotes one of three base residential districts.
RR  Rural Residential District: “RR” denotes one of three base residential districts.
EST  Estate District: “EST” denotes one of three base residential districts.
BN  Business District: “BN” denotes one of three base business districts.
OI  Office/Institutional District: “OI” denotes one of three base business districts.
SC  Shopping Center District: “SC” denotes one of three base business districts.
IND  Industrial District: “IND” denotes the only type of industrial zoning.
PD  Planned Area Development District: “PD” denotes a special district involving residential or non-residential land uses or combinations of the two.
WCA  Critical Watershed Area Prohibited Uses: “WCA” denotes a restrictive watershed protection overlay and indicates that a specific use is prohibited if the land used is located within a Critical Watershed Area Overlay.
P  Permitted: “P” indicates that a use is allowed in the designated district. A permitted use is required to meet all other applicable requirements of this Ordinance.
(blank)  Not Permitted: A blank cell indicates that a use is not permitted at the local level and a category not shown within a district likewise indicates that category of uses is not permitted.
NP  Not Permitted Statewide: “NP” is ultimately the same as a blank cell (not permitted), but additionally notes that a use is prohibited at the State level and not just at the local level.
SUP  Special Use Permit Required: “SUP” indicates that a use is only allowed where the special use permit process has been completed and approved. A special use permit is not required where development will occur under an approved PD.
TUP  Temporary Use Permit Required: “TUP” indicates that a temporary use permit is required.
DS  Development Standards Required: “DS” indicates that a use is permitted only when additional use-specific design standards are met.

2. Interpretation of Uses Not Listed: When a use is not listed in the Permitted Use Tables, the Administrator shall interpret it in accordance with Section 4.F: System for Categorizing Uses. If the Administrator should determine that a use is not listed and is not similar to a use in the Permitted Use Tables, then said use is prohibited. Appeals of the interpretation shall be made to the Board of Adjustment.

3. Uses Prohibited, Restricted, or Subject to Additional Requirements: Uses listed in the Permitted Use Tables may be prohibited, restricted, or subject to more restrictive additional requirements where one or more overlay areas or use specific standards apply.

Flammable, corrosive, toxic, and explosive materials are specifically subject to the following:

a) Storage or processing of materials that are flammable, corrosive, toxic, or explosive, or which could otherwise be injurious to human, animal, or plant life in time of flood shall be prohibited in the flood hazard areas and in the Critical Watershed Area Overlay (WCA). See Article 9 for specific restrictions on uses in these areas.

b) Spill risk reduction and containment is required for the use, storage, or processing of materials that are flammable, corrosive, toxic, or explosive, or which could otherwise be injurious to ground and surface water supplies or human, animal, or plant life in all districts.
### Table 4.G.1: Permitted Use Tables

*Table 4.G.1: Permitted Use Tables* identify the types of uses allowed within the Town. These are established and intended to complement and help implement the Summerfield Comprehensive Plan. **(need missing SIC codes from Julie)**

<table>
<thead>
<tr>
<th>AGRICULTURAL DISTRICT (AG only)</th>
<th>SIC</th>
<th>LUC</th>
<th>AG</th>
<th>WCA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agricultural production, crops</td>
<td>0100</td>
<td>1</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Agricultural production, livestock</td>
<td>0200</td>
<td>1</td>
<td>DS</td>
<td></td>
</tr>
<tr>
<td>Animal feeder/breeder</td>
<td>0210</td>
<td>1</td>
<td>DS</td>
<td>NP</td>
</tr>
<tr>
<td>Animal services, livestock</td>
<td>0751</td>
<td>3</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Animal services, other</td>
<td>0752</td>
<td>3</td>
<td>P</td>
<td></td>
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<tr>
<td>Fish hatchery</td>
<td>0920</td>
<td>4</td>
<td>P</td>
<td></td>
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<tr>
<td>Forestry</td>
<td>0810</td>
<td>1</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Horticultural specialties</td>
<td>0180</td>
<td>2</td>
<td>SUP</td>
<td></td>
</tr>
<tr>
<td>Landscape and horticultural services</td>
<td>0780</td>
<td>2</td>
<td>SUP</td>
<td>NP</td>
</tr>
<tr>
<td>Kennels, training facility</td>
<td>0752</td>
<td>3</td>
<td>SUP</td>
<td></td>
</tr>
<tr>
<td>Veterinary services, livestock</td>
<td>0741</td>
<td>3</td>
<td>SUP</td>
<td></td>
</tr>
<tr>
<td>Veterinary services, other</td>
<td>0742</td>
<td>3</td>
<td>SUP</td>
<td></td>
</tr>
<tr>
<td>Agricultural tourism facility, minor</td>
<td>NC</td>
<td>2</td>
<td>SUP</td>
<td></td>
</tr>
<tr>
<td>Agricultural tourism facility, major</td>
<td>NC</td>
<td>2</td>
<td>SUP</td>
<td></td>
</tr>
<tr>
<td>Equestrian facility</td>
<td>7999</td>
<td>2</td>
<td>SR</td>
<td></td>
</tr>
<tr>
<td>Horse farm</td>
<td>0272</td>
<td>4</td>
<td>DS</td>
<td></td>
</tr>
<tr>
<td>Vineyard with or without winery</td>
<td>0172</td>
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<table>
<thead>
<tr>
<th>Residential Uses</th>
<th>SIC</th>
<th>LUC</th>
<th>AG</th>
<th>WCA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Boarding and rooming house, less than 9 residents</td>
<td>7021</td>
<td>2</td>
<td></td>
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</tr>
<tr>
<td>Family care facility or group home</td>
<td>8361</td>
<td>1</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Maternal care home, less than 7 residents</td>
<td>8361</td>
<td>1</td>
<td>P</td>
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</tr>
<tr>
<td>Manufactured home, Class AA</td>
<td>NC</td>
<td>1</td>
<td>DS</td>
<td></td>
</tr>
<tr>
<td>Manufactured home, Class A and B</td>
<td>NC</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single-family detached home</td>
<td>NC</td>
<td>1</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Tourist home or bed-and-breakfast</td>
<td>7011</td>
<td>2</td>
<td>SUP</td>
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<table>
<thead>
<tr>
<th>Accessory Uses and Structures</th>
<th>SIC</th>
<th>LUC</th>
<th>AG</th>
<th>WCA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory dwelling unit, attached</td>
<td>NC</td>
<td>DS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accessory use and structure, customary</td>
<td>NC</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Caretaker dwelling (see attached accessory dwelling)</td>
<td>8811</td>
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</table>
### Recreational Uses

<table>
<thead>
<tr>
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<th>AG</th>
<th>WCA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arboretum, botanical garden</td>
<td>8422</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Athletic fields, recreational</td>
<td>7991</td>
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<td>SUP</td>
<td></td>
</tr>
<tr>
<td>Camp, day</td>
<td>7032</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Camp, weekly</td>
<td>7032</td>
<td></td>
<td></td>
<td>SUP</td>
</tr>
<tr>
<td>Private club or lodge</td>
<td>8640</td>
<td>3</td>
<td>SUP</td>
<td></td>
</tr>
<tr>
<td>Private club with outdoor recreation</td>
<td>7997</td>
<td>1</td>
<td>SUP</td>
<td></td>
</tr>
<tr>
<td>Golf course</td>
<td>7992</td>
<td>1</td>
<td>SUP</td>
<td></td>
</tr>
<tr>
<td>Golf driving range</td>
<td>7999</td>
<td>3</td>
<td>SUP</td>
<td></td>
</tr>
<tr>
<td>Private recreational facility, other</td>
<td>7997</td>
<td>3</td>
<td>SUP</td>
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<tr>
<td>Public park</td>
<td>7990</td>
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<td>DS</td>
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<tr>
<td>Public recreation facility</td>
<td>7990</td>
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<td>DS</td>
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</tr>
<tr>
<td>Shooting range, indoor</td>
<td>7999</td>
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<tr>
<td>Shooting range, outdoor</td>
<td>7999</td>
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<td>SUP</td>
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<tr>
<td>Special events facility</td>
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<tr>
<td>Sport instructional school</td>
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<td>5</td>
<td></td>
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<tr>
<td>Sports and recreation club, indoor</td>
<td>7997</td>
<td>3</td>
<td>SUP</td>
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<tr>
<td>Swim or tennis club facility</td>
<td>7997</td>
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### Educational and Institutional Uses

<table>
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<tr>
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<th>AG</th>
<th>WCA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cemetery or mausoleum</td>
<td>6553</td>
<td>2</td>
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<tr>
<td>Religious institution, church</td>
<td>8661</td>
<td>3</td>
<td>SUP</td>
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</tr>
<tr>
<td>Daycare center, adult, 5 or fewer as home occupation</td>
<td>8351</td>
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<tr>
<td>Daycare center, child, 5 or fewer as home occupation</td>
<td>8351</td>
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<tr>
<td>Elementary, middle, or secondary school</td>
<td>8211</td>
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<td>DS</td>
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### Wholesale Trade Uses

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<th>WCA</th>
</tr>
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<tbody>
<tr>
<td>Agricultural chemicals, pesticides, or fertilizers</td>
<td>5191</td>
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<td>NP</td>
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<tr>
<td>Agricultural products, other</td>
<td>5159</td>
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<td>Animal and animal products, other</td>
<td>5159</td>
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<td>DS</td>
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<td>Farm supplies, other</td>
<td>5191</td>
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<td>Flowers, nursery stock, and florist supplies</td>
<td>5193</td>
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</tbody>
</table>
### Forest products
5099 5 DS

### Grain and field beans
5133 5 DS

### Livestock
5154 5 DS

### Utility lines and related appurtenances
NC P

### Utility substation
NC 4 DS

### Logging and wood, raw materials
2411 1 SUP

### Sawmill
2420 5 SUP

### Other Uses (Temporary Uses with Permit)

<table>
<thead>
<tr>
<th>SIC</th>
<th>LUC</th>
<th>AG</th>
<th>WCA</th>
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<tr>
<td>NC</td>
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### Agricultural Uses

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### Residential Uses

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### Accessory Uses and Structures

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### Educational and Institutional Uses

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### Other Uses (Temporary Uses with Permit)

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<td>Temporary event, on-site construction office</td>
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<td>Yard sale, no more than 3 per year &gt; no permit necessary</td>
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### Wholesale Trade Uses

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### BUSINESS DISTRICTS (includes BN and SC only here; OI follows separately)

#### Agricultural Uses

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<td>Animal services, other</td>
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<td>Veterinary services, other</td>
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#### Residential Uses

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<td>Common recreation and service facilities</td>
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<td>Maternal care home, more than 6 residents</td>
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<td>Shelter for the homeless</td>
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<td>Second-story single family</td>
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<td>Bowling centers</td>
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<td>Golf driving range</td>
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<td>Private club or recreational facility, other</td>
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<td>Public recreation facility</td>
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### Educational and Institutional Uses

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<td>Daycare center, child, 6 or more</td>
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<td>Police station, neighborhood</td>
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### Business, Professional, and Personal Services Uses

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### BUSINESS DISTRICTS (includes OI only here)

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#### Business, Professional, and Personal Services Uses

<table>
<thead>
<tr>
<th>Services</th>
<th>SIC</th>
<th>LUC</th>
<th>OI</th>
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</thead>
<tbody>
<tr>
<td>Accounting, auditing, or bookkeeping</td>
<td>8721</td>
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</tr>
<tr>
<td>Administrative or management services</td>
<td>8740</td>
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<tr>
<td>Advertising agency or representative</td>
<td>7310</td>
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<tr>
<td>Bank, savings and loan, or credit union</td>
<td>6000</td>
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</tr>
<tr>
<td>Building maintenance services</td>
<td>7349</td>
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<tr>
<td>Computer services</td>
<td>7370</td>
<td>3</td>
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</tr>
<tr>
<td>Economic, sociological, or educational research</td>
<td>8732</td>
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<tr>
<td>Employment agency, personnel agency</td>
<td>7360</td>
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</tr>
<tr>
<td>Engineering, architect, or survey service</td>
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</tr>
<tr>
<td>Finance or loan office with drive-through</td>
<td>6100</td>
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<tr>
<td>Finance or loan office without drive-through</td>
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<td>P</td>
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<tr>
<td>Funeral home or crematorium</td>
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<tr>
<td>Insurance agency, no on-site claims inspections</td>
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<tr>
<td>Insurance agency, on-site claims inspections</td>
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<td>Medical, dental or related office</td>
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<tr>
<td>Medical or dental laboratory</td>
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<td>3</td>
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To w n  o f  S u m m e r f i e l d ,  N C ,  U n i f i e d  D e v e l o p m e n t  O r d i n a n c e    | January 2016 draft

### Article 4: Zoning Districts

<table>
<thead>
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<th>Use Description</th>
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<td>Noncommercial research organization</td>
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<td>Office uses not otherwise classified</td>
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<td>Photocopying and duplicating services</td>
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<td>Photofinishing laboratory</td>
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<td>Photography studio</td>
<td>7221</td>
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<td>Real estate office</td>
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<td>Rehabilitation or counseling services</td>
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<tr>
<td>Research, development, or testing services</td>
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<td>Watch or jewelry repair</td>
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<td>Drugstore</td>
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<td>Gift or card shop</td>
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<td>Newsstand</td>
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<td>Optical goods sales</td>
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<tr>
<td>Restaurant without drive-through</td>
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<td>Stationery store</td>
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### Educational and Institutional Uses

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<tr>
<td>Ambulance service</td>
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<td>Cemetery or mausoleum</td>
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<td>Religious institutions, church</td>
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<tr>
<td>College or university</td>
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<tr>
<td>Correctional institution</td>
<td>9223</td>
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<td>Daycare center, adult or child, 6 or more</td>
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<td>Elementary, middle, or secondary school</td>
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<tr>
<td>Fire station</td>
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<tr>
<td>Government office</td>
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<tr>
<td>Hospital/specialty hospital</td>
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<td>Library</td>
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<td>Museum or art gallery</td>
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<tr>
<td>Nursing and convalescent home</td>
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<td>Orphanage</td>
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<td>Police station, neighborhood</td>
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<tr>
<td>Post office</td>
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<td>Psychiatric hospital</td>
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<td>Retreat center</td>
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<tr>
<td>School administration facility</td>
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### Recreational Uses

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<td>Auditorium, coliseum, or stadium</td>
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<tr>
<td>Club or lodge</td>
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<td>Country club with golf course</td>
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<td>Golf course</td>
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<td>Physical fitness center</td>
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<tr>
<td>Private club or recreational facility, other</td>
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<tr>
<td>Public park</td>
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<td>Public recreation facility</td>
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<td>Special events facility</td>
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### Residential Uses (NP: Not Permitted Statewide)

### Transportational, Warehousing, and Utility Uses

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<td>Communication or broadcasting facility</td>
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<tr>
<td>Radio, television, or communication tower</td>
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<td>Utility company office</td>
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<tr>
<td>Utility lines and related appurtenances</td>
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### Other Uses (Temporary Uses with Permit)

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>Temporary event, arts and crafts show</td>
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<tr>
<td>Temporary event, concerts, stage show</td>
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<td>TUP</td>
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<tr>
<td>Temporary event, conventions, trade shows</td>
<td>NC</td>
<td>TUP</td>
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<tr>
<td>Temporary event, outdoor religious event</td>
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<td>TUP</td>
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<tr>
<td>Temporary event, on-site construction office</td>
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<tr>
<td>Temporary event, on-site real estate sales</td>
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### INDUSTRIAL DISTRICT (IND only)

### Agricultural Uses

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<tbody>
<tr>
<td>Agricultural production, crops</td>
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<tr>
<td>Agricultural production, livestock</td>
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<tr>
<td>Animal services, livestock</td>
<td>0751</td>
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</tr>
<tr>
<td>Animal services, other</td>
<td>0752</td>
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<td>Fish hatchery</td>
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<td>Forestry</td>
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<td>Horticultural specialties</td>
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<tr>
<td>Veterinary services, livestock</td>
<td>0741</td>
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<td>P</td>
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<tr>
<td>Veterinary services, other</td>
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<td>Business, Professional, and Personal Services Uses</td>
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<td>--------------------------------------------------------------------------</td>
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<td>Automobile repair services, minor</td>
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<td>Building maintenance services</td>
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<tr>
<td>Clothing alteration or repair</td>
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<tr>
<td>Computer maintenance and repair</td>
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<tr>
<td>Computer services</td>
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<tr>
<td>Funeral home or crematorium</td>
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<td>P</td>
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<tr>
<td>Kennels or pet grooming</td>
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<tr>
<td>Medical or dental laboratory</td>
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<tr>
<td>Motion picture production</td>
<td>7810</td>
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<tr>
<td>Photography, commercial</td>
<td>7335</td>
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<tr>
<td>Photography studio</td>
<td>7221</td>
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<td>P</td>
</tr>
<tr>
<td>Research, development or testing services</td>
<td>8730</td>
<td>3</td>
<td>P</td>
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<tr>
<td>Vocational, business, or secretarial school</td>
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</table>

<table>
<thead>
<tr>
<th>Educational and Institutional Uses</th>
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<th>IND</th>
<th>WCA</th>
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<tbody>
<tr>
<td>Ambulance Service</td>
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<table>
<thead>
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<td>Apparel and finished fabric products</td>
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<td>Audio, video, and communication equipment</td>
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<td>Bakery products</td>
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<td>Beverage products, non-alcoholic</td>
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<td>Bicycle assembly</td>
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<td>Bicycle parts and accessories</td>
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<td>Boat and ship-building</td>
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<td>Brooms and brushes</td>
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<td>Floor coverings, excluding carpet</td>
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<td>Glass products from purchased glass</td>
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<td>Grain mill products</td>
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<td>Heating equipment and plumbing fixtures</td>
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<td>Ice</td>
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<td>Jewelry and silverware, no plating</td>
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<td>Lighting and wiring equipment</td>
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<td>Manufactured housing and wood buildings</td>
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<td>Measurement, analysis, and control instruments</td>
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<tr>
<td>Medical, dental, and surgical equipment</td>
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<tr>
<td>Millwork, plywood, and veneer</td>
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<td>Motor vehicle assembly</td>
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<tr>
<td>Musical instruments</td>
<td>3930</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Paperboard containers and boxes</td>
<td>2650</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pens and art supplies</td>
<td>3950</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Photographic equipment</td>
<td>3861</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Photographic supplies</td>
<td>3861</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pottery and related products</td>
<td>3260</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Preserved fruits and vegetables, no can manufacturing</td>
<td>2030</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Printing and publishing</td>
<td>2700</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Signs</td>
<td>3993</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sporting goods and toys</td>
<td>3940</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stone cutting, shaping, and finishing, interior use</td>
<td>3281</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sugar and confectionery products</td>
<td>2060</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tobacco products</td>
<td>2110</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wood containers</td>
<td>2440</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wood products, miscellaneous</td>
<td>2490</td>
<td>P</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
H. Accessory Uses, Buildings, and Structures

The following requirements are for customary accessory buildings and structures. Other accessory buildings and structures containing specific accessory uses listed in Table G.3.3: Accessory Uses and Structures may have additional development requirements found in Article 5 Use-Specific Standards. Accessory structures shall not be allowed until a principal structure has been constructed or placed on the property.

1. General Requirements:
   a) Height: The height of all accessory structures shall conform to the dimensional requirements of the zoning classification.
   b) All Districts: No accessory structure or building shall be erected in an easement.

<table>
<thead>
<tr>
<th>Other Uses (Temporary Uses with Permit)</th>
<th>SIC</th>
<th>LUC</th>
<th>IND</th>
<th>WCA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Temporary event, on-site construction office</td>
<td>7999</td>
<td>DS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Temporary event, on-site real estate sales</td>
<td>?</td>
<td>DS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Temporary event, outdoor storage container</td>
<td>?</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Mining Uses (NP: Not Permitted Statewide)

Recreational Uses (NP: Not Permitted Statewide)

<table>
<thead>
<tr>
<th>Residential Uses</th>
<th>SIC</th>
<th>LUC</th>
<th>IND</th>
<th>WCA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shelter for the homeless/emergency shelter</td>
<td>8322</td>
<td>2</td>
<td>DS</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Retail Trade Uses</th>
<th>SIC</th>
<th>LUC</th>
<th>IND</th>
<th>WCA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bookstore, adult</td>
<td>NC</td>
<td>3</td>
<td>DS</td>
<td></td>
</tr>
<tr>
<td>Garden center or retail nursery</td>
<td>5261</td>
<td>3</td>
<td>DS</td>
<td></td>
</tr>
<tr>
<td>Office machine sales</td>
<td>5999</td>
<td>3</td>
<td>P</td>
<td></td>
</tr>
</tbody>
</table>

PLANNED AREA DEVELOPMENT DISTRICT (PD only)

Permitted Uses

All permitted uses within a PD zoning designation shall be identified at the time of zoning approval and set forth in the Ordinance and/or preliminary development plan approved by Town Council:

1. Residential uses may be any variety of types and styles and applicants are encouraged to provide a variety of sizes, types, and styles of housing to promote a balanced community; and,

2. All other uses shall be determined by the compatibility of such uses with each other and with surrounding land uses and shall conform to policies established in the Summerfield Comprehensive Plan.

3. Land use density and intensity permitted in a PD zoning designation shall be determined by the quality of the proposed PD design and the natural physical characteristics and limitations of the site, and these shall be consistent with the Summerfield Comprehensive Plan. Densities may be impacted by the use of innovative provisions for water, sewage, storm water, and other required improvements.
2. Location:

   a) **Residential Zoning Districts**:
      
      (1) Front: All accessory structures and buildings must be located behind the front building line of the principal structure. In AG on bona fide farms, agricultural accessory structures and buildings may be located to either side of the front yard, but not located between the principle structure and the road frontage.

      (2) Side and Rear: If the gross floor area (GFA) of the accessory building or structure is greater than 600 ft², it must meet the principal building(s) setback requirements. If the GFA of the accessory structure or building is less than or equal to 600 ft², the structure or building may be located 10’ from a side or rear line.

   b) **Multifamily Development Districts**: Clubhouses, rental or administrative offices, and mailbox kiosks or shelters may be located in front of the front building line or the principal building, but shall follow the same street setbacks as the principal building. All other accessory buildings and structures shall be located behind the front building line of the principal building.

   c) **Non-Residential Zoning Districts**: Accessory structures and buildings may be in front of the front building line of the principal structure, but must follow the same street setback as the principal building.

3. **Accessory Use Area**: A non-residential accessory use shall not exceed 25% of any of the following measures: gross sales, building volume, floor area, land area, or any other appropriate measure of usage.

   **Table 4.H.1: Accessory Uses and Structures** is established and intended to complement and help implement the Summerfield Comprehensive Plan.

<table>
<thead>
<tr>
<th>Use</th>
<th>AG</th>
<th>RS</th>
<th>RR</th>
<th>EST</th>
<th>OI</th>
<th>BN</th>
<th>SC</th>
<th>IND</th>
<th>PD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory dwelling unit, attached</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accessory uses and structures, customary</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>On-site daycare</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Emergency shelter</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Home occupation</td>
<td>DS</td>
<td>DS</td>
<td>DS</td>
<td>DS</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Migrant labor housing</td>
<td>DS</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rural family occupation</td>
<td>DS</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Satellite dish</td>
<td>DS</td>
<td>DS</td>
<td>DS</td>
<td>DS</td>
<td>DS</td>
<td>DS</td>
<td>DS</td>
<td>DS</td>
<td>DS</td>
</tr>
<tr>
<td>Solar energy systems</td>
<td>DS</td>
<td>DS</td>
<td>DS</td>
<td>DS</td>
<td>DS</td>
<td>DS</td>
<td>DS</td>
<td>DS</td>
<td>DS</td>
</tr>
<tr>
<td>Swimming pool</td>
<td>DS</td>
<td>DS</td>
<td>DS</td>
<td>DS</td>
<td>DS</td>
<td>DS</td>
<td>DS</td>
<td>DS</td>
<td>DS</td>
</tr>
</tbody>
</table>

I. Temporary Use and Event Standards

Temporary uses and events shall be permitted only in compliance with the following:

1. **General Conditions**:

   a) The Administrator may attach any conditions to a temporary use permit needed to protect public health, safety, and welfare.

   b) Conditions imposed for all events open to the public shall be assessed by duration, intensity, and impact on surrounding land uses.
c) Applicant is required to submit evidence of adequate parking, traffic control, rest room facilities, garbage disposal, or other needed services appropriate to the level of participation.

d) A site plan must be submitted showing the proposed temporary use. Detailed information to be provided shall include property lines, proposed location, size and type of mobile units, tents, canopies, stalls, booths, temporary fencing, or other structures, driveway access, parking, circulation, trash location, portable toilet and other services required for the provision of the use. Plans shall be submitted for any proposed lighting or signage. Detailed information shall be provided regarding any proposed music or audio equipment.

e) A temporary use shall not use required parking for an existing permanent use.

f) A temporary use shall not interfere with any access, entrance, driveway, emergency exit, internal circulation, or fire lane.

g) Use of any public right-of-ways or any easements is not permitted for any activity, operation, use, structure, or any portion of the preceding.

h) Structures, buildings, booths, canopies, stalls, mobile units, or other temporary devices shall meet all setbacks of the applicable zoning district.

i) All products, materials, temporary structures, signs, fencing, garbage, and other evidence of the operation must be completely removed from the site upon expiration of the permit.

j) Temporary and mobile structures shall be used only in connection with temporary uses.

k) Temporary and mobile structures shall be capable of being removed immediately in an emergency or hazardous condition.

l) The addition of amusement-park-type rides, inflatable jumping house, or other non-related activities to a temporary activity is not permitted, except with a carnival or a fair.

m) For seasonal sales lots, only incidental sales of closely related items shall be allowed in conjunction with the temporary use (e.g., wreaths, hot chocolate). Products manufactured off-site for retail sale shall not be permitted.

n) The applicant shall provide evidence of all required approvals from:

   (1) Guilford County Fire Marshall;
   (2) Guilford County Health;
   (3) NC Department of Agriculture;
   (4) ABC Board; and,
   (5) other County or State agencies, as required by the Administrator.

2. Uses and Events Permitted: Temporary uses are broken into one of four levels based on the duration of the use:

a) Single-day event/use, such as: 1) arts or craft shows; 2) beverage, food, or snack wagons; 3) concerts or stage shows; or, 4) outdoor retail sales.

b) Week-long event/use (lasting no more than seven days), such as: 1) carnivals/fairs; or, 2) exterior religious events.

c) An event/use lasting 30–45 days, such as: 1) seasonal sales; 2) agricultural seasonal sales; or, 3) outdoor storage containers.

d) An event/use lasting for the duration or completion of a project, such as: 1) construction offices or equipment sheds on a construction site; or, 2) real estate sales and/or an indoor rental office.

3. Other Temporary Uses: The Administrator may issue a permit for a temporary use not listed, provided that:

a) the use is clearly of a temporary nature;

b) conditions required to mitigate any negative impact are met;

c) all conditions of this section are met; and,

d) the use is in keeping with the requirements and intent of this Ordinance.
4. **Conditions for Permit Renewal:** Applicants violating a temporary use permit shall not be eligible for renewal or new occurrences. Temporary permits may be considered for one limited renewal, provided that the Administrator finds that the use:

   a) continues to function clearly as a temporary use;
   b) has not shown itself to be a hazard to safe traffic movement;
   c) has not shown itself to be a nuisance to surrounding uses; and,
   d) is functioning in accordance with all requirements of this Ordinance and other applicable laws.

J. **Dimensional Requirements and Tables**

1. **General:** The dimensional requirements in each district shall apply to all property within that district.

   a) Where Water Supply Water Regulations and Flood Damage Prevention Regulations impose more restrictive requirements due to location within one of the overlays than a particular district shows for size, coverage, or dimensional regulation, the more restrictive shall apply and prevail.

   b) All minimum lot sizes without public sewer are subject to a larger minimum where required by the Guilford County Health Department.

   c) The Administrator and Guilford County Department of Public Health may, in concert and only in full agreement, reduce the minimum lot size, where evidence is submitted to show, through use of soil testing by a certified soils scientist and/or other supportable data, that the minimum lot size is in excess of the size required for adequate sewage disposal and where no proposed or existing well site would not be jeopardized. Off-site septic system locations will not be considered for this purpose. The minimum lot size may be adjusted by whatever increment is judged appropriate by Guilford County Department of Public Health and the Administrator in concert and in full agreement. The minimum lot size shall not be reduced below five acres in Watershed Protection Areas with a WS III CA (Tier Two) designation; below three acres in Watershed Protection Areas with a WS III CA (Tier Three) designation; below 60,000 ft² in a Watershed Protection Areas with a WS III CA (Tier Four) designation or in Watershed Protection Areas with a WS III BW or WS IV PA designation; or below 43,560 ft² for residential purposes under any circumstances. No request for a reduction of lot size will be considered unless submitted with appropriate evidence.

   Under no circumstances shall any lot be reduced unless sufficient space is provided for all required improvements, all required regulations, size, setbacks, dimensional regulations, and where impervious surface coverage requirements are met.

   e) The Administrator and Guilford County Department of Public Health may, in concert and only in full agreement, reduce the minimum lot size where evidence is submitted to show, through use of soil testing by a certified soils scientist, manufacturer's specifications, and other supportable data, that for uses served by community wells and/or alternative sewage system, the minimum lot size is in excess of the size required for adequate sewage disposal and where no proposed or existing well site would not be jeopardized. Such lot size reductions shall be considered only in planned area developments. Under no circumstances shall any lot be reduced unless sufficient space is provided for all required improvements, all required regulations, size, setbacks, dimensional regulations, and where impervious surface coverage requirements are met.
2. Dimensional Requirements for Watershed Areas and Designated Flood Plains:

| TABLE 4.J.2a: WATERSHED MINIMUM LOT SIZE FOR SINGLE-FAMILY HOMES AND MAXIMUM COVERAGE FOR ALL OTHER USES (other restrictions apply) |
|---|---|---|
| **Residential** | **Business** |
| WS-111 CA | | |
| Tier One | NP | NP |
| Tier Two | 1 dwelling unit per 5 acres | 0–2.5% |
| Tier Three | 1 dwelling unit per 3 acres | 0–4% |
| Tier Four | 1 dwelling unit per 60,000 ft² | 0–12% |
| WS 111 GWA | 1 dwelling unit per 60,000 ft² | 0–24% |
| WS-IV | Reserved | Reserved |

| TABLE 4.J.2b: DESIGNATED FLOOD PLAIN MINIMUM LOT SIZE FOR SINGLE-FAMILY HOMES AND MAXIMUM COVERAGE FOR ALL OTHER USES (other restrictions apply) |
|---|---|---|
| **Residential** | **Business** |
| With 2' freeboard and access at or above BFE | 1 dwelling unit per 10 acres | Reserved |

3. Dimensional Requirements for Agricultural and Residential Districts:

| TABLE 4.J.3: DIMENSIONAL REQUIREMENTS FOR AGRICULTURAL AND RESIDENTIAL DISTRICTS |
|---|---|---|---|---|
| **AG** | **EST** | **RR** | **RS** |
| Minimum lot size in: | | | | |
| • square feet | 435,600 | 217,800 | 130,680 | 60,000 |
| • acres | 10 | 5 | 3 | 1.38 |
| • dwelling unit per acre | 0.10 | 0.20 | 0.33 | 0.73 |
| Minimum lot width by front setback (in feet) | | | | |
| Minimum street frontage (in feet) | 150 | 150 | 150 | 150 |
| Minimum setbacks (in feet) from: | | | | |
| • Front/street right-of-way | | | | |
| • Local/sub-collector/collector street: | | | | |
| ~ minor thoroughfare | 50 | 50 | 50 | 40 |
| ~ major thoroughfare | 60 | 60 | 60 | 50 |
| • Side yard: | | | | |
| ~ side yard (interior) | 30 | 30 | 20 | 15 |
| ~ corner lot (side street) | A | A | A | A |
| • Rear yard | 50 | 50 | 50 | 30 |
| Maximum building height (maximum 3 partial or 2 full stories above grade) | 50 | 50 | 50 | 50 |
| Maximum total impervious surface | 30% | 30% | 30% | 30% |
Notes:

- A corner lot has two setbacks. The sideyard setback shall be the same as the street minimum setback based on the road classification adjacent to it.
- A “through lot” has two street setbacks, but no rear yard setback.
- For pre-existing lots in old R-40 and R-30 classifications:
  
  RS includes old R-40-approved lots of record existing prior to Ordinance changes with a minimum lot size of 40,000 ft$^2$. Such lots may need to be reconfigured to meet current health standards.
  
  RS includes old RS-30-approved lots of record existing prior to May 4, 1999, with a minimum lot size of 30,000 ft$^2$. Such lots may need to be reconfigured to meet current health standards.

4. Dimensional Requirements for Non-Residential Districts: Proposed non-residential development shall ensure adequate setbacks, buffering of adjoining uses, and sensitivity to physical features. Lot sizes shall be increased to accommodate specific uses, lot coverage, setbacks, access, landscaping, and other requirements as provided in this title.

<table>
<thead>
<tr>
<th>TABLE 4.J.4: DIMENSIONAL REQUIREMENTS FOR NON-RESIDENTIAL DISTRICTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum lot size (in square feet or acres with SC)</td>
</tr>
<tr>
<td>60,000</td>
</tr>
<tr>
<td>Minimum lot width by front setback (in feet)</td>
</tr>
<tr>
<td>Minimum street frontage (in feet)</td>
</tr>
<tr>
<td>Minimum setbacks (in feet) from:</td>
</tr>
<tr>
<td>• Front/street right-of-way</td>
</tr>
<tr>
<td>• Local/sub-collector/collector street:</td>
</tr>
<tr>
<td>~ minor thoroughfare</td>
</tr>
<tr>
<td>~ major thoroughfare</td>
</tr>
<tr>
<td>• Side yard:</td>
</tr>
<tr>
<td>~ side yard (interior)</td>
</tr>
<tr>
<td>~ corner lot (side street)</td>
</tr>
<tr>
<td>• Rear yard</td>
</tr>
<tr>
<td>Adjustment to non-residential zoning</td>
</tr>
<tr>
<td>Maximum building height (maximum 3 partial or 2 full stories above grade)</td>
</tr>
<tr>
<td>Maximum total impervious surface (also note same within watersheds)</td>
</tr>
</tbody>
</table>

Notes:

- A corner lot has two setbacks. The sideyard setback shall be the same as the street minimum setback based on the road classification adjacent to it.
- A “through lot” has two street setbacks, but no rear yard setback.

K. Supplemental Dimensional Requirements

1. Structures Permitted Above Height Limits: 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, and flag poles, provided such structures

January 2016 draft | Town of Summerfield, NC, Unified Development Ordinance
meet required NC State Building Codes. Radio, television, and communication towers, masts, aerials, and similar structures shall meet the special development standards for such uses as set forth in Article 5. See especially Article 5: Use-Specific Standards for Radio, Television, and Communication Tower, and Wireless Communications Facility.

2. Prevailing Street Setback: Where 50% or more of the lots on the same side of the block as the lot in question are developed with less than the required street setbacks, the average setback of the two principal buildings nearest that lot shall be observed as the required minimum setback.

3. Encroachments Into Required Setbacks: 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) pet shelters, at-grade patios, play equipment or outdoor furniture, ornamental entry columns and gates, flag poles, lamp posts, address posts, mailboxes, public utility wires and poles, pumps or wells, and fences or retaining walls subject to the requirements of this Ordinance;
   c) handicapped ramps; and,
   d) gatehouses/guardhouses and bus shelters.

4. Easement Encroachments:
   a) 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. (Note: The property owner should contact proper utility location providers prior to fence construction.)
   b) Water Quality Conservation Easements: Water-related improvements, such as soil erosion and sedimentation control structures, may be placed or constructed within water quality conservation easements.

L. Zone Lot Requirements

1. Principal Buildings Per Lot: Every building hereafter erected or moved shall be located on a zone lot and in no case shall there be more than one principal residential building and its accessory buildings on a zone lot except as provided below.
   a) Non-Residential Group Development: Two or more principal non-residential buildings are permitted on a zone lot pursuant to a site plan approved by the Administrator, provided that an access driveway is maintained to each building in passable condition for service and emergency vehicle.
   b) Residential Group Development: Two or more principal buildings are permitted in a multi-family development pursuant to a site plan approved by the Administrator, provided that an access driveway is maintained to each building in passable condition for service and emergency vehicle.
   c) Development in the AG District: Two or more principal buildings or uses are permitted in the Agricultural District on the same zone lot pursuant to site plan approval provided that the lot contains at least 80,000 ft² per permitted principal use and that no more than one of the buildings is proposed for residential use. An access driveway shall be maintained to each building in a passable condition for service and emergency vehicles.

2. Street Access Requirements:
   a) Access to Public Street Required: Every zone lot shall abut and have direct access to a publicly-maintained street or other public right-of-way legally dedicated, except as provided in this section. No building or structure shall be constructed, erected, or placed on a zone lot that does not abut and have direct access to a publicly-maintained street or other public right-of-way legally dedicated, except as provided in this section. The zone lot shall have an open and passable access from the street where the legally-assigned address is located to the principal building or structure. For corner lots, the access may be from the side street if the access is clearly visible from the street where the address is assigned.
   b) 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 approved and constructed in conformance with Section 6.A: Street Standards. ***(this one definitely changed)***
c) Private Lanes: Certain subdivision lots may abut and have access to private lanes platted in accordance with Section 6.A.6: Standards for Private Lanes and Alleys.

d) Exceptions: Special-purpose lots may provide access via easement in accordance with Section 4.N: Special-Purpose Lots, and lots served by exclusive access easements in accordance with Section 4.N.2.

e) Access from Public Street Prohibited: Access from a business, office/institutional, or industrial zoning district shall be prohibited through an residential district, unless it is the sole access.

f) Access Through Districts Permitted: Any use located in a zoning district which is also a permitted use in a neighboring zoning district may have access through the neighboring zoning district without additional requirements.

3. Planned Area Development:

a) Street Access: Individual parcels, whether leased or sold, in a planned area development shall have shared rights of access along private streets and/or along private drives at least 24’ in width leading to a publicly-maintained street. Private alleys may be permitted with at least 18’ in width leading to a publicly- or privately-maintained street.

b) Parking and Landscaping: A planned area development shall be treated as a single zone lot for purposes of providing required off-street parking and required planting yards, even if out parcels for sale are included within the development.

   (1) 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. Shared parking is encouraged.

   (2) If required planting yards are provided along the development perimeter, including street frontages, and requirements for parking lot planting are met, planting yards are not required along property lines and lease lines between two parcels within the planned area development.

c) Plat and Notice Requirements: If the owner of a development elects to organize it in a planned area 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 to function as a planned area 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.

d) Common Areas and Improvements Maintenance: Maintenance of all common areas and improvements shall be a mandatory responsibility, running with the land, exercised by a single entity which shall be composed of one landowner, an Owner’s Association, or all owners acting collectively pursuant to a binding agreement.

M. Lot Size Reduction Prohibitions

1. 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, planting yard, or signage requirement of this Ordinance is created, nor shall any existing nonconformity or violation be increased.

2. Zone Lot: Where two or more contiguous lots in one ownership collectively form a zone lot, that zone lot shall not be reduced in size so that noncompliance with respect to any frontage, building coverage, area, built-upon area, width, setback, parking, planting yard, or signage requirement of this Ordinance is created, nor shall any existing nonconformity or violation be increased.

3. Exemption: These prohibitions shall not apply to Town, County, or State acquisition of land.

N. 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, radio, television, and communication towers, and similar utility uses. Such lots shall comply with the following requirements:

1. Minimum Size: The special-purpose lot shall be permitted only after the Administrator has determined that the proposed lot has sufficient dimensions to accommodate the intended use and, where required by this Ordinance, planting yards.
a) Alternative Sewage Treatment and Individual Off-Site Sewage Treatment: Such lots shall be considered special-purpose lots for an individual septic system or alternative sewage treatment systems shall have a minimum of 20’ of direct access to a public or private street/lane or a platted minimum 20’ access easement that provides for installation, maintenance, and repair of the system from the street or lane to the lot. Easements that provide access for the supply line only from the lot it serves to the special-purpose lot may be a minimum of 10’. All easements shall be labeled “private sanitary sewer easements serving lot(s)….“ Lots for individual off-site septic systems require specific approval and shall be considered an exception where all other alternatives have been exhausted.

b) All Other Special-Purpose Lots: If the special-purpose lot does not have a minimum of 10’ direct access to a public or private lane, an easement for ingress and egress with a minimum width of 10’ shall be platted from the street or lane to the lot.

2. Platting: The subdivision to create the lot shall be approved in accordance with Article 7: Subdivision Standards. The final plat shall label the lot as a “special-purpose lot for use as….“ A lot created for an individual septic system shall carry the number of the lot or lots it serves and the letter “A.”

3. Conveyance: A special-purpose lot for an individual off-site septic system shall be conveyed with the lot for which sewage treatment is provided.

No residential lots shall have access to thoroughfares or scenic corridors. No two-family dwellings (such as a condominium or townhouse within a PD) shall have direct access to thoroughfares or scenic corridors.

4. Standards for All Open Space Developments:
   a) Boundary Treatment:
      (1) The scale and setbacks of open space development improvements within 150’ of the perimeter of the open space development shall be in harmony with development on adjacent lands.
      (2) No business zoning shall be permitted within 150’ of the perimeter of an open space development unless the same or a similar use exists adjacent to the perimeter at the time of the approval of the open space development.
   b) Signs:
      (1) The size, height, setback, location, design, illumination, and number of signs shall be specified in the Master Development Plan.
      (2) All signs shall use a coordinated color, style, and lettering scheme.
      (3) Street signs must be approved by the Administrator.
   c) Parking: Off-street parking for each use in an open space development shall be provided in accordance with the standards set forth in this chapter for the same use or uses of similar intensity. Town Council may reduce the parking spaces if the master development plan provides convenient pedestrian and/or bicycle access among uses.
   d) Open Space:
      (1) Qualifying open space areas shall be determined in accordance with Section 6.D: Conservation and Open Space Requirements.
      (2) A minimum of 50% of the gross land area, less open space credits and excluding existing street right-of-way, shall be open space.
   e) Community Wells and Sewage Treatment: Community wells and sewage treatment systems are permitted and encouraged as a means of promoting compact development within surrounding open space. The areas designated for these systems shall be indicated on the sketch plan and master development plan.

O. Scenic Corridor Overlay Districts
   1. Permitted Uses: All uses permitted in the underlying base district are permitted, except manufactured housing, outdoor storage, outside processing or assembly operations, and truck parking areas.
2. **Building Materials:**
   a) Materials such as brick, stone, wood, or other like and similar materials are required on all new construction and additions that are visible from a public right-of-way. The Administrator or Planning Board may approve other building materials that meet or exceed the standards established by this Ordinance.
   b) Accessory Structures (Non-Residential and Residential): Prefabricated metal or fiberglass sheds shall not be visible from the scenic corridor.

3. **Architectural Design:** Long, blank walls are not permitted. For every 30' of building frontage, there shall be a change in front building façade, i.e., relief, elevation, design, building material, or other like distinction. The Administrator or Planning Board may approve alternative building designs that meet or exceed the standards established by this Ordinance. This section does not apply to single-family residential structures.

4. **Signage:** All freestanding signs shall be monument signs. All signage shall be limited to no more than 6’ in height and 50 ft² in area. Signage shall be compatible in scale, size, material, and character with the building and surrounding structures.

5. **Walls and Fencing:** Walls and fencing shall enhance the rural or historic character of the development and community. Materials used for walls and fencing should complement or duplicate materials used in the buildings. Materials such as brick, stone, wood, or other like and similar materials are required for all fencing that can be viewed from the scenic corridor. Business development is encouraged to use berms, walls, fencing, and vegetative materials in concert to produce effective screening.

6. **Parking:** Parking shall be located to the side or rear of the development. Side parking shall meet the minimum street yard setback as shall screens with a combination of landscape berms (minimum 4' high), walls, and fencing. Large expanses of parking shall not be approved. Parking that is adjacent to the scenic corridor shall be required to have a street planting yard buffering it from the scenic corridor. The Administrator or Planning Board may approve an alternate plan which meets or exceeds the standards of the Ordinance.

   Interior parking will be required to have the following planting rate: one canopy tree per 12 parking spaces, one understory tree per eight parking spaces, and one shrub per three parking spaces. Placement of the landscaping shall follow the guidelines established in Article 6.E.4.(e).

7. **Existing Tree Canopy:** Mature hardwood trees existing prior to development shall be preserved and incorporated into the site design. Tree removal will occur only when approved with site plan or subdivision approval.
Article 5: Use-Specific Development Standards

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Article 5: Use-Specific Development Standards

A. Application of Use-Specific Development Standards

The development standards of Article 5 are in addition to other requirements in this Ordinance. These development standards are use-specific and apply to those uses designated with a “DS” within the Permitted Use Tables. Uses requiring approval of a Special Use Permit (“SUP” within the Permitted Use Tables) shall also be subject to these standards and any additional standards or conditions required by the Special Use Permit.

B. Standards for All Uses

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

1. 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.

2. 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. Use-Specific Standards

1. Accessory Dwelling Unit (on Single-Family Lot) (see Figure 5.C.1: Accessory Dwelling Units on Single-Family Lots)
   a) General Requirements:
      (1) No more than one accessory dwelling unit is permitted on the same lot with a principal dwelling unit.
      (2) No accessory dwelling unit shall be permitted on the same zone lot with a two-family or multi-family dwelling or family care home.
   b) Accessory Dwelling Unit within a Principal Single-Family Dwelling:
      (1) The principal building shall not be altered in any way so as to appear from a public or private street 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 NC State Building Codes. No new doorways or stairways to upper floors are permitted if they are attached to the side of a building facing a public or private street.
      (2) An accessory dwelling unit shall occupy no more than 30% 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 30% of the total floor area.
      (3) The minimum size of an accessory dwelling unit shall be 600 ft².
      (4) The accessory dwelling unit shall have, water, sanitary sewer, and electrical utilities as part of the principal building.
   c) Detached Accessory Dwelling Units:
      (1) A detached accessory dwelling unit may be a:
         (a) manufactured home in zones which permit this use;
         (b) dwelling unit which is part of an accessory detached garage; or,
         (c) freestanding dwelling unit meeting NC State Building Codes.
(2) The detached accessory dwelling unit shall:
   (a) have an approved sewage disposal connection or system;
   (b) meet all setbacks applicable to the principal building;
   (c) be erected behind and at least 10’ from the principal building; and,
   (d) not exceed the maximum lot coverage when added to the square footage of all accessory buildings on the lot.

(3) Size and Type of Accessory Dwelling Unit:
   (a) When the detached accessory dwelling unit is part of an accessory detached garage or a free standing accessory dwelling unit meeting NC State Building Codes, the gross floor area of the accessory dwelling unit shall be limited to the maximum of 30% of the gross floor area of the principal building.

   (b) When the detached accessory dwelling unit is a manufactured home, the principal dwelling unit shall be a Class AA double-wide manufactured home or a freestanding principal dwelling unit meeting NC State Building Codes. (In no case shall a Class A or B manufactured home be accessory to another Class A or B manufactured home.)

2. Adult-Oriented Business (Principal or Accessory Use): Includes adult arcades, adult bookstores, adult video stores, adult cabarets, adult massage parlors, adult motels, adult motion picture theaters, adult theaters, escort agencies, nude model studios, sexual encounter centers, or any combination of these uses.

   a) No adult-oriented establishment shall locate within 1,000’ of a church, public or private elementary, middle, or secondary school, child daycare center or nursery school, public park, or residentially-zoned property.
b) Except for an adult motel, no adult-oriented establishment may have sleeping quarters.

c) There shall not be more than one adult-oriented establishment 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-oriented establishment.

d) Except for business signs permitted by Section 6.I: Sign Regulations, promotional materials shall not be visible to the public from sidewalks, walkways, or streets.

3. Agricultural Chemicals, Pesticides, and Fertilizers; Agricultural Products; Animal and Animal Products; Farm Supplies; Flowers Nursery Stock and Florist Supplies; Forest Products; Grain and Field Beans; and, Livestock; Wholesale Trade

   a) All structures, buildings or enclosed areas used for the operation shall be a minimum of 100’ to the nearest residence.

   b) Equipment-producing noise or sound in excess of 70 decibels shall be located no closer than 100’ to the nearest residence.

   c) All unpaved storage areas shall be maintained to prevent dust from adversely impacting adjacent properties.

   d) Security fencing shall be provided around all outside storage areas.

4. Agricultural Production (Pasture for Livestock)

   a) Fencing shall meet Section 6.F: Fences and Walls. Shelters for such animals shall meet the principal structure setbacks for the district in which they are located.

   b) The minimum lot size shall be five acres.

5. Agricultural Tourism Facility, Major and Minor

   a) The minimum site area for a “minor” is three acres and for a “major” is five acres.

   b) Facilities associated with the display, sales, and consumption of the product shall not exceed 5,000 ft² of gross floor area. A maximum of 1,000 ft² of gross floor area shall be permitted for product retail sales. Gross floor sales area of associated non-agricultural products shall not exceed 40% of the total floor area devoted retail sales.

   c) All structures, buildings, and storage areas associated with the use shall observe a minimum 50’ setback from all property lines and right-of-way. All non-farm equipment used in the processing, blending, making, and storage that produces noise or sound in excess of 70 decibels shall be located no closer than 100’ to the nearest property line.

   d) Operation:

      (1) The facility must be operated in association with an existing vineyard, dairy farm, or farm use located on the same property, or adjoining properties in the same ownership.

      (2) Site plan approval does not supersede any required federal, state, or local licenses or permits required for operation.

   e) All non-farming activities associated with the use shall have a land use classification of two. If a non-farm activity is located 100’ or more from a property line or right-of-way, no landscaping shall be required.

   f) Parking areas related to the use shall locate a minimum of 30’ to the property line or right-of-way. The number of required parking spaces shall be the same as that required for manufacturing and industrial uses. Parking surface is not required to be paved. Buffers are required where use is adjacent to residential use.

   g) Signs are limited to Identification signs and one development entrance sign.

6. Airport and Landing Fields

   a) Airport and Landing Fields, Commercial (Principal Use):

      (1) Fifty acres is the minimum for a Basic Utility Stage 1 airport with a 2,000’ runway and more area is required for larger airports. Airport size and layout shall conform to current FAA requirements.
(2) There shall be a minimum 300’ distance between any airport property and the nearest residence.

(3) Security fencing shall be provided sufficient to control access to runways and taxiways. The fencing shall be a minimum 6’ high.

b) Flying Field, Private (Accessory Use):

(1) The minimum is 10 acres and/or the airstrip size and layout shall conform to current FAA requirements. Appropriate FAA permit(s) shall be included with site plan submission.

(2) There shall be a minimum 300’ between the private flying field and the nearest existing residence.

7. Amusement Park

a) Minimum lot size shall be five acres.

b) No buildings or structures, temporary or otherwise, shall be located within 50’ of any property line. No amusement equipment, machinery, or mechanical device of any kind may be operated within 200’ of any developed residential or public institutionally-zoned property.

c) Security fencing shall be a minimum of 6’ high and provided along the entire boundary of park activities.

8. Animal Feeder/Breeder (vs. Chicken House (Accessory Use))

a) All structures, buildings, or enclosed areas used for housing of poultry, hogs, cattle, or other livestock or animals being bred shall be a minimum of 100’ from all property lines.

b) Any violation of Guilford County Health Department regulations concerning the operation of the feeder/breeder shall be considered a violation of this Ordinance.

c) Mechanical equipment producing noise or sound in excess of 70 decibels shall be located no closer than 100’ to the nearest residence.

9. Animal Care and Services, and Kennels, Indoor: Pens and runs located outdoors are prohibited.

10. Animal Care and Services, and Kennels, Outdoor: A special use permit is required.

11. Athletic Fields, Public or Private: All athletic fields shall have access to a collector or higher capacity street.

12. Bar, Nightclub, Cocktail Lounge, Micro-Brewery, or Wine Bar (vs. Winery)

a) No such establishment shall be located within 1000’ of a church, elementary, middle, or secondary school, public park, or residentially-zoned property.

b) The main entrance of the building shall be toward a street zoned predominantly for non-residential uses.

c) A minimum 6’ high opaque fence shall be erected adjacent to the property line of abutting residential uses or zoning.

d) Parking areas shall be located no closer than 30’ to the property line of abutting residences.

13. Barber Shop (See Personal Services)

14. Bank, Credit Union (See Personal Services)

15. Batting Cages: Security fencing, netting, or other control measures shall be provided around the perimeter of the batting area to prevent balls from leaving the designated area.

16. Beauty Shop (See Personal Services)
17. Bed-and-Breakfast, Tourist Home
   a) No such facility shall locate within 400’ of a rooming house, boarding house, or another tourist home.
   b) Operation:
      (1) The tourist home must be operated by an individual who resides on the property.
      (2) The use shall be located in a structure which was originally constructed as a dwelling.
      (3) Meals served on the premise shall be only for guests of the facility.
   c) There shall be no exterior advertising, except that which is permitted for a home occupation.

18. Beverage, Food, and Snack Wagon (Temporary)
   a) All activities, including parking for customers, must occur outside the public right-of-way.
   b) Fire inspection and approval of the operation shall be required by the local fire inspection agency.
   c) The Guilford County Health Department must approve of the method of food storage and handling, and other sanitation issues.
   d) Temporary Use Requirements:
      (1) The use may be approved for up to one year with permit renewal required annually.
      (2) A site plan must be submitted for a beverage, food, and snack wagon showing a typical temporary location for the mobile unit and the normal amount of customer parking area made available.

19. Beneficial Fill Area
   a) Two acres is the maximum area allowed.
   b) The area shall be in operation no longer than one year.
   c) Fill materials shall not be placed in areas protected by State and federal wetland laws, floodplains, conservation areas, and stream buffers.

20. Building Supply Store with Outdoor Storage (See Home Improvement Store with Outside Storage)

21. Carnivals and Fairs (Temporary Use): Carnivals or fairs are permitted for a period not to exceed 21 days, subject to Town Council approval.

22. Car Wash
   a) Building(s) shall be not less than 75’ from any interior side or rear property line which adjoins residential or public institutionally-zoned property.
   b) In addition to any required landscape buffer, a minimum 6’ high opaque fence shall be provided adjacent to all Residentially-zoned property.
   c) Operation:
      (1) All washing operations shall be contained in a building.
      (2) Specific areas shall be provided for the manual drying, waxing, polishing, and vacuuming of automobiles and other motor vehicles when these services are offered on site. These areas shall not conflict with on-site circulation patterns.
      (3) Hours of operation shall be between 7:00 a.m. and 10:00 p.m. when adjoining developed residually-zoned property.
   d) Adequate provision shall be made for the safe and efficient disposal of waste products.
   e) Additional water disposal restrictions and requirements may be imposed.
23. Cemetery/Mausoleum
   a) A minimum of three contiguous acres shall be required to establish a cemetery or mausoleum not located on the same tract of land as a church.
   b) Principal access must be from a collector street or higher capacity street.
   c) Mausoleum and/or gravesites must be 100' from property lines.

24. Chicken House (Accessory Use)
   a) Up to 12 birds may be housed per lot.
   b) Roosters are prohibited.
   c) Raising birds for slaughter is prohibited.
   d) All birds shall be housed within a covered enclosure or coop.
   e) No enclosure shall be located closer than 25' to any residential structure or lot line.
   f) Birds shall be kept within a fenced enclosure at all times.

25. Christmas Tree Sales, Pumpkin Sales, and Corn Maze (Temporary Use).
   a) Christmas tree sales lots shall be allowed from November 15 to New Years Day. Pumpkin sales lots and corn mazes shall be allowed only during the months of September and October.
   b) Set-up of a seasonal tree sales lot may begin no earlier than November 13. All products, materials, temporary structures, signs, fencing, and other evidence of the operation must be completely removed from the site no later than New Years Day.
   c) All activities, including product display, parking, and loading operations, must occur outside the public right-of-way.
   d) A site plan must be submitted for approval of a seasonal sales lot showing proposed signage, layout for tree or pumpkin display areas, pedestrian circulation aisles, sales transaction area, temporary structures, temporary fencing, and customer parking area with adequate parking capacity provided in a safe, convenient location. Maze lots must show the area of the maze plus all other items noted in this paragraph.
   e) Detailed information shall be provided regarding the location, size, and type of any temporary trailers proposed for the site.
   f) Detailed information shall be provided regarding any proposed music or audio equipment, as well as a complete lighting plan for the proposed operation.
   g) Only incidental sales of closely-related items shall be allowed in conjunction with the temporary use (e.g., wreaths, hot chocolate). Products manufactured off-site for retail sale shall not be permitted.
   h) No man-made amusements are permitted in association with such activities. (e.g., corn mazes shall not be accompanied by amusements made of man-made materials).
   i) Fire inspection and approval of the operation shall be required by the local fire inspection agency.

26. Church (See Place of Worship/Religious Institution)

27. Club or Lodge: Except in the AG district, clubs and lodges shall have direct access to a collector or higher capacity street.

28. Congregate Care Facility
   a) Operation:
      (1) The facility shall provide centrally-located, shared food preparation, service, and major dining areas.
(2) Common recreation, social, and service facilities shall be provided at a minimum rate of 30 ft² per dwelling unit or per rooming unit.

(3) All facilities shall be solely for the use of residents and their guests.

(4) Facilities for administrative services and limited medical services for the exclusive use of the residents shall be located on the site.

b) Density Requirements: The residential capacity of the facility shall be determined by provisions of NC State Building Codes in conjunction with the applicable setbacks, planting yards, and minimum off-street parking requirements of this Ordinance.

29. Continuing Care Retirement Community (CCRC)

a) A special use permit is required.

b) Types of Dwellings, Uses, and Associated Services Permitted:

(1) A CCRC may contain any or all of the following housing types, attached or detached, in any combination:

(a) Detached single family.

(b) Multi-family.

(c) Congregate, which is a structure that provides a range of housing and support services and that might contain, but is not limited to: 1) dwelling units with kitchen facilities; 2) bedrooms with a bathroom and sitting area or without kitchen facilities; or 3) common, social and recreational areas, such as dining rooms, libraries, and indoor and outdoor recreation facilities and gardening areas.

(d) Assisted or catered living, which consists of buildings or structures other than a hospital or nursing home/institution designed to accommodate assistance with one or more activities of daily living, such as dressing, eating, bathing, walking, or toileting;

(e) Nursing care, which is a healthcare facility which must be built and operated in accordance with State licensing requirements.

(f) Living quarters for support staff.

(2) A CCRC may contain any or all of the following uses and associated services, individually or in any combination, as part of dwellings or as separate structures, including, but not limited to:

(a) dining rooms, coffee shops, and related kitchen areas and facilities;

(b) living rooms, libraries, music rooms, auditoriums, greenhouses;

(c) lounges, card rooms, meeting rooms, and other social and recreational areas;

(d) administrative offices, social service offices, and educational uses;

(e) mail rooms, gift shops, and convenience stores;

(f) medical offices, diagnostic/treatment centers, wellness centers, exercise areas, and home healthcare centers;

(g) professional offices;

(h) barbers, hairdressers, and beauty salons;

(i) banks and ATM banking machines;

(j) home healthcare;

(k) adult and childcare services;

(l) cleaning services; and,

(m) other uses, services, and activities incident to the operation of a CCRC.

c) Design Objectives:

(1) Structure and site designs should blend with the scale of residential units, institutional structures, and professional office space.
(2) Minimization of traffic impacts and safe design of all ways, vehicular and pedestrian shall be emphasized.

(3) CRCC property, campus, and grounds shall have direct access to a road or street at a collector or higher order level and primary access shall not be through a single-family residential development.

(4) Preservation of natural features and the protection of wetlands, riparian buffers, scenic vistas, and open spaces shall be maximized.

(5) Site plan design shall visually emphasize building design and landscaped areas and shall minimize the visual impact of parking areas.

(6) Site plan design shall create open space by using cluster principles. At least 25% of the site shall be preserved as open space, recorded, and maintained as natural vegetation or landscaped areas. Use of open space, except for passive recreation, plantings, footpaths, and agriculture shall be prohibited. Easements may be granted for the installation of underground utilities, provided all disturbed areas are restored to a natural state after construction. A landscape management plan shall be developed with restrictions to provide for maintenance of the open areas in a manner which will ensure its suitability for its function, appearance, cleanliness, and for proper maintenance of drainage, utilities, and the like.

(7) Structures shall be located on the site so as to provide for the privacy of residents adjacent to the CCRC.

d) Site Requirements:

(1) No CCRC shall be allowed on a parcel of land containing less than 10 acres.

(2) The maximum number of units allowed shall be calculated by one of the appropriate formulas:

   (a) detached single-family: 5,500 ft² per dwelling unit;
   (b) multi-family (four units or less): 5,500 ft² per dwelling unit; or,
   (c) multi-family (more than four units): 4,000 ft² per dwelling unit

(3) The number of habitable buildings on a lot and the maximum number of dwelling units permitted per habitable building shall be determined by the Planning Board on a case-by-case basis with primary consideration given to open space preservation and sanitary waste disposal requirements.

(4) The total inside area devoted to non-residential uses may not exceed 25% of the total area of the living areas.

(5) The open space requirement is substituted for the more conventional rear and side yard requirements in order to provide flexibility in the protection of natural features; to maintain significant open space areas for the enjoyment of the residents; and to promote a variety of site plans tailored to the needs of the elderly.

(6) While there are no yard requirements between buildings within the CCRC, all structures must conform to NC State Building Codes with respect to building separation and fire walls. Fire inspection and approval shall be required by the local fire inspection agency.

(7) The location and design of all structures shall be reviewed with regard to accessibility of emergency vehicles by the fire prevention authority of jurisdiction.

(8) No structure shall be more than 35’ high measured from the average grade at the base of the building to the eave line.

(9) Disposal areas shall be located in screened areas according to the provisions of Article 6.

e) Roadway and Parking Requirements:

(1) Parking areas shall be designated as either to be constructed at the time of building construction or at a future date when it shall be placed in service. Where there is a mix of uses, the total parking area for the CCRC must equal or exceed the sum of the minimum requirements required below. One parking space for each dwelling shall be provided except as follows:

   (a) Congregate housing and assisted or catered living facilities: one parking space for every five beds and one
space for each employee on the largest shift.

(b) Nursing care facility: one parking space for every 20 beds and one space for every employee on the largest shift.

(c) Congregate housing and assisted or catered living facilities: one parking space for every five beds and one space for each employee on the largest shift.

(2) All other parking and screening provisions of this Ordinance shall apply unless modified by this section.

(3) Roads and utilities shall be designed and constructed in conformance with the development standards of Article 6. The Planning Board may modify said standards if it determines that such action will more acceptably meet the purposes of this section.

f) Sewage Disposal: No special permit for a CCRC may be granted unless the proposed developer has first received approval for sanitary waste collection and treatment from Guilford County and/or the State of North Carolina, as applicable.

g) Signs will be regulated by Section 6.

30. Contractor's Office and Equipment Shed (Temporary Use): A contractor's office and equipment shed is permitted in any district for a period covering construction phase of the project not to exceed one year, provided that such office be placed on the property to which it is appurtenant.

31. Convenience Store with Gasoline Pumps
   a) A maximum of 3,000 ft² of gross floor area shall be permitted per establishment.
   b) No outside storage of materials shall be permitted.
   c) There shall be no more than one gasoline service island containing no more than four gasoline pumps.
   d) Floodplain and watershed regulations also apply.

32. Convenience Store Without Gasoline Pumps
   a) A maximum of 3,000 ft² of gross floor area shall be permitted per establishment.
   b) No outside storage of materials shall be permitted.

33. Corn Maze (See Christmas Tree Sales, Pumpkin Sales, and Corn Maze (Temporary Use))

34. Country Club with Golf Course, Swim and Tennis Club (See Golf Course with Country Club, Swim and Tennis Club)

35. Daycare Center, Adult or Child
   a) An adult or child daycare center with five or fewer attendees shall be operated as a Home Occupation and is subject to the development standards for a Home Occupation.
   b) An adult or child daycare center with six or more attendees shall be operated as a principal use and is subject to the following development standards:
      (1) An indoor activity area shall be provided equivalent to at least 25 ft² per attendee.
      (2) An outdoor activity area shall be provided equivalent to at least 75 ft² per attendee and located outside of the street setback.
      (3) Outdoor activity area(s) for children shall be enclosed by a security fence at least 4’ high located outside the street setback. Gates shall be self-latching and self-closing.
      (4) Centers on a site greater than three acres shall have frontage on a collector or thoroughfare street.
36. Drugstore or Pharmacy
   a) A maximum of 10,000 ft² of gross floor area shall be permitted per establishment.
   b) No outside storage of materials shall be permitted.

37. Laundry/Dry-Cleaning Substation
   a) These substations are allowed only within a BN zoning district and are only for drop-off and pick-up of laundry or dry-cleaning—none of the actual laundering or dry-cleaning process occurs onsite.
   b) Minor clothing repairs related to hems, buttons, and the like are permitted.

38. Dwelling, Caretaker
   a) A building permit for the principal building must be obtained or principal use is engaged, prior to occupancy.
   b) No more than one caretaker dwelling unit shall be permitted per lot.
   c) The property shall be capable of sustaining an additional septic tank drainage system.

39. Elementary, Middle, or Secondary School
   a) All elementary, middle, or secondary schools shall have direct access to a collector street or higher capacity street.
   b) All elementary, middle, or secondary schools shall be located on a minimum of three acres.
   c) Parking and carpool accommodations shall be adequate to provide for the full student body without negatively impacting surrounding properties.

40. Equestrian Facility
   a) All equestrian facilities shall be located on a minimum of five acres.
   b) There shall be minimum 100’ distance between manure storage areas, barns or stables, and any adjacent residentially-zoned property.
   c) All unpaved areas shall be maintained in a manner which prevents dust from adversely impacting adjoining properties.
   d) With spectator events, when the equestrian facility includes gathering space(s) for an event drawing more than 100 participants, organizers, observers, and/or other persons, the following standards apply:
      (1) The minimum area required is 10 combined acres for all uses.
      (2) A site plan must be submitted for approval by the Administrator showing proposed signage, layout for the vendor areas, pedestrian circulation aisles, any temporary or permanent structures, temporary fencing, and customer parking.
      (3) Access and Parking:
         (a) Have a minimum 24’ approach to the property from a public road or approved private road. If the driveway access is connected to a paved public or private road, the driveway must be paved for a minimum distance of 20’ from the edge of the connecting road.
         (b) Have off-street parking in sufficient numbers to satisfy the maximum demand likely, including accommodation for the expected number of horse trailers and towing vehicles. One parking space shall also be provided for each employee expected for the largest period of demand and parking spaces for spectators shall be calculated by dividing the maximum spectator capacity for an event by two.
   e) The cumulative square footage for all equestrian facility buildings shall be calculated at the rate of no more than 1,000 ft² for each acre of equestrian facility property.
f) A farm building that might otherwise qualify for exemption from building rules shall remain subject only to an annual safety inspection by Guilford County Inspections of any grandstand, bleachers, or other spectator-seating structures in the farm building. An annual safety inspection shall include an evaluation of the overall safety of spectator-seating structures as well as ensuring the seating structure’s compliance with any building codes related to the construction of such structures in effect at the time of the construction of the seating or during the training of horses.

g) The construction and maintenance of the facility shall comply with all federal, state, and local building codes, laws, and regulations as authorized for municipalities by the General Statutes.

h) Food service is allowed when incidental to an event and only for the duration of the event. Such food service shall not include restaurants, unless otherwise permitted in the zoning district, but may include the service of pre-packaged food or catered food service.

i) Retail sales are permitted when incidental to an event and only for its duration. Such retail sales may include the sales directly related to equestrian activity, such as sales of tack merchandise, or ancillary retail sales such as trademark items or items that promote the region or equestrian activity.

41. Equipment Repair, Light: Outside storage is prohibited.

42. Fairgrounds (See Amusement Park)

43. Farmers’ Market (vs. Flea Market)

   a) At least 75% of the vendors regularly participating must be Farm Product Producers, or family members or employees of Farm Product Producers. (i.e., a person or entity that raises or produces Farm Products on land that the person or entity farms and owns, rents, or leases.)

   b) A farmers’ market may be operated by a governmental agency, a nonprofit corporation, a private entity, or one or more Farm Product Producers.

   c) At least 75% of the products sold must be either Farm Products or Value-Added Farm Products:

      1) Farm Products are fruits, vegetables, mushrooms, herbs, nuts, shell eggs, honey or other bee products, flowers, nursery stock, livestock food products (including meat, milk, cheese, and other dairy products), and fish.

      2) Value-Added Farm Products are products processed by a Producer from a Farm Product, such as baked goods, jams, and jellies.

   d) The market and its vendors shall comply with all federal, state, and local laws and regulations relating to the operation, use, and enjoyment of the market premises.

   e) The market and its vendors shall obtain all required operating and health permits and these permits (or copies) shall be in the possession of the Farmers’ Market Manager or the vendor, as applicable, on the site during all hours of operation.

   f) The market shall have an established set of operating rules addressing the governance structure of the farmers’ market, hours of operation, maintenance, safety and security requirements and responsibilities, and appointment of a Market Manager.

   g) A Market Manager shall be authorized to direct the operations of all vendors participating in the market on the site during all hours of operation.

   h) The market shall provide for composting, recycling, and waste removal in accordance with Guilford County requirements.

   i) A site plan must be submitted for approval by the Administrator showing proposed signage, layout for the vendor areas, pedestrian circulation aisles, any temporary or permanent structures, temporary fencing, and customer parking area.

   j) Parking must be provided in a safe, convenient location as follows:

      1) There shall be three spaces of customer parking per vendor stall or other point of sales. Vendor trucks may be pulled up to the back of sales stalls, if provided for in the rules of the market.
(2) Vender vehicles may be moved during operating hours only if such movement is separated from customer circulation areas and if provided for in the rules of the market.

(3) Parking areas shall be constructed of crusher run, recycled concrete, recycled asphalt pavement (RAP) or other all-weather products as approved by the Administrator.

k) Principal access must be from a collector or higher capacity road. An access permit must be obtained from the NCDOT as necessary.

l) Detailed information shall be provided regarding any amplified speakers or sound, as well as a complete lighting plan.

m) No amusements are permitted in association with a farmers’ market.

n) Fire inspection and approval of the operation shall be required by the local fire inspection agency.

44. Financial Services, Drive-Through

a) The total direct customer service floor space shall not exceed 4,000 ft\(^2\).

b) Regarding drive-through services, the point of service for window tellers, remote tellers, or automated teller machines (ATMs) shall be located no closer than 75’ to residentially-zoned property.

45. Flea Market, Swap Meet, and Market, Open Air (vs. Farmers’ Market)

a) Flea markets are not allowed within the scenic corridors as identified on the Official Zoning Map.

b) The minimum lot size is two acres.

c) Principal access must be from a collector or higher capacity road. An access permit must be obtained from the NCDOT as necessary.

d) No part of the improved area of the site (including parking) may be closer than 200’ to the nearest residential structure.

e) Special setbacks shall be as follows (superseded by the residential separation requirement):

   (1) front: 50’;
   (2) rear: 30’; and,
   (3) side: 30’.

f) A site plan must be submitted for approval by the Administrator showing proposed signage, layout for the vendor areas, pedestrian circulation aisles, any temporary structures, temporary fencing, and customer parking area.

g) Parking must be provided in a safe, convenient location as follows:

   (1) There shall be one space of employee parking plus three spaces of customer parking per vendor stall or point of sales.
   (2) Parking and vehicular traffic shall be separated from vendor areas during operating hours.
   (3) Parking areas shall be constructed of crusher run, recycled concrete, recycled asphalt pavement (RAP), or other all-weather products as approved by the Administrator.

h) The market and its vendors shall comply with all federal, state, and local laws and regulations relating to the operation, use, and enjoyment of the market premises.

i) A Market Manager shall be authorized to direct the operations of all vendors participating in the market on the site during all hours of operation.

j) The market and its vendors shall obtain all required operating and health permits, and these permits (or copies) shall be in the possession of the Market Manager or the vendor, as applicable, on the site of the market during all hours of operation.

k) The market shall have an established set of operating rules addressing the governance structure, hours of operation, maintenance, safety and security requirements and responsibilities; and appointment of a Market Manager. Among the rules shall be:
(1) All sales items must be returned to storage and not left out overnight. Covering sale items with a tarp or other material is not an acceptable means of storage.

(2) No RVs or campers shall be allowed on the property overnight.

(3) Goods shall not be sold from truck trailers.

(4) The market shall provide for recycling and waste removal in accordance with Guilford County requirements.

(5) Detailed information shall be provided regarding any amplified speakers or sound, as well as a complete lighting plan.

(6) No amusements are permitted in association with the market.

(7) Fire inspection and approval of the operation shall be required by the local fire inspection agency.

(8) A flea market, swap meet, or open-air market may operate no more than eight days in any given month.

46. Food Store **(Julie, need standards here and SIC is 5400; prefer to not introduce new use categories and Use Table doesn't have "supermarket," "grocer," or "grocery store")**

   a) xxxxxxxxxxxxxxxxxxxxxxxxx.
   b) xxxxxxxxxxxxxxxxxxxxxxxxx.
   c) xxxxxxxxxxxxxxxxxxxxxxxxx.

47. Fresh Foods Seller (Temporary and Accessory Use)

   a) All activities, including product display, parking, and loading operations, must occur outside the public right-of-way.

   b) A site plan must be submitted showing proposed signage, lighting, location of any structures, pedestrian circulation, sales transaction area, fencing, location of parking for business vehicles, and customer parking area with adequate parking capacity provided in a safe, convenient location.

   c) Fire inspection and approval of the operation shall be required by the local fire inspection agency.

   d) The Guilford County Health Department must approve of the method of food storage and handling and other sanitation issues.

   e) The operation’s appearance shall be enhanced with landscaping, which may include planting beds, window boxes, planter boxes, appropriate awnings, etc.

   f) The use may be approved for up to six months with permit renewal required at the beginning of each new six month period.

   g) The following additional requirements shall apply to a fresh food seller operation that is a permanent accessory use, as determined by the Administrator, to a larger principal use on the same lot:

      (1) The square footage of the fresh food sales operation must not be greater than 25% of the square footage of the principal use.

      (2) The operation shall be housed in a permanent or semi-permanent structure (i.e., a substantial tent) that meets all building inspection requirements. **(Julie, but your opinion is that no tents meet inspection requiremts, right?)

      (3) A permanent accessory use shall provide an employee bathroom facility. Such facility shall be connected to a permanent sanitary waste system.

48. Garden Center or Retail Nursery: No outside storage of non-plant material shall be permitted.

49. Golf Course, Public or Private: There shall be a 50’ minimum distance between a clubhouse or other principal building(s) and any adjacent residentially-zoned property.
50. Golf Course with Country Club, Swim and Tennis Club
   a) The minimum area shall be two acres in addition to the golf course(s). The minimum shall be one acre if located on common area within a development.
   b) There shall be a 50’ minimum distance between a clubhouse, swimming pool, lighted tennis court, or athletic field and any adjacent residentially-zoned property.
   c) Outdoor swimming pools shall be protected by a fence or equal enclosure that’s a minimum of 4’ high and equipped with a self-closing and positive self-latching gate provided with hardware for permanent locking.

51. Golf Driving Range
   a) The minimum lot depth from the tees to the end of the driving area shall be 1,000’ or the end shall be controlled with netting and/or berms to prevent golf balls from leaving the property.
   b) Fencing, netting, trees, berms, or other control measures shall be provided around the perimeter of the driving area so as to prevent golf balls from leaving the driving area.

52. Group Home, Large
   a) The facility shall not be located within one-half mile (0.5 mile) of an existing group care facility.
   b) The facility shall be limited to not more than 30 persons.

53. Home Improvement Store with Outdoor Storage
   a) All outside storage shall be completely screened from view from all streets and adjacent residentially-zoned property.
   b) Security fencing shall be a minimum 6’ high and provided around all outside storage areas.
   c) All storage areas shall be maintained so as to limit dust from drifting onto adjoining properties.

54. Homeless Shelter or Halfway House
   a) No such facility shall be located within one-quarter mile (0.25 mile) of an existing shelter or halfway house or within 1000’ of an elementary, middle, or secondary school or public park.
   b) The minimum floor area shall be at least 50 ft² for each individual sheltered.
   c) Operation:
      (1) The facility shall be operated by a government agency or nonprofit organization and contained within one the entity’s buildings.
      (2) The facility operator(s) shall provide continuous on-site supervision by employees and/or volunteers during hours of operation.

55. Home Occupation, Including Renting of Rooms
   a) The area set aside for a home occupation shall occupy no more than 25% of the gross floor area of the dwelling unit.
   b) No outside storage or display of items associated with the home occupation is permitted.
   c) Operation:
      (1) It must be a use which is clearly incidental and secondary to the use of the dwelling unit for residential purposes and it must not change the character of the residence.
      (2) Examples of permitted home occupations include the following services or professions: typing, telephone sales,
barber/beauty, architects, accountants, family daycare (5 or fewer persons), food catering, handcrafting, etc.

(3) No display, stock-in-trade, nor commodity sold that is not made on the premises shall be permitted.
(4) No more than one person may be employed who is not an occupant/resident of the residence.
(5) Activities shall not generate traffic, parking, noise, vibration, glare, fumes, odors, or electrical interference beyond what normally occurs in the zoning district in which it is located.
(6) Instruction in music, dancing, art, or similar subjects shall be limited to no more than five students at one time.

56. Horse Farm
   a) The minimum area required to establish a horse farm is 10 acres.
   b) There shall be minimum 100’ distance between manure storage areas, barns or stables, and any adjacent residentially-zoned property.
   c) All unpaved areas shall be maintained in a manner which prevents dust from adversely impacting adjoining properties.

57. Kennel: Pens and runs located outdoors are prohibited.

58. Light Industrial Uses
   a) Loading areas shall not be located on the side of a building facing a public street, unless such areas are screened from view as directed within this Ordinance’s landscape provisions.
   b) Outside storage or assembly shall be fully screened from ground level view or public streets.

59. Limited Business Uses: Outside storage is prohibited.

60. Livestock, Wholesale Trade:
   a) All structures, buildings or enclosed areas used for the operation shall be a minimum of 100’ to the nearest residence.
   b) Equipment-producing noise or sound in excess of 70 decibels shall be located no closer than 100’ to the nearest residence.
   c) All unpaved storage areas shall be maintained to prevent dust from adversely impacting adjacent properties.
   d) Security fencing shall be provided around all outside storage areas.

61. Manufactured Home, Class AA, A, B, and C
   a) Where Required:
      (1) A Class AA manufactured home may be placed in the AG district provided that it meets the standards below. Class A and B cannot be placed in the AG district.
      (2) A Class AA manufactured home may be placed in residential districts RR, RS, and EST with a special use permit only and provided that it:
         (a) is located in a manufactured housing subdivision that has been zoned as a Manufactured Housing Overlay; and;
         (b) meets the standards below.
   b) Standards: The placement of Class AA, A, B, and C manufactured homes within corporate limits are subject to the following standards:
      (1) A Class AA manufactured home constructed after July 1, 1976, shall meet or exceed the construction standards enacted by the US Department of Housing and Urban Development at the time of construction and may be permitted if the manufactured home:
(a) is occupied only as a single-family dwelling;
(b) has a minimum width of 16';
(c) has a length not exceeding four times its width with length measured along the longest axis and perpendicular to the longest axis at the narrowest part;
(d) has a minimum of 960 ft² of enclosed and heated living area;
(e) has the towing apparatus, wheels, axles, and transporting lights removed, and not included in length and width measurements;
(f) has the longest axis oriented parallel or within a 10° deflection of being parallel to the lot frontage, unless other orientation is permitted by the Board of Adjustment following a public hearing;
(g) is 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 Uniform Residential Building Code for One- and Two-Family Dwellings, unpierced except for required ventilation and access, must be installed under the perimeter;
(h) has exterior siding, comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction and 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 pressboard siding; 4) stucco siding; or 5) brick or stone siding;
(i) has a roof pitch minimum vertical rise of 3.5' for each 12' of horizontal run;
(j) has a roof finished with a Class C or better roofing material that is commonly used in standard residential construction;
(k) has a roof that provides for an eave projection of no less than 6", which may include a gutter; and,
(l) has stairs, porches, entrance platforms, ramps, and other means of entrance and exit that if provided are installed or constructed in accordance with the standards set by NC State Building Codes and are attached firmly to the primary structure and anchored securely to the ground. Wood stairs shall only be used in conjunction with a porch or entrance platform with a minimum of 24 ft². The use of wood stairs only is prohibited at any entrance.

(2) A Class A manufactured home constructed after July 1, 1976, shall meet or exceed the construction standards enacted by the U. S. Department of Housing and Urban Development at the time of construction and shall also meet or exceed the above criteria (a), (c), (d), (e), (f), (g), (h), (i), (k), and (l) for a Class AA manufactured home.

(3) A Class B manufactured home constructed after July 1, 1976, shall meet or exceed the construction standards enacted by the U. S. Department of Housing and Urban Development at the time of construction and shall also meet or exceed the above criteria (e), (f), (g), and (h) for a Class AA manufactured home. Class B manufactured homes shall also have a minimum of 720 ft² of enclosed and heated living area.

(4) A Class C manufactured home that does not meet the above criteria for a Class AA, Class A, or Class B manufactured home may not be brought into or relocated in Town as it does not meet the construction standards of NC Building Codes nor those enacted by the US Department of Housing and Urban Development. Class C manufactured homes are typically manufactured homes built prior to July 1, 1976. Existing Class C manufactured homes may stay in place subject to the requirements of Article 8: Nonconformities.

62. Manufactured Home Park, Existing: New manufactured housing developments must be in the form of a manufactured housing subdivision and authorized by zoning action to create a Manufactured Housing Overlay in accordance with Article 4. Existing manufactured home parks may remain as a nonconforming use subject to the following:

a) Only Class A or B manufactured homes may be erected in a manufactured home park. Existing Class C manufactured homes may remain, but may not be replaced by another Class C home.

b) Manufactured homes located within a manufactured home park shall be on a masonry foundation as a substantial skirting and protection of under-home utilities from animals.

c) All structural additions to manufactured homes may be erected only after a building permit shall have been obtained and such additions shall conform to the International Building Code with North Carolina Amendments. An existing septic system
check shall be required to ensure the proposed addition(s) do not encroach on any part of a septic system.

d) All manufactured home parks shall comply with regulations for signs within the zoning district they are located.

e) Manufactured homes shall only be placed individually on approved manufactured home sites where all design standards and utilities have been completed.

f) No junked, wrecked, or inoperable vehicles may remain in a manufactured home park.

g) No more than one manufactured home will be allowed on each approved manufactured home site. In no case shall any manufactured home be placed on any open space or recreation area within the park.

63. Micro-Brewerys *(See Bar, Nightclub, Cocktail Lounge, Micro-Brewery, or Wine Bar)*

64. Migrant Labor Housing

   a) Each site shall contain not less than two acres. An additional 2,000 ft² of land shall be required for each worker in excess of 20 people.

   b) The minimum required front yard shall be 100’ and the minimum required interior yard shall be 50’.

   c) Rooms or compartments for sleeping shall contain not less than 39 ft² of floor space for each person.

   d) Health and Safety:

      (1) Not more than 10 people shall be housed in any one room or compartment for sleeping.

      (2) Separate toilet and shower facilities shall be provided for male and female workers. A minimum of one toilet and one shower shall be provided for each 10 workers.

      (3) A laundry room shall be required with one wash sink of at least 10 gallons capacity for each 10 workers. Adequate clothes drying lines shall be provided.

      (4) Dining and food service facilities shall be provided and shall contain at least 12 ft² of floor space per worker and shall be approved by the Guilford County Health Department.

      (5) All water, sewer, and sanitary facilities shall be approved by the Guilford County Health Department.

      (6) All garbage and refuse shall be stored in water-tight and fly-tight receptacles and it shall be the property owner’s responsibility to ensure that all garbage and refuse is regularly disposed of in a sanitary manner acceptable to the Guilford County Health Department.

65. Mixed-Use Development

   a) No residential use(s) shall be permitted on or below the ground floor.

   b) Where residential and non-residential uses are mixed in a principal building, at least 20% of the gross floor area shall be devoted to the permitted non-residential office and/or business use.

   c) All buildings must conform to the non-residential dimensional requirements of the district in which it is located.

66. Nursing Home *(See Congregate Care Facility)*

67. Outdoor Storage and/or Shipping Container: Temporary storage in a portable shipping container shall be permitted for the purposes of temporary storage subject to the following standards:

   a) Location and Size in Residential:

      (1) Containers shall be located within a driveway, parking, or loading area. In cases where the driveway, parking, or loading area extends behind the front façade of a building, the container shall be placed behind the front façade.
(2) In cases where improved driveways, parking, or loading areas are not present, containers shall be located so as to minimize their visibility from streets or adjacent residential areas.

(3) Nothing in these standards shall limit the placement of more than one container on a lot or site, provided compliance with all other applicable standards is maintained.

(4) Storage containers may not exceed 160 ft² in size or be taller than 8’.

b) In business districts, containers shall be located to the rear of the principal structure.

c) Duration:
   
   (1) Containers shall not be located on an individual residential parcel or site for more than 30 consecutive days per site per occurrence. This may be extended for a maximum period of 30 days by the Administrator for good cause shown.
   
   (2) Storage containers may be placed on a residential site a maximum of two occurrences per year.
   
   (3) A storage container placed on a construction site shall be allowed to remain until the lawful completion of the related building permit.

68. Paintball Gaming Facility

   a) The minimum lot size shall be five acres.

   b) No buildings or structures, temporary or otherwise erected as part of the gaming area, shall be located within 100’ of any property line or street right-of-way line. This area may be reduced to 50’ if a Type A Planting Yard, netting, or berms are installed to restrict projectiles or participants from leaving the property.

   c) The boundaries of the area shall be clearly identified by a fence, netting, trees, berms, or a combination thereof.

   d) No part of the area shall be lighted.

69. Personal Services (Barber, Beauty Shops, Manicurists, etc.): When operated as an accessory use or home occupation, the service shall be limited to only one technician.

70. Pet Grooming (See Standards for Animal Care and Services, and Kennels, Indoor or Outdoor [depending on use])

71. Place of Worship/Religious Institution: Church facilities located on sites of three acres or more shall have direct access to a collector or higher capacity street.

72. Produce Stand

   a) Products that can be sold include: fresh vegetables and produce; unprocessed foodstuffs; home-processed food products, such as jams, jellies, pickles, sauces, and baked goods; and homemade handicrafts. At least 75% of all products sold must be grown or produced on the premises.

   b) The stand shall be located outside the public right-of-way.

73. Public Park or Public Recreation Facility

   a) Overflow parking (in addition to required parking) must be designated on the site plan and kept available to handle all traffic from special events, such as softball tournaments and outdoor concerts.

   b) All parks greater than 10 acres shall have primary access to a collector or higher capacity street.

74. Pumpkin Sales (See Christmas Tree Sales, Pumpkin Sales, and Corn Maze [Temporary Use])

75. Real Estate Sales and/or Rental Office (Temporary Use): A real estate sales and/or rental office is permitted in any district for a
period covering sales or the rental phase of the project not to exceed one year, provided that such office is placed on the property to which it is appurtenant. This time period may be extended by the Administrator for good cause shown.

76. Recycling Drop-Off Station

   a) All drop-off containers and storage bins shall be buffered by a Type C Planting Yard, as described in Figure 6.3. This requirement supersedes the requirements specified in Table 6.3. Planting Yard Chart.

   b) The station shall be kept free of litter, debris, and residue at all times. Regular pick-up and disposal shall be scheduled and this schedule shall be reviewed and approved by the Administrator.

   c) Each station shall be allowed one on-premise freestanding sign no more than 48” high and 16 ft² in area, including all sides of the sign combined. The sign shall include the name and telephone number of a party responsible for management and maintenance of the station.

   d) Drop-off containers and storage bins shall be located no closer than 50′ from an existing residential use.

   e) Excluding any screening, drop-off containers and storage bins shall occupy no more than 500 ft².

   f) The station shall not occupy or block access to parking spaces or aisles.

77. Recycling Processing Centers

   a) Facility shall not be within a 500′ radius of any RR, RS, or OI zoned property.

   b) No outside storage of materials shall be permitted.

   c) The facility shall be operated in a wholly-enclosed building, except that loading to a single commercial transport trailer may take place outside the building provided that no materials remain within the loading area for more than 24 hours.

   d) Unpaved areas shall be maintained so as to prevent dust from adversely impacting adjacent properties.

78. Religious Event, Outdoor (Temporary Use)

   a) The event may not only be permitted for a period not to exceed 30 days.

   b) All activities must occur outside the public right-of-way.

   c) A site plan must be submitted showing proposed signage, lighting, amplified speakers, layout for any tent or other temporary structures, pedestrian circulation, temporary fencing, and parking areas with adequate capacity provided in a safe and convenient location.

   d) Detailed information shall be provided regarding the location, size, and type of any temporary trailer proposed for the site.

79. Repair and Service Shop, Large and Small Appliances: No outdoor storage of appliances, equipment, or parts shall be permitted.

80. Restaurant, No Drive-Through

   a) Up to 3,000 ft² of gross floor area may be permitted.

   b) No outside storage of materials shall be permitted.

81. Restaurant with Outdoor Seating: Restaurants having outdoor seating for dining or listening to music or entertainment shall comply with the following standards:

   a) The outdoor seating area shall be located no closer than 100′ from any residential zoning district.

   b) The outdoor portions of the restaurant shall not operate after 11:00 p.m.

   c) The outdoor seating area shall not obstruct the movement of pedestrians along sidewalks or areas intended for public use.
82. Restaurant with Drive-Through

a) At the discretion of the Administrator, a traffic study addressing both on-site and off-site traffic and circulation impacts may be required as part of the permit application.

b) The drive-through business shall maintain a minimum 100’ street frontage and be located on an arterial street.

c) When a drive-through business adjoins any lot in a residential, office, or any mixed-use zones, a minimum 6’ high masonry wall shall be erected and maintained along such property line, provided that such wall shall be only 3’ high from the setback line of the adjoining property to the front property line.

d) Landscape Setbacks:
   (1) A landscape planter with a minimum 15’ width shall be provided along all street frontages.
   (2) A landscape planter with a minimum 5’ width shall be provided along interior property lines.

e) Restaurants shall maintain drive-through lanes that are a minimum of 72’ long to provide on-site capacity for a minimum of four vehicles, as measured from the forward most drive-through window to the entrance to the queuing space. Each drive-through lane shall be a minimum 12’ width. The lane shall be independent of any on-site parking, parking maneuvering areas, public streets, alleys, or traffic ways.

e) Additional Requirements:
   (1) Drive-through windows are discouraged on the front building elevation directly facing a street frontage.
   (2) Drive-through lanes shall be designed as to be screened from view from the street through elevation differences, landscaping, arbors, trellises, canopies, walls and other architectural features used to reduce their visual presence.
   (3) A landscape planter 5’ wide shall be installed between the drive-through lane and parking lot maneuvering area when adjacent to one another, as determined necessary on a case-by-case basis and as determined by the Administrator.

f) The following additional findings are required in approving a discretionary permit for a drive-through business:
   (1) The use will not substantially increase vehicular traffic on streets in a residential zone.
   (2) The use will not substantially lessen the usability of adjacent or nearby business-zoned property and use by interfering with pedestrian traffic.
   (3) The use will not create increased traffic hazards to pedestrians.
   (4) The site will be adequate in size and shape to accommodate the intended use and to accommodate all yards, walls, parking, landscaping, and other required improvements.
   (5) The use will not substantially lessen the usability and suitability of adjacent or nearby residentially-zoned property for residential use.

83. Rural Family Occupation

a) It must be located on a tract of two acres or more. A portion of the tract that measures 40,000 ft² with 150’ of width must be designated and reserved as exclusively residential.

b) The total floor area of all buildings occupied by a rural family occupation shall not exceed 5,000 ft². The total land area that may be used is 15,000 ft².

c) All operations shall observe a 100’ setback from all property lines.

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

e) All operations, including buildings, outside storage areas, and parking shall be treated as a separate use and subject to the landscaping provisions of this Ordinance.
f) The Guilford County Environmental Health Division shall evaluate each request to determine the occupation's impact on the
surrounding area with respect to excessive noise, dust, air emissions, odors, and surface or groundwater discharge. The
rural family occupation shall mitigate the impact of these and other environmental concerns. A written evaluation of potential
impacts is required by the Environmental Health Division prior to the consideration of any request.

f) Operation:
   (1) The defining occupation must be that of the residing property owner.
   (2) No more than five persons shall be employed other than those residing on the property.
   (3) There shall be no more than two commercial vehicles operating in and out of the property.
   (4) The occupation shall not be operated between 9:00 p.m. and 6:00 a.m.
   (5) Permitted uses shall be limited to those products assembled or manufactured on-site for resale elsewhere, services
       sold or provided on premises, or stock-in-trade clearly incidental to such services. Commercial retail or wholesale
       operations that bring to the site goods specifically for the purpose of resale shall be prohibited.

84. Satellite Dish (Accessory Use): Detached satellite dishes 18" in diameter or less shall not exceed 6' in height and shall not be located
within 15' of any public or private street right-of-way or private lane.

85. Shelter, Temporary
   a) A temporary shelter shall be in place for no more than six months.
   b) A site plan must be submitted showing proposed lighting, layout for tent or other temporary structures, pedestrian circulation,
temporary fencing, and parking with adequate capacity, all provided in a safe and convenient location.
   c) The site may provide one or more of the following specific common facilities for the exclusive use of the residents and staff:
      (1) a central cooking and dining room(s);
      (2) a recreation room;
      (3) a counseling center; and/or,
      (4) childcare facilities.
   d) Any external lighting shall be in accordance with the lighting standards of Article 6.
   e) There shall be a minimum occupancy density of 200 gross ft² per person.

86. Shooting Range, Indoor: The facility shall be designed to absorb sound to the maximum extent feasible.

87. Shooting Range, Outdoor
   a) No outdoor shooting range shall be allowed within a required setback. The backstop or target area shall be located not less
      than 500' from a road right-of-way and not less than 500' from a residence located to the rear and/or side of the backstop.
   b) Backstop Design:
      (1) For shotgun and pistol ranges, backstops shall be constructed of a material that will allow fired rounds to penetrate
          and not pass through. It shall be maintained at a height of 4' above the target.
      (2) Rifle ranges shall be designed to accommodate rifle fire shall be located so that the target area is positioned at the
          foot of an upward inclined slope of ground, whether natural or artificially created, rising at least 25’ in 50’ horizontally
          (1:2 rise over run slope) above the elevation of the target.
      (3) As an alternative to earthen materials and/or rising terrain behind the backstop, engineered materials may be used
          if the resulting backstop meets minimum height requirements of paragraphs (1) and/or (2) above, as applicable,
          and provided the materials do not permit fired rounds to pass through.
c) The shooting range shall be controlled to prevent unregulated entrance to the firing area.

d) Security fencing shall be used to prevent an individual from crossing the property downrange.

e) An off-street parking area adequate in size to store two cars for each firing stand shall be provided.

88. Solar Energy Systems as an Accessory Use

a) Active solar systems must meet the accessory structure setback for the zoning district and primary land use associated with the lot on which the system is located. Placement of such systems forward of the front building façade is to be avoided, unless no alternative placement is technically feasible for the operation of the system.

b) Active solar systems shall be designed to be visually integrated, to the reasonable extent possible as determined by the Administrator, with the design of the lot layout and principal building.

c) Plan applications for solar systems shall be accompanied by to-scale horizontal and vertical (elevation) drawings. The drawings must show the location of the system on the building or property for a ground-mount system, including the property lines.

d) All solar systems shall require plan approval by the Administrator. Plan approval does not indicate compliance with building or electrical codes.

e) Active solar systems must meet all requirements as recommended by the manufacturer. Electric solar system components must have a UL listing and solar hot water systems must have an SRCC rating.

f) All active solar systems and solar thermal systems shall meet the requirements of NC State Building Codes with regard to structural elements, HVAC, electrical, plumbing, and related requirements.

g) No grid-intertie photovoltaic system shall be installed until evidence has been given to the Administrator that the owner has submitted notification to the utility company of the customer's intent to install an interconnected customer-owned generator. Off-grid systems are exempt from utility notification.

89. Solar Farm, Principal Use

a) Active solar systems as a principal use must meet the minimum setbacks for the zoning district associated with the lot on which the system is located.

b) Solar collectors and associated outside storage shall be completely screened with a vegetative buffer from view from all streets and adjacent residential uses. Required screening shall be at a Type B Planting Yard rate, except understory trees may be substituted for canopy tree requirements.

c) A solar farm's maximum height is 25' measured from grade at the base of the structure to the apex of the structure. This height may be increased up to the building height limit of the zoning district in which the use is located, provided that:

1) the use meets the preceding screening requirements; and,

2) all setbacks are increased to match the height of the structure, if greater than the minimum setbacks for the district.

c) Driveway access shall be provided to accommodate parking for maintenance vehicles.

90. Special Events Facility

a) The minimum area required shall be five acres in AG Districts and no minimum in other allowed districts.

b) The building that houses the primary event center shall be called the primary structure and it shall be no larger than 20,000 ft². All other buildings on the site shall conform to Section 4.1: Accessory Uses, Buildings and Structures and the minimum setback shall be 20' from the side or rear property line. All structures associated with the facility shall be constructed as to blend in with the surrounding architecture and character of the community where located.

c) No such facility shall locate within 400' of a place of religious assembly or an elementary, middle, or secondary school.
d) Operation:

(1) In AG districts, outdoor event areas may not be located within 250’ of adjacent residentially-zoned or used property.

(2) An event held outside and within 1000’ of any residence shall cease operation by 10:00 p.m. Noise shall be controlled so that no adjoining property owner or occupant is unduly disturbed by the event.

(3) The use must follow State law for alcohol sales and/or consumption.

(4) No pyrotechnics or spotlights shall be allowed.

e) Special events facilities must provide direct vehicular access to a collector or thoroughfare street. The Administrator may waive this requirement for facilities created by converting existing buildings originally designed for residential occupancy, such as mansions or farms, provided the maximum distance from a collector or thoroughfare street does not exceed 1,600’ (measured along the roadway from the end of the driveway to the closest point of the intersection).

f) Parking:

(1) All required parking must be provided on-site.

(2) Parking areas associated with the use shall be a minimum of 30’ from the property line or right-of-way.

(3) There shall be at least one parking space per four persons at maximum occupancy.

(4) Parking surfaces are not required to be paved, except for handicapped spaces.

(5) Parking areas must have clearly delineated or marked spaces (line, curb, stop, etc).

g) Signs are limited to identification signs and one development entrance sign. Signs can be lighted only during the active event period. All lighted signs must meet Ordinance standards.

h) Special Use Permit Renewal:

(1) Any Special Use Permit must be renewed each year or with change of ownership through the process outlined in Article 3.B.7: Special Use Permit Process.

(2) Fees for permit issuance shall be as set forth in the Town fee schedule as adopted within its annual budget.

i) Unless the property is zoned for restaurant use, all food must be prepared off-site, although a “catering” or “warming” kitchen may be assembled if approved by the Guilford County Public Health Department.

j) A single-family dwelling unit may be allowed on the site for use by the property owner or a caretaker. If the use is associated with a bed-and-breakfast/tourist home, the site must meet approval for both uses.

k) The Town exempts the Summerfield Community Center Inc. facility located at 5404 Centerfield Road from Special Events Facility regulations and the following findings of fact made by the Town provide for this exclusion:

(1) Summerfield Community Center Inc. has been in existence for over 40 years.

(2) Summerfield Community Center Inc. is a non-profit organization dedicated to providing a safe, accessible, and affordable location for the express purpose of providing for meetings and events, both public and private, for the enjoyment and benefit of the Summerfield citizens.

(3) That Town Council recognizes the unique contributions provided by the Summerfield Community Center and the many years of dedication to the community.

(4) If at any time the Summerfield Community Center were to close for more than one year and/or be developed as a for-profit Special Events Facility, then the above exemption would become void and the facility would be required to meet all standards established in items (a) through (j) above.
91. Swimming Pools (Accessory Use)
   a) A pool shall be located to comply with the minimum setback requirement for accessory structures in the zoning district. A pool that isn’t an integral part of the principal building shall be located a minimum of 10’ from the principal building.
   b) An outdoor swimming pool shall be protected by a fence or equal enclosure in accordance with the NC Commission for Public Health’s regulation entitled 15A NCAC 18A.2528 Fences. These requirements include but are not limited to a 4’ high fence or enclosure equipped with a self-closing and positive self-latching gate using hardware for permanent locking.

92. Tent, Accessory **(Julie, need standards here and def. for Article 11)**
   a) XXXXXXXXXXXXXXXXXXXXXXXX.
   b) XXXXXXXXXXXXXXXXXXXXXXXX.
   c) XXXXXXXXXXXXXXXXXXXXXXXX.

93. Tower, Telecommunication (See Wireless Communication Facilities)

94. Truck Stop
   a) The maximum area for a truck stop shall be four acres.
   b) A truck stop shall meet the lighting regulations of this Ordinance.
   c) A minimum 6’ high opaque fence shall be provided adjacent to any residentially-zoned property.
   d) A XXXXXXXXXXXXXXXXXXXX landscape yard shall apply. **(Julie, which yard needed?)**
   e) Ordinance watershed and floodplain regulations apply.

95. Turkey Shoot
   a) Setbacks:
      (1) No turkey shoot shall be allowed within a required setback.
      (2) All turkey shoots shall be established with the line of fire perpendicular to and away from the 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’ from the road right-of-way.
      (3) Sites adjacent to more than one road right-of-way must designate the higher classified road as the front, and set the line of fire perpendicular thereto. Any resultant line of fire parallel to a road must be a minimum distance of 200’ from and parallel to the road right-of-way.
      (4) All backstops shall be constructed a minimum of 500’ from any residence to the rear and/or side of the backstop.
   b) An off-street parking area adequate in size to store two cars for every backstop shall be provided.
   c) Operation:
      (1) Backstops shall be constructed of a material that will allow the shot to penetrate but not pass through. Its minimum thickness shall be 2’ and it shall be maintained at a height of 4’ above the target.
      (2) Firearms used shall be limited to shotguns firing number eight (#8) shot or smaller. No firearms may be used which have been altered from manufacturer specifications.
      (3) 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) Turkey shoots shall be limited to Thursdays, Fridays, and Saturdays. The event shall not be in operation later than 9:00 p.m. on Thursdays and 10:00 p.m. on Fridays and Saturdays.

(5) No alcohol will be permitted during any event.

(6) Provisions for sanitation and refuse disposal must be made in accordance with health standards.

d) The Board of Adjustment may issue a Special Use Permit (SUP) valid for an event period not to exceed 90 days in a given year if the applicant presents competent sworn testimony and documentary evidence to demonstrate that all provisions of this Ordinance will be complied with and, if the SUP is being renewed, that during the last permit period the shoot was operated in a manner that did not endanger public health, safety, or welfare. Other SUP provisions include:

(1) The SUP must be renewed every year through the process outlined in Article 3: Permits and Procedures.

(2) Fees for permit issuance shall be as set forth in the Town fee schedule as adopted within its annual budget.

96. Utilities, Minor: Example minor utility uses are transformer stations, telephone exchanges, repeater stations, pressure regulator stations, pump and lift stations, and similar structures.

a) All buildings shall be considered accessory buildings or structures in terms of dimensional requirements.

b) Equipment producing noise or sound in excess of 70 decibels shall be located no closer than 100’ to the nearest residence.

c) Security fencing shall be provided around the entire facility with a minimum fence height of 6’.

d) A Type 1 Landscape Buffer may be required between the security fence and adjoining properties and streets.

e) If the facility has no outside storage or placement of materials or equipment, the Land Use Classification (LUC) shall be considered a “1.” Otherwise it shall be considered a “4.”

97. Veterinary Service, Domestic Animals, Indoor: Pens and runs located outdoors are prohibited.

98. Veterinary Service, Domestic Animals, Outdoor: A Special Use Permit (SUP) is required.

99. Warehouse, General Storage/Enclosed

a) A maximum of 10,000 ft² of gross floor area shall be permitted for warehouse or wholesaling per establishment per lot.

b) No outdoor storage of warehousing or wholesaling items is permitted.

c) No storage of hazardous, flammable, or explosive materials is permitted.

d) The Land Use Classification is “warehousing or wholesaling uses.”

100. Warehouse, Self-Service Storage

a) The minimum lot size shall be two acres and the maximum lot size shall be five acres.

b) The total ground area covered by buildings shall not exceed 50% of the site.

c) The maximum height of building(s) shall be 20’.

d) Storage:

(1) No outside storage shall be permitted.

(2) No storage of hazardous, flammable, toxic, or explosive materials is permitted.

e) No business activity other than the rental of storage units shall be conducted on the premises.
101. Wholesale Sales, All Uses
   a) A maximum of 10,000 ft² of gross floor area intended for wholesale trade shall be permitted per establishment.
   b) No outside storage shall be permitted.

102. Wine Bars (See Bar, Nightclub, Cocktail Lounge, Micro-Brewery, or Wine Bar)

103. Winery
   a) These standards apply only when the winery includes events or a tasting room:
      (1) For winery purposes, an event is an activity such as weddings, receptions, concerts, meetings, retreats, and other
          similar gatherings of more than 150 persons. A winery wishing to include events must have a minimum of 20% of
          the winery’s land area cultivated in crops used in wine production.
      (2) A tasting room is a facility or portion of a facility supporting a winery where the public may sample products produced
          by the winery and which has ancillary wine-related retail sales.
   b) A winery with a tasting room and/or events shall adhere to the following concerning access and parking:
      (1) There shall be a minimum 24’ approach to the property from a public road or approved private road. If the driveway
          access is connected to a paved public or private road, the driveway must be paved for a minimum distance of 20’
          from the edge of the connecting road.
      (2) There shall be off-street parking in sufficient numbers to satisfy the maximum demand likely. The minimum number
          of spaces shall be 10. The maximum number of spaces shall be calculated by dividing the maximum building
          capacity of the tasting room and other public gathering spaces by two.
   c) The cumulative building area for tasting rooms and events shall be as follows:

<table>
<thead>
<tr>
<th>Parcel Size</th>
<th>Building Square Footage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 5 acres</td>
<td>Less than 5,000 ft²</td>
</tr>
<tr>
<td>5–20 acres</td>
<td>Less than 9,000 ft²</td>
</tr>
<tr>
<td>More than 20 acres</td>
<td>Less than 12,000 ft²</td>
</tr>
</tbody>
</table>

d) Food service is not to include restaurants, unless otherwise permitted in the zoning district, but may include the following:
   (1) service of pre-packaged food;
   (2) foods customary with wine tasting (e.g., cheese, crackers, etc.); and/or,
   (3) catered food service for events.

e) Retail sales are permitted as follows:
   (1) sales directly related to the winery, such as sales of wine and wine-related merchandise; and/or,
   (2) ancillary retail sales, such as trademark items, items which promote the region or the wine industry, or other
       regional value-added agricultural products (e.g., art, pre-packaged foods, cheese, etc.).

104. Wireless Communication Facilities
   a) All wireless communications facilities shall be subject to this section, except for commercial radio and TV, amateur radio,
      wireless communication facilities used by a governmental agency for its governmental functions, wireless communication
      facilities used exclusively by public educational institutions for its communication purposes, and devices necessary for the
      use of a subscription to a commercial wireless provider service such as wireless internet and satellite TV.
   b) General provisions for all wireless communication facilities:
      (1) Antennas must be attached to an existing pole or structure that has been in existence for at least one year and that
otherwise meets applicable provisions of this section to be considered a co-location with the exception of antennas located on new utility poles/towers.

(2) A building permit is required for all facilities, new or co-locations, and accessory structures.

(3) A certification is required from a licensed engineer that the facilities will comply with all Federal Aviation Administration (FAA), Federal Communication Commission (FCC), and other applicable regulations.

(4) Monopole and lattice tower facilities shall be designed in a manner that will allow for the co-location of at least one additional antenna array on the facility.

(5) One parking space for the maintenance of the facility must be provided on site and the space shall be treated with materials which reduce the emission of dust.

(6) When the operation of the wireless communications facilities is discontinued for a period of six months or a special use permit expires, the facilities shall be removed and the site shall be restored to its natural state and topography and vegetated consistent with the natural surroundings at the expense of the owner of the facility.

(7) No advertising is permitted anywhere upon or attached to the facilities with the exception of small, non-illuminated warning and identification signs.

(8) Long-term vehicle storage and other outdoor storage are prohibited.

(9) All communications towers, poles, and co-location structures must be structurally engineered to show they are capable of supporting the proposed facilities and to meet requirements of NC State Building Codes.

c) Design standards:

(1) The color of wireless communication facilities shall be compatible with the surrounding environment. Muted colors, earth tones, and subdued hues, such as gray, shall be used. All associated structures such as equipment buildings, including the roofs, shall be painted with earth tone colors.

(2) New facilities, other than flagpoles, utility poles, or other camouflaged facilities, shall be enclosed by a solid masonry wall 8’ high to prevent trespass.

(3) All permanent generators associated with facilities shall be located behind an 8’ high, solid masonry wall.

(4) Ground-mounted equipment shall be located behind an 8’ high, solid masonry wall.

(5) Lighting on any new facility is prohibited unless required by the FAA or by other applicable state or federal requirements. Motion-detector security lighting may be approved if the lights are fully shielded. Any outdoor lighting requires a separate lighting permit in accordance with the standards of Section 6.G.

(6) New communication towers located on a parcel adjacent to residential zones shall be of a stealth design only. A stealth facility shall be designed and constructed in a scale substantially in conformity with and/or architecturally integrated with surrounding building designs or natural settings to minimize the adverse visual impacts and ensure the facility is compatible with the surrounding environment. **(Why not require stealth in ALL zones?)**

Stealth design approaches include “monopines” (antennas/structures designed to mimic the look of a tree to blend with the environment) and concealing antennas and equipment within church steeples, clock towers, bell towers, roof features, etc.

(7) The following design standards shall apply to monopine towers and facilities:

(a) The facility is required to meet setback requirements of primary buildings or structures of the zone in which it are located, unless otherwise specified herein. If a facility exceeds the height requirements of the zone in which it is located, it shall be set back from the property line that abuts land located in a rural or residential zone by 1’ for every 1’ in height of the facilities. If a facility exceeds the height requirements of the zone, it shall be set back from the property line that abuts land located in zones other than rural or residential by 1’
for every 1' in height above the maximum height permitted in the zone.

(b) The facility shall not exceed 90' in height.

(c) Antennas shall be mounted within the foliage of the monopine and all branches at the height of the antennas shall extend beyond the antenna panels and all mounting hardware.

(d) All monopine "branches" shall reasonably resemble a natural tree and be arranged naturally with the widest branches at the lower portion of the monopine tapering to the shortest branches at the top. Branches shall have a density of 2.5 branches for each 1' of pole measured vertically and shall begin at no greater than 12' above finished grade and continue to the top of the pole.

(e) Antennas shall have camouflaged foliage covers and be painted a color to match the appearance of the surrounding pine trees.

(f) The "trunk" shall be constructed to incorporate full bark cladding starting at the base (at grade) to the top of the monopine. There shall be no unpainted metal on the monopine facility.

(g) The diameter of the pole structure shall not exceed 36" at the base and shall taper to no greater than 28" at the top of the monopine;

(h) All cables shall be concealed within the pole structure and no climbing pegs are permitted on the structure.

(8) The following design standards shall apply when using church steeples, clock towers, bell towers, roof features, or other such architectural elements to conceal antennas and equipment:

(a) All antennas, mounting hardware, and cables shall be completely concealed within the structure.

(b) Equipment cabinets, service panels, and service connections shall be screened by a solid wall, painted to match the structure.

d) General Setback Requirements:

(1) Wireless communication facilities shall be required to meet the setback requirements of primary buildings or structures of the zone in which they are located, unless otherwise specified herein.

(2) If a facility exceeds the height requirements of the zone, it shall be set back from the property line that abuts land located in a rural or residential zone by 1' for every 1' in height of the facilities.

(3) If a facility exceeds the height requirements of the zone, it shall be set back from the property line that abuts land located in zones other than rural or residential by 1' for every 1' in height above the maximum height permitted in the zone in which the facility is to be located.

e) Wireless telecommunication facilities with the following characteristics shall not be required to obtain a special use permit, but must nonetheless meet all other applicable requirements of this section, as well as submitting a site plan for approval by the Administrator:

(1) building-mounted antennas on non-residential structures where the equipment does not extend beyond 12" from the face of the building and the equipment is painted to match the building;

(2) rooftop-mounted equipment on non-residential buildings where the equipment is 10' or less in height and is fully screened from view;

(3) co-locations on existing communication poles or towers where the antenna array width is 4' or less or the width of the antenna array does not exceed the width of the largest existing array on the pole or tower;

(4) co-locations on existing school and park ball field light poles or towers that add no more than 12' in height to the pole or tower and the antenna array width is 4' or less;

(5) co-locations on existing electrical utility poles with a minimum of 69 kilovolts that add no more than 12' in height to the pole and the antenna array width is 4' or less;

(6) co-locations on existing electrical utility lattice towers with a minimum of 69 kilovolts that extend no more than 3' from the tower;
(7) co-locations on existing flagpoles (stealth) that are no more than 16" in diameter, and all pole-mounted equipment is located inside the pole; or,
(8) stealth-designed facilities in non-residential zones. **(see previous note about ALL zones)**

f) The following information must be submitted when a site plan is required but a special use permit is not:

(1) a legal description and parcel number of the subject property;
(2) complete drawings of equipment and facilities; and,
(3) a scaled site plan with sufficient information to show that the facility meets all design criteria and other conditions. The site plan shall also detail:
   (a) access;
   (b) all appurtenances;
   (c) antenna diagrams, including the width of the antenna arrays;
   (d) elevations;
   (e) equipment area;
   (f) parking area;
   (g) screen wall;
   (h) setbacks;
   (i) surrounding zoning; and,
   (j) any other information deemed necessary by the Town.

g) The following information must be submitted when a special use permit is required:

(1) a scaled site plan along with all other information listed in the preceding section;
(2) a map showing all other wireless communications monopoles or towers, regardless of ownership, within two miles of the proposed site;
(3) a written narrative describing any neighborhood opposition, either written or verbal, received by the applicant;
(4) a description of possibilities for camouflage that were explored and why the proposed option was chosen;
(5) a description of alternative sites that were explored;
(6) a description of the possibility for co-location on existing structures that were explored;
(7) a description of possibilities for using a greater number of shorter structures in place of the proposed facility;
(8) before and after photo simulations showing the tower and the surrounding area;
(9) descriptions of the proposed colors for the facility;
(10) information on provisions for removal of the monopole or tower after it is no longer used for its primary purpose;
(11) information on the willingness of the landowner and service provider to allow other service providers to co-locate; and,
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Article 6: General Development Standards

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A. General Design Standards

1. Purpose: The purpose of these guidelines is to give a sense of the physical aspect of the Town environment to those contemplating new development. Important to this physical appearance is the design of the site, the natural topography and plant life, and miscellaneous other objects that are observed by the public. These standards are not intended to restrict imagination, innovation, or variety, but rather to assist in focusing on design principles which can produce creative solutions that will develop a satisfactory visual appearance within the Town, preserve taxable values, preserve natural resources, and promote public health, safety, and welfare.

The landscape shall be preserved in its natural state insofar as practicable, by minimizing tree and soil removal. The preservation of natural vegetation reduces the risks of erosion and sedimentation. Any grade changes shall be in keeping with the general appearance of neighboring developed areas. The orientation of individual building sites shall be such as to maintain maximum natural topography and cover. Topography, tree cover, and natural drainage ways to the greatest extent possible shall be treated as fixed determinants of road and lot rather than as malleable elements that can be changed to follow a preferred development scheme.

Roads shall be designed and located in such a manner as to maintain and preserve natural topography, cover, significant landmarks, and natural vegetation; to minimize cut and fill; and to preserve and enhance views and vistas on or off the subject parcel.

Proposed development shall be related harmoniously to the terrain.

The removal or disruption of historic, traditional, or significant uses, structures, or architectural elements shall be minimized insofar as practical, whether these exist on the site or on adjacent properties.

2. Improvements, Dedications, Easements and Minimum Standards Required: Each subdivision shall contain the improvements specified in this article, which shall be installed in accordance with the requirements of this Ordinance and paid for by the developer, unless other means of financing is specifically stated in this Ordinance and except the cost for the installation of a well and/or septic tank system may be assigned to the new owner. Land shall be dedicated, reserved, or easements provided in each project as specified in this Ordinance. Each project shall adhere to this article’s minimum standards of design.

3. Suitability of Land:

a) Land which has been determined to pose an ascertainable danger to life or property by reason of its unsuitability for the use proposed shall not be platted for that purpose, unless and until the developer has taken the necessary measures to correct said conditions and to eliminate said dangers on the basis of engineering or other expert surveys.

b) Areas that have been used for disposal of solid waste, construction debris, appliances, or other similar material shall not be developed unless the materials have been excavated and removed. Tests by the Guilford County Health Department, appropriate State agencies, a structural engineer, and a soils scientist determine that the land is suitable for the purpose proposed.

c) Areas that have been used for surface or sub-surface mining or quarry purposes shall not be developed unless tests by appropriate State agencies, a structural engineer, and a soils scientist determine that the land is suitable for the purpose proposed. Any adjacent land under the same ownership, whether within the proposed project or not, shall be tested to ensure that conditions on the adjoining property will pose no threat to life, property, or public safety and will have no impact on the proposed project.

d) Where a parcel is adjoining a parcel with any of the conditions described above is to be developed, the parcel shall be tested to ensure that conditions on the adjoining property will pose no threat to life, property, or public safety and will have no impact on the proposed project.

e) Project areas that are within a floodplain or special flood hazard area shall not be developed, except as provided in Chapter 9.

4. Soils:

a) All developments and subdivisions with more than four lots not connecting to a public sewer system or any subdivision with...
four or less lots requesting a reduction in lot size shall be required to be mapped by a soil scientist registered in North Carolina.

b) All subdivisions with four or less lots shall have the option of: 1) securing a map of the subdivision by a soil scientist registered in North Carolina, or 2) obtaining a septic tank permit prior to final plat approval.

c) All wetlands or hydric soils shall be identified on preliminary soils map in conjunction with the soils evaluation and submitted with preliminary documents.

d) All projects or lots for final approval by the Planning Board shall be staked for a soil scientist and/or the Guilford County Health Department for evaluation purposes. Soil maps shall then include lot design, proposed residence, well and septic system location, and be submitted with the final project design for evaluation.

5. Grading and Drainage:

a) Property shall not be graded, cleared, or otherwise changed until the preliminary development plan has been approved; an evaluation is made of the existing vegetation, slopes, and soils; and an sedimentation and erosion control plan is approved by the NC Department of Environmental Quality, if such is required. Sufficient cutting or clearing by bushhog required for the purposes of soils evaluation may be permitted where necessary.

b) Topsoil shall be considered part of the subdivision. Except for surplus topsoil from roads, parking areas, and building excavation, it shall not be removed from the site. Every effort should be made to find uses for surplus topsoil within the project.

c) Grading shall be limited to that which is necessary. Natural vegetation and trees should be preserved where reasonably possible.

d) Disruption of natural sheet flow of water shall be minimized to the greatest extent possible.

e) Existing drainage ways, natural creeks, rivers, natural springs, or ponds shall not be diverted or altered. Natural vegetation within 30' of any such surface feature shall be left intact. No changes in the direction, flow, embankment, or bed of such a feature shall be altered, except necessary bank stabilization may be submitted for approval. No fill shall be allowed in water features or their natural floodplains, except for purposes of access and only where approved.

f) The development shall not create erosion, drainage, or run-off problems either in the project or in adjacent properties or to downstream properties. Flows shall not be increased, adversely directionalized, or allowed to pond, except where approved stormwater facilities are utilized. The developer may be required to fence any intentional ponding for the safety of the public and residents of the project or the community. The grading and drainage plan shall be prepared and certified by a professional engineer or other design professional allowed by North Carolina General Statutes.

g) Each lot shall be designed to provide a location for structures where water will not pond or accumulate under or around structures to be placed on the site. Each lot in which natural soil and vegetation are disturbed shall be graded and grassed to prevent erosion.

h) No banks shall be created in the development with a slope steeper than a 1’ rise to a 4’ run. If existing slopes or banks along natural water courses have slopes steeper than a 1’ rise to a 4’ run, such slopes need not be altered and shall not be made steeper.

i) Grading at all intersections shall include provisions for vehicular site distance.

j) Grading of individual driveways shall not divert water to roadways or adjoining properties.

6. Erosion and Sedimentation: An erosion and sedimentation plan should be filed with the Guilford County Erosion and Sedimentation Division at the same time as the preliminary plat submittal, if an erosion and sedimentation plan is required by NCGS. If the developer chooses to not submit a required erosion and sedimentation plan at the time of preliminary plan submittal, he does so with the understanding that no permits of any kind may be issued until evidence of approval and receipt of the erosion and sedimentation plan by the NC Department of Environmental Quality, if such is required. Such delays shall be the responsibility of the developer. No construction permit of any type shall be issued without evidence of an approved erosion and sedimentation plan.

7. Water Supply Watershed Protection: All subdivisions located either partially or totally within the boundaries of a watershed protection area shall conform to the requirements within Article 9 entitled "Water Supply Watershed Protection."
8. **Floodplains:** All subdivisions located either partially or totally within the boundaries of a floodplain shall conform to the requirements within Article 9 entitled “Flood Damage Prevention.”

9. **Natural Vegetation Preservation and Landscaping:**
   a) Natural vegetation or landscaping is necessary to:
      1. promote attractive development;
      2. provide a visual and audio buffer between uses;
      3. protect and preserve water quality;
      4. prevent erosion and sedimentation;
      5. preserve the appearance and character of the surrounding area; and,
      6. delineate, define, and separate vehicular and pedestrian passageways within a subdivision.
   b) The developer shall include existing mature trees and natural plant materials in the design of the subdivision project to the greatest extent feasible. The preservation of native and existing plant materials is a cost-effective method of providing landscaping. All banks and open areas shall be grassed or other measures taken as defined by the Guilford County Erosion and Sedimentation Division to prevent erosion. Except for normal thinning and landscaping, existing vegetation shall be left intact to prevent soil erosion.
   c) If the property has been clear cut, graded, cleared, or otherwise changed prior to land acquisition, a buffer shall be established with a combination of fences, walls, earthen berms, and plant materials to serve the purpose of providing a visual and audio screen, to help identify the boundaries of the project, and to separate the project from adjoining properties and possible conflicting uses.

10. **Installation, Alteration, and Use of Utilities:** The installation, alteration, or use of all utilities including, but not limited to, electrical service, plumbing fixtures, and sewage disposal systems shall conform to all applicable codes and regulations and the following:
   a) No property owner shall allow the connection of any other dwelling to the utilities of his lot.
   b) The developer shall provide individual utility connections for each lot within the project. Each lot shall be provided a connection to a power supply, a connection to an approved water supply, and a connection to an approved sewage waste disposal system.
   c) All utilities shall be installed underground, except where extreme conditions of topography make this requirement unreasonable. Where a subdivision consists of all oversized lots and deed restrictions or zoning prevent further subdivision, the subdivision may be submitted to the Planning Board for consideration of above-ground utility services under extreme conditions.
   d) All above-ground utility equipment for individual service equipment shall be located at the rear of side lot lines (corner lots only) or along side lot lines. All major above-ground utility equipment, other than individual service equipment, shall be located at the rear of side lot lines (corner lots only) or along side lot lines and shall not be visible from the street front. No above-ground utility equipment shall be installed at intersections unless all other options have been exhausted. No above-ground utility equipment shall be installed within the required vehicular sight distance under any circumstances, except for traffic signalization equipment.
   e) Easements for and the installation of all underground utilities shall be coordinated to minimize land disturbance and to minimize conflict during construction.
   f) Placement of utilities shall comply with the NC Building Code.
   g) No permits shall be issued in a project for the construction of or placement of a structure until the following have been installed and approved: 1) a power supply; 2) a water supply system (except individual wells); and, 3) a sewage disposal system (except individual septic tanks).
   h) No structure within a subdivision shall be occupied until: 1) connection to a power supply has been completed; 2) connection to an approved water system has been completed; 3) connection to an approved sewage system has been completed; and, 4) all inspections have been completed with final approval given.
11. Water: There shall be a safe, adequate, continuous, and conveniently-located potable water supply provided for each lot within a subdivision or project. The water supply and pressure shall be adequate for the development’s requirements. Water for drinking, cooking, laundry, and general sanitary uses for each individual structure within a subdivision shall be obtained only from faucets or other plumbing connections located within each individual structure.

a) Connections:
(1) If the development is located within 300’ of a public water system, connection shall be made thereto and its supply used exclusively, except where extreme conditions of topography make this requirement unreasonable. Where a subdivision consists of all oversized lots and deed restrictions or zoning prevent further re-subdivision, the subdivision may be submitted to the Planning Board for consideration of a waiver of connection to a public water system under extreme conditions;

(2) When a public water system is not available or where capacity (and/or line size) is insufficient for extension, individual wells, shared wells, or community wells shall be installed, inspected, tested, approved, and maintained in accordance with the most current “Rules Governing the Protection of Private Water Supplies, Section 1700 of the NC Administrative Code,” “Rules Governing the Sanitation of Protection of Water Supplies, T15A NCAC 18A.1700 of the NC Administrative Code,” “Well Construction Standards, Subchapter 2C, Section .0100,” and other applicable State regulations and guidelines; and,

(3) Dry lines may be required to be installed where public water supplies are anticipated soon after completion of the project.

b) Public Water Supplies:
(1) Calculations showing the maximum daily water usage of the development shall be submitted.

(2) A certification shall be provided that the public water system will provide water to the development.

(3) Oversized lines may be required to be installed with the participation of other entities or governmental units.

(4) Design standards, installation, connections, and approvals of all components of the water system shall be as required by the public water system.

(5) Fire hydrants shall be installed in any development hooking to a public water system.

c) General Wells:
(1) No development or subdivision of any parcel shall be allowed where the ground already contains contaminants in excess of State standards and where the subdivision is to be served by on-site ground water supplies, although an applicant can submit evidence of how water quality would be improved or treated, the source identified, and the contamination issue resolved. No lot with or without a dwelling shall be offered as a gift or for sale or lease if it has well contamination in excess of State standards.

(2) Where wells are used for water supply purposes, every reasonable precaution shall be taken to prevent possible contamination of the well. Areas within 100’ of a water supply well shall not be used for septic tank drainage fields, replacement drainage fields, storm water run-off detention, storage of toxic or hazardous materials, garbage collection, or other uses that are deemed as a potential risk to the water supply. Grading and drainage shall be evaluated for positive slope, and other potential risk to the water supply.

(3) Dry hydrants may be required in areas near large bodies of water to facilitate fire protection to the development.

d) Shared or Community Wells or a Community Water System:
(1) Calculations showing the maximum capacity of the water system shall be submitted along with calculations showing the maximum daily water usage of the development.

(2) Where community or shared wells are to be used, a written, perpetual agreement shall be recorded specifying that the water supply to each lot is a permanent supply and who will have responsibility for the physical and financial maintenance of the system. Each property owner shall have adequate assurances of a continued water supply and have immediate
remedial action should maintenance or supply be discontinued for any reason. The frequency and specifications of well testing shall be included.

e) Private Individual Wells:

(1) Where individual septic tanks are used in conjunction with private individual wells, the approximate, proposed location of the well for each lot shall be shown. The purpose is to show the proposed proximity from proposed well sites to proposed sewage waste disposal systems.

(2) No subdivision of an existing lot or lots shall be allowed where an individual well would be separated from the structure it serves, except where the well is to become a community well. No existing lot shall be reduced in size such that compliance with respect to any development, health, or safety requirement cannot be met.

12. Sanitary Facilities: Each lot within an approved subdivision or project shall be provided with an adequate sewage disposal system. The use of pit privies or portable toilets are specifically not permitted. All sewage waste from toilets, showers, bathtubs, lavatories, wash basins, refrigerator drains, sinks, faucets, and water-using appliances not herein mentioned shall be piped into an approved sewage disposal system.

a) Connections:

(1) If the development is to be located within 300’ of a public sewage system, connection shall be made thereto and used exclusively, except where there is a necessity for crossing a ridge line such that pumping of wastes would be necessary;

(2) When a public sewer system is not available or where capacity (and/or line size) is not sufficient for extension, a private sewage system or an individual septic tank system shall be constructed, inspected, approved, and maintained in accordance with requirements of the NC Department of Environmental Quality and with the regulations of the Guilford County Board of Health; and,

(3) Dry lines may be required to be installed where public sewer installation is anticipated after completion of the project.

b) Public Sewer:

(1) Calculations showing the maximum daily effluent generated by the system shall be submitted.

(2) A certification shall be provided that the system will allow connection and provide service to the development.

(3) Oversized lines may be required to be installed with the participation of other agencies or governmental units.

(4) Design standards, installation, connections, and approvals of all components of the system shall be as required by the public sewer system owner/operator/authority.

c) Private Community Waste Disposal System:

(1) Private sewage systems shall be located a minimum of 100’ from all existing wells. No underground utilities, roads, recreation areas, or structures shall be located in drainage field or replacement drainage fields for such a system.

(2) No existing lot shall be reduced in size such that compliance with respect to any development, health, or safety requirements cannot be met. (Note: For lots with existing private community waste disposal systems, evaluations of systems are based on the number, size, configuration, and soil types of the existing lots. Changes could render the evaluation, subsequent permit, and approval invalid.)

(3) Private sewage systems may be installed on land held by a homeowners association (HOA) where installation, maintenance, and replacement is in the form of a written, recorded perpetual agreement and with the agreement of the Guilford County Public Health Department and the State of NC.

d) Individual Septic Tank and Drainage Field:

(1) No subdivision of an existing lot or lots shall be allowed where a septic tank, drainage field, or replacement drainage field would be separated from the structure it serves. No existing lot shall be reduced in size such that compliance
with respect to any development, health, or safety requirements cannot be met. (Note: For lots with existing septic tanks, evaluations of lots for septic tank installation are based on the size, configuration, and soil types of the existing lots. Changes could render the evaluation, subsequent permit, and approval invalid.)

(2) Private sewage systems, septic tank systems, drainage fields, and replacement drainage fields shall be located 100’ from all existing wells. No underground utilities, roads, recreation areas, or structures shall be located in drainage field or replacement drainage fields.

(3) A sewage system shall be installed on the lot it is intended to serve, except individual septic tank systems may be installed on land held by a HOA where installation, maintenance, and replacement is in the form of a written, recorded perpetual agreement and with the agreement of the Guilford County Public Health Department and the State of NC.

13. Natural Gas: Extension and installation of natural gas lines to subdivisions is encouraged in areas of the Town where gas is available.

14. Solid Waste Disposal: The storage, collection, and disposal of solid waste shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, safety or fire hazards, or pollution:

a) Construction debris, stumps, or other similar materials shall not be left on a lot, a road, or common area within a subdivision or project, nor shall such materials be buried within a subdivision or project area.

b) The developer shall be held responsible for storage, collection, and disposal of all construction debris within the development. The responsibility for compliance shall not be transferred to another person; however, the developer may require sub-contractors to provide dumpsters for debris.

c) The owner of each lot within a subdivision or project shall be held responsible for the proper storage, collection, and disposal of solid waste. The property owner shall be held responsible for compliance with this section for any rental properties. The responsibility for compliance shall not be transferred to another person. The developer shall be responsible for the proper storage, collection, and disposal of solid waste for any unsold lots.

15. Fire Hydrants: **(section needs input from fire department; no water source for hydrants; dry hydrants aren’t always helpful)**

a) Fire hydrants shall be installed in any development hooking to a public water system and are encouraged to be installed if utilizing community or shared water systems, provided water pressure is adequate.

b) Dry hydrants may be required in areas near large bodies of water to facilitate fire protection to the development.

B. Transportation, Road, and Circulation Standards

(Note: As specified elsewhere and for purposes of this full Ordinance section, “street,” “road,” “roadway,” “highway,” “route,” and similar terms shall be used interchangeably.)

1. General: Each lot shall front on and have ingress from, and egress to, an existing or proposed public or private road meeting the standards of this section. Each road within, abutting, or adjacent to a proposed subdivision or project shall be designated as either public or private. The arrangement, character, extent, width, grade, and location of all roads shall be in keeping with existing and proposed transportation patterns, topographical and other natural features, public convenience and safety, and proposed uses of lands to be served by such roads.

2. Public Roads: Designation of any road on a plat as public shall be conclusively presumed to be an offer of dedication to the public. Public roads shall be constructed and maintained to the standards of this Ordinance, all other applicable standards of the County, and the Minimum Construction Standards for Subdivisions established by the NCDOT, Division of Highways, as revised from time to time, as taken or modified from the American Association of State Highway Officials (AASHTO) manuals. Submittal for review and approval shall be in accordance with Section 136-102.6 of the NCGS. Any public road that is extended shall be continued as a public road. Where the Town Ordinances are more restrictive, the most restrictive requirement shall apply.

All lots within a subdivision shall abut a dedicated public road and exceptions to this provision shall be as identified in the following section entitled “C. Private Roads.”

Roads serving the general area that the Planning Board determine should be extended to adjacent properties to serve as through-
roads within a local network shall be designated as public roads.

3. **Private Roads:** All private roads shall have a suffix of "Lane." A private road is to be designated on the plat as either existing, new, or extended and the following conditions apply:

   a) **Existing Private Roads:** The existence of these can be established by documentary evidence, aerial photography, or judicial decree. All other private roads are either new private roads or extensions of existing private roads. Where no new private road or extensions of an existing private road is proposed in a subdivision or project, then that portion of the existing private road that serves as frontage for subdivision lots must meet or exceed private road standards.

   b) **New or Extended Private Roads:** New private roads are limited to roads that have been determined as not being necessary as through-roads within a local road network serving the general area. New or extended private roads within a proposed subdivision or project that serve as frontage for lots must meet or exceed private road standards. Where a new private road or extension of an existing private road is proposed, thereby increasing the potential for additional traffic, a condition of final approval is that the connecting access road, if any, must meet the minimum private road standards of this section.

   c) **Permitted Use of Private Roads for Gated-Community Development:** Private roads shall be permitted where all of the land is held in joint ownership by a homeowners association (HOA) or where access to the public to the subdivision is physically restricted through means of gate or guard house. The following conditions apply:

      (1) Satisfactory evidence of the formulation of a homeowners association (HOA) shall be required and a copy of the articles of incorporation and bylaws of the HOA filed with the Planning Department. The HOA shall further provide for a one-lot, one-vote membership formula for its management.

      (2) The covenants governing ownership of the lots in the proposed subdivision or project shall require the payment of periodic assessments (no less frequently than annually) to the HOA in an amount sufficient to maintain the streets and roadways of the subdivision. The covenants shall further provide that unpaid assessments shall constitute a lien against lots when notice thereof is duly filed with the Clerk’s Office and indexed against the record owners of the property.

      (3) All roads built under this subsection shall be constructed and maintained to the standards of this Ordinance, all other applicable standards of the County, and the NCDOT: Subdivision Roads, Minimum Construction Standards.

      (4) School Bus Access: Provisions shall be made for school bus access within the subdivision. Said access shall allow the bus to enter, provide sufficient turning radius without backing up, and exit in the shortest distance possible. Review and approval of said route shall be determined by the Guilford County Superintendent of Schools in accordance with NCGS and Administrative Policies. A letter of waiver of liability and permission for the bus to enter and exit the subdivision or project shall be filed with the County school system. A copy of this letter shall be on file with the subdivision administrator prior to final plat approval.

      (5) Postal Delivery Access: Provisions shall be made for postal delivery access within the subdivision. Said access shall allow the postal delivery vehicle to enter, provide sufficient turning radius without backing up, and exit in the shortest distance possible. The mail delivery point shall provide for central delivery within the subdivision or project for all lots, except where individual delivery to each lot on internal subdivision roads is approved by the USPS. Review and approval of the type and location of the central delivery point within the subdivision shall be determined by the Postmaster having jurisdiction over the subdivision. A letter of waiver of liability and permission for the postal delivery vehicle to enter and exit the subdivision shall be filed with the USPS. A copy of said letter shall be on file with the subdivision administrator prior to final plat approval. Postal delivery locations shall not be within the public right-of-way, within a vehicular sight triangle, or impede the flow of traffic into or out of the subdivision.

   d) **Other Permitted Use of Private Roads:** The requirement for public roads may be waived and private roads permitted under the following conditions where:

      (1) the road to be constructed cannot serve as part of a through-road within a local road network because physiographical characteristics (e.g., rivers, lakes, ponds, steep slopes, or flood hazard areas) or other intervening man-made characteristics (e.g., railroads, freeways, parks, or existing development) make it impractical to extend the public roads to connect to adjoining roads or land; or,

      (2) there will be less than two lots for each one-tenth of a mile (0.1 mile) of road and deed restrictions or zoning prevents
further re-subdivision; or,
(3) a road is less than two-tenths of a mile (0.2 mile), serves less than four lots, and deed restrictions or zoning prevents further re-subdivision; or,
(4) a cul-de-sac is less than two-tenths of a mile (0.2 mile), serves less than four lots, and deed restrictions or zoning prevents further re-subdivision; or,
(5) a subdivision access road (a road built through vacant property to provide access to the property being developed and without lots platted along it) is less than one mile and provides ingress and egress for less than five lots; or,
(6) a subdivision access road is over one mile in length and provides ingress and egress for less than an average five lots per mile; or,
(7) all adjoining land has been previously developed and the division of a tract or parcel into four or less lots within a five-year period are contained within a subdivision that does not provide access to adjoining property, will not create any new or residual parcels that do not satisfy the requirements of this Ordinance or other applicable local and State controls, does not involve the extension of public sewerage or water lines or the creation of new drainage easements, and is not entirely or substantially located in a flood hazard area.

All roads built under this subsection shall be constructed and maintained to the standards of this Ordinance, all other applicable standards of the County, and the NCDOT: Subdivision Roads, Minimum Construction Standards., except that no pavement shall be required.

All roads built under this subsection shall also adhere to the same “School Bus Access” and “Postal Delivery Access” provisions as outlined within “Private Roads.”

e) Private Roads Requirements: The minimum standards are as follows:

(1) The design, location, and improvement of private roads shall provide for safe intersection with public roads, safe passage of public service and emergency vehicles, and protection of adjoining parcels.

(2) The subdivider shall submit proposed agreements or covenants ensuring continued use and maintenance of any existing, platted, or proposed private roads by landowners served by such roads. These agreements will require that proposed private roads be adequately maintained to provide safe passage for public service and emergency vehicles, will specify how responsibility for road maintenance will be apportioned among the landowners served, and will provide enforcement rights for the maintenance agreement. The adequacy of such agreements shall be demonstrated to the reasonable satisfaction of the Planning Board.

(3) A full set of construction drawings, including but not limited to, right–of-way, roadway width, centerline data, curve data, plan and profile sheets, location of all proposed traffic control devices, and drainage structures shall be prepared by a professional engineer or other design professional allowed by NCGS, and submitted for approval prior to commencing construction.

(4) The Town shall have the option of contracting for the review of said plans at the developer’s expense or shall review plans with appropriate staff.

(5) Construction shall be inspected and certified by a professional engineer or other design professional allowed by NCGS as complying with NCDOT specifications. Laboratory test reports shall be submitted with one complete set of certified as-built plans for roadway construction at the completion of construction.

(6) Construction and maintenance shall occur in accordance with the NCDOT Best Management Practices (BMP) and shall occur in accordance with the North Carolina Erosion and Sedimentation Act of 1973 and subsequent amendments.

(7) In lieu of actual prior approved construction, construction assurances as required in this Ordinance shall be required before final plat approvals.

4. Both Private and Public Roads:

a) Coordination with Existing Road System: The proposed road layout within a subdivision shall be coordinated with the existing and proposed road network within the surrounding area (as established on adopted thoroughfare plans and the road layout within existing and approved subdivisions in the general area), including the extension and interconnection of roads between
adjacent properties where appropriate to the development of a local road network. A network of extended and interconnected local roads is intended to provide each parcel in the general area the safe, convenient, and efficient means of access that will ensure the orderly development of the parcel and the area, provide a wholesome community environment, ensure the effective and efficient provision of emergency and other public services, and help to avoid degradation of existing roads and highways.

b) Conformance with Thoroughfare, Collector, and Pedestrian/Bike/Trail Plans: The location and design of streets shall be in conformance with applicable thoroughfare, collector, and pedestrian/bike/trail plans as approved in conjunction with NCDOT.

c) Conformance with Adjoining Street Systems: The planned street layout of a proposed development shall be compatible with existing or proposed streets and their classification on adjoining or nearby tracts.

d) Street Classification: The classification of streets in a proposed development shall be made by the Administrator.

e) Required Road Extensions to Adjoining Property: (Reserved).

f) Access to Adjacent Properties or Future Phases: Where it is necessary or desirable to provide for public road access to an adjoining property or future phase(s), the developer shall extend proposed roads by dedication to the boundary of such property and provide a temporary turnaround. All streets providing access to adjoining property shall be public roads and located so as to best ensure the safe, convenient, and efficient movement of traffic within a local road network as well as the orderly development of adjacent properties.

Where an adjoining property gains access to a public road through the project site: 1) this access shall either be included in a public road right-of-way that conforms with the lines of such easements or with the agreement of the owner of the adjoining property; or, 2) the original access abandoned (must take the form of a document and be recorded with the final plat) and an alternative access easement dedicated that follows a new alignment for a public road within the proposed subdivision.

g) Reserve Strips and Non-Access Reservations: Reserve strips or non-access reservations that control access to roads, waterways, parks or the like, and other reserved strips shall be permitted only if their purpose, location, dimensions, and manner of control is approved by the Planning Board.

h) Access to Major Thoroughfares:

(1) It is the intent of this regulation to limit access onto major thoroughfares, where appropriate, in order to maintain traffic capacity, encourage smooth traffic flow, and increase public safety for both the residents of the subdivision and those using the roads.

(2) In situations where strict compliance with this provision is impossible or impractical due to topographic conditions, configuration of the parcel to be developed or other condition beyond the control of the developer, the Planning Board may permit other approaches or exempt the property owner from requirements of Sections (c) and (d), below.

(3) Where a tract of land to be subdivided borders on an existing major thoroughfare, the Planning Board may regulate access from a subdivision or individual lot directly onto a major thoroughfare by requiring that:

(a) rear or side yards abut the major thoroughfare and the front or side yards abut an existing parallel local road; or,
(b) a parallel local road be created and that roads internal to the subdivision access the local road at a right angle; the rear or side yards of terminal lots must abut the major thoroughfare; or,
(c) a marginal access or service road be constructed parallel to and separated by a grass strip from the major thoroughfare; the access road may have access to the major thoroughfare at suitable points and shall serve as the principal access road to the subdivision; no direct access from the lots onto the major thoroughfare will be allowed; or,
(d) another access design, such as joint driveways, be used to achieve the intent of this regulation, or,
(e) private driveways are prevented from having direct access to the principal arterial where reverse frontage is established.

(4) The Planning Board shall consider the following criteria when reviewing the proposed design for such subdivisions or individual lots:
(a) the major thoroughfare's road classification;
(b) traffic counts as related to capacity;
(c) level of congestion;
(d) ultimate cross-sectional design of the major thoroughfare; and,
(e) the sight distance of approaching traffic from the point where any proposed access intersects the major thoroughfare.

i) Road Names: All standards and specifications are found within the “Street Name, Address, Sign, and Closing” section of Article 3 of this Ordinance.

i) Half Streets: The dedication of half streets of less than 60' at the perimeter of a new subdivision or project shall be prohibited. Where there exists a half street in an adjoining subdivision, the remaining half shall be provided by the proposed subdivision.

k) Non-Residential Streets: The subdivider of a non-residential subdivision shall provide streets in accordance with (I.F 4] of the “North Carolina Subdivision Roads, Minimum, Construction Standards” and the standards in this Ordinance, whichever is stricter in regard to each particular item.

l) Direct Access to Adjoining Major Thoroughfare: Where a subdivision is proposed adjacent to a major thoroughfare, the Planning Board may require that lots have no direct access to such roads if alternative access from a road of lower classification is possible.

m) Separation of Access Points Along Adjoining Major Thoroughfare: Where a subdivision or project is proposed adjacent to a major thoroughfare and access is proposed onto the major thoroughfare by driveways and/or intersecting roads, the Planning Board may require that said driveways and/or intersecting roads be separated according to NCDOT or Town standards, whichever permits the freer and safer flow of traffic.

n) Major Thoroughfare Right-of-Way Dedication or Reservation:

1) Dedication of Right-of-Way Abutting Existing Major Thoroughfares: If: 1) a subdivision or project site abuts an existing major thoroughfare with a right-of-way width less than that recommended in the Transportation or Thoroughfare Plan, and 2) development in the proposed subdivision is expected to add a significant amount of traffic onto that major thoroughfare, then the subdivision shall include dedication of any additional right-of-way along the site's frontage on the major thoroughfare that is needed to widen the right-of-way to 35' from the centerline of the roadway.

2) Proposed New Thoroughfares:

(a) Incorporation of Thoroughfare: If: 1) the Thoroughfare Plan proposes a new major thoroughfare across part of a subdivision site; 2) an alignment for the thoroughfare has been determined to a reasonable degree of certainty (e.g., as a centerline alignment on a functional design plan); and 3) the thoroughfare could appropriately serve to provide direct access to the subdivision (e.g., it would not be a freeway or other restricted access road), then the subdivision shall incorporate the major thoroughfare into its internal road layout by having one of the subdivision roads run along the proposed thoroughfare alignment. Such road, however, need only be constructed to NCDOT standards for a residential collector road.

(b) Reservation of Future Right-of-Way: If: 1) the Thoroughfare Plan proposes a new major thoroughfare across part of a subdivision site or project site; 2) an alignment for the thoroughfare has been determined to a reasonable degree of certainty (e.g., as a centerline alignment on a functional design plan); and 3) the Town's development regulations reasonably allow the subdivider to both realize the maximum lot density allowed by the site's zoning and physical characteristics and avoid developing that part of the site needed as future right-of-way for the proposed thoroughfare, then the subdivision shall include reservation of the thoroughfare's future right-of-way. That is, it shall not include lots or other development within the land area needed as the thoroughfare's future right-of-way.

Land area needed as future right-of-way shall be determined from NCDOT plans where available or otherwise by applying half the right-of-way width recommended in the Guilford County Thoroughfare Plan along each side of the thoroughfare's proposed centerline alignment.
(c) Applicability: If neither provision I or provision 2 applies to a proposed subdivision across which a major thoroughfare is proposed, then no incorporation of the major thoroughfare or reservation of future right-of-way for the major thoroughfare is required.

The Planning Board may not delay approval of a particular subdivision plan for failure to comply with provision 2 for more than three years after the date the application for plan approval has been accepted by the Administrator as complete.

(d) Record Plat Notice of Future Right-of-Way: If the Thoroughfare Plan recommends the widening of an existing major thoroughfare abutting a subdivision site or project site or proposes a new major thoroughfare across part of a development site, the record plat for the subdivision shall include notice of such. If the land area needed for the planned widening or new thoroughfare can be ascertained with a reasonable degree of certainty, the record plat shall delineate it and label it as future right-of-way.

(3) Road Design in Water Supply Watersheds:
   (a) All proposed roads shall follow topographical contours of the site as closely as possible.
   (b) Curb and gutter shall be prohibited.
   (c) New roads shall be designed and constructed to divert stormwater runoff away from directly draining into surface water supply waters to the extent possible and shall utilize watershed Best Management Practices to minimize water quality impacts. All stormwater provisions apply.

o) Subdivision Street Disclosure Statement: The right-of-way of any new street or change in any existing street shall be delineated on the development plan or plat with particularity and such streets shall be designated either public or private in accordance with NCGS § 136 102.6. Any street designated on a development plan or plat as public shall be conclusively presumed to be an offer of dedication to the public of such street and shall meet NCDOT standards as are required for public roads. A certification designating each road as either public or private shall be affixed to the face of the final plat in accordance with Section 304.1.2. Streets which are not eligible to be put on the State highway system because there are too few lots or residences shall, nevertheless, be dedicated to the public and shall be in accordance with the standards in this Ordinance or the standards necessary to be put on the system, whichever is stricter in regard to each particular item, so as to be eligible to be put on the system at a later date. A written maintenance agreement with provisions for maintenance of the street until it is put on the State system shall be included with the final plat.

p) Subdivision and Project Access and Entrances:
   (1) Access shall be consolidated where ever possible.
   (2) The applicant must demonstrate that access from a public road to the site is adequate, has the capacity to handle traffic generated by the proposed project, and will not endanger the safety of the general public.
   (3) Wherever possible, at least two entrances to the subdivision should be provided.
   (4) All entrances to the development shall be a minimum of 300' from the intersection of two public roads. If a subdivision has more than one direct access to a public road, such access points shall be a minimum of 200' apart.
   (5) All entrances shall be in conformance with the "NCDOT Policy on Street and Driveway Access to North Carolina Highways."

q) Driveway permits: Approval of the location of an individual lot driveway entrance to either a public or private road shall be received prior to the issuance of a building permit and should adhere to the following:
   (1) There shall be a minimum of 150’ between an individual driveway and an entrance to the subdivision or project.
   (2) A driveway entrance shall be located a minimum of 150’ from the intersection of two roads within the subdivision or project.
   (3) There shall be a minimum of 550’ clear sight distance for any driveway onto a public or thoroughfare road.
(4) Exceptions may be submitted for consideration to the Planning Board where extreme conditions of topography make this requirement unreasonable.

r) Intersections:

1) Streets shall intersect as nearly as possible at right angles, within topographic limits, with the most acceptable intersections being those with angles of 75 to 90 degrees. Intersections with angles from 60 to 75 degrees may be submitted for consideration to the NCDOT District Engineer and may be acceptable under extreme conditions. Where a street intersects a public road, the design standards of the North Carolina Department of Transportation, Policy on Street and Driveway Access, shall apply.

2) Offset intersections are to be avoided. Where intersections which cannot be aligned, the centerlines of said streets shall be offset by a minimum length of 200 ft.

3) All streets crossing natural areas, wetlands, or stream buffers must cross at or as near to ninety (90) degrees as possible within topographic limits.

4) The grade on stop streets approaching an intersection shall not exceed 5% for a distance of not less than 100 feet from the centerline of the intersection. Grades exceeding 5 percent may be reviewed by the NC DOT District Engineer for consideration. Grades less than 0.5 percent should not be used unless reviewed individually by the District Engineer to determine potential maintenance problems.

5) An intersection shall not include more than four (4) road approaches.

s) Alleys

1) Alleys shall be required to serve lots used for commercial and industrial purposes except that this requirement may be waived where other definite and assured provisions are made for service access. Alleys shall not be provided in residential subdivisions unless necessitated by unusual circumstances.

2) The width of an alley shall be at least 20 ft.

3) Dead end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turn around facilities at the dead end as may be required by the Planning Board.

  t) Permits for Connection to Public Roads

An approved permit is required for connection to any existing state system road. This permit is required prior to the construction of the street or road. The application is available at the Office of the District Engineer of the Division of Highways. All permit applications shall be in conformance with NCDOT, Policy on Street and Driveway Access.

  u) Offset to Utility Poles
Poles for overhead utilities should be located clear of roadways shoulders, preferably a minimum of at least 30 feet from the centerline of the road, based on standard sixty (60) foot right-of-way. On streets with curb and gutter, utility poles shall be set back a minimum distance of 16 feet from the face of curb.

v) Wheel Chair Ramps

All street curbs being constructed or reconstructed for maintenance purposes, traffic operations, repairs, correction of utilities, or altered for any reason, shall include provisions for the physically handicapped in conformance with NCGS § 136.44, the American Disabilities Act and the NCDOT standards at intersections where both curb and gutter and sidewalks are provided and at other major points of pedestrian flow.

w) Street Lighting

If street lighting is proposed, a unified street lighting plan shall be required. All street lighting must be full cut off and shielded.

x) Curb and Gutter

Curb and gutter shall be not be required unless the continuity of previous street work necessitates curb and gutter. The use of curb and gutter in rural subdivision design is not desirable. It causes disruption of natural sheet design. It is not desirable to directionalize storm water runoff, nor to increase the volume and velocity of storm water runoff caused by curb and gutter. Where curb and gutter is unavoidable, such construction shall be in conformance with NCDOT standards.

y) Vehicular 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, driveways, and signs, except traffic control signs.

1) Site distance easements must remain free of all fences, walls, structures, trees, shrubbery, driveways, and signs that would block visibility between 30’ and 8 feet above the street surface. Utility poles, fire hydrants, and traffic control signs are exempted from this restriction.

2) Sight triangles of 20 feet by 20 feet as measured from the intersection of right-of-way lines shall be preserved at all street intersections using a curb and gutter cross section.

3) When connecting new local roads or collector roads to existing state maintained roads (i.e. thoroughfares) an additional site triangle measuring 70 feet along the existing road right-of-way and 10 feet along the new road right-of-way shall be required. The 20 feet site distance triangles are required only if curb and gutter is used at the intersection.

Guidance for vehicular sight triangle will be per Policy on Street and Driveway Access to North Carolina Highways, NCDOT. The location and extent of sight distance easements will be determined by the topography of the intersection and final determination will be made by the Jurisdiction in cooperation with the NCDOT District Engineer.

z) Corner radii:

All intersections internal to a development shall have minimum 30’ corner radii. Radii less than 30’ must be approved by the NC DOT District Engineer. Where the angle of street intersection is less than 75 degrees, a greater corner radius may be required.

aa) Deceleration and Storage Lanes (Left Turn Lanes)

Any subdivision of 50 lots or more abutting a public road with a speed limit of 55mph or greater or have a combined traffic count of 4000 (existing plus projected from development) shall provide a deceleration lane. Deceleration lanes may be required in other circumstances where it is determined to be in the interest of public safety or as required by the NC Department of Transportation.

Any subdivision of 50 lots or more abutting a public road with a speed limit of 55mph or greater; or have a combined traffic count of 4000 (existing plus projected from development) may be required to provide a storage lane (left turn lane). Storage lanes may be required in other circumstances where it is determined to be in the interest of public safety or as required by the NC Department of Transportation.

bb) Islands Or Short Medians At Subdivision of Project Entrances

Any proposal that include islands or medians at driveway entrances shall conform to the NCDOT – Subdivision Roads, Minimum Construc-
tion Standards.

“The Division of Highways will review requests for the allowance of islands or short medians desired for aesthetics on State Highway System Secondary Roads at the entrance to a subdivision or project. The location will be outside the line of sight at the entrance intersection. Approval will be with the following understanding:

1. The Division of Highways will not maintain the island or the median section.
2. The island or the median section will be removed if not properly maintained by someone involved with the subdivision, i.e. developer, homeowners, etc.
3. The Division Engineer may allow the island or median on an individual basis.
4. The minimum lane width at the entrances, excluding curb and gutter will be 14’.”

cc) Traffic Control Signs

1) The number, placement and requirements for all traffic control signs shall be in conformance with the Manual on Uniform Traffic Control Devices (MUTCD). The District Engineer for the NCDOT shall be responsible for the review and approval of plans for traffic control signs and devices within the subdivision and may require any additional traffic control signs deemed necessary in the interest of public safety. Private roads shall conform to the same standards.

2) The developer shall be responsible for the costs of signs and the costs for installing the signs. The costs for the signs and installation shall be calculated and shall be payable upon preliminary plat approval. Evidence of such receipt shall be submitted to the Town.

3) The proposed construction schedule should reflect the time of installation of traffic and street naming signs. Developer shall have the responsibility to coordinate installation with the State. Locations for installation shall be staked by the surveyor in accordance with the construction schedule.

dd) Street Naming Signs

The Town shall be responsible for the acquisition of all street naming signs. Guilford County will be responsible for the installation of all street naming signs.

The developer shall be responsible for the costs of signs and the costs for installing the signs. The costs for the signs and installation shall be included in the fee schedule. These costs shall be calculated and shall be payable upon preliminary plat approval.

The proposed construction schedule should reflect the time of installation of traffic and street naming signs. Developer shall have the responsibility to coordinate installation with the county. Locations for installation shall be staked by the surveyor in accordance with the construction schedule.

ee) Guard Rails

No banks or slopes within a public right-of-way directly adjacent to the development or within the development shall have a slope steeper than one foot rise to four foot run. If such a condition is pre-existing, every reasonable effort shall be made to bring the slopes into conformance. If slopes are at or are steeper than one foot drop to two foot run, a guard rail shall be erected along the length of the shoulder of the road.

ff) Break-away posts

All traffic signs, street naming signs, mail boxes or other similar objects installed on posts located within the right-of-way shall be installed with break-away posts.

6. STANDARDS FOR PRIVATE LANES AND ALLEYS

(a) Situations Where Allowed. Private lanes are allowed only in minor subdivisions consisting of 4 or fewer lots. Private alleys are allowed only in unified developments, whether residential, commercial, or mixed use.
(b) Construction Standards
Private lanes and alleys are not required to be paved with an asphalt, concrete or other “topcoat” surface, but shall conform in all other ways, including effective right-of-way, road base construction and drainage standards, as for public roads. The intent is that if the lane or alley were ever to be petitioned for inclusion in the public road maintenance system, it could be readily improved to meet public road standards for paving. More specific standards are as follows:

(1) Roadway Width and Construction Design: Minimum Street Design Standards are found in Table 6.A.6. The base course shall comply with NCDOT Standards. A pavement surface is not required. The area outside the roadway shall be treated with stabilizing vegetation or other materials approved by the Soils Division.

(2) Turn Around:
   a. Private Lanes: A cul-de-sac or T-type turnaround shall be provided in accordance with NCDOT Standards.
   b. Private Alleys: Private alleys shall be connected at both ends with a public or private roadway.

(3) Intersection:
   a. Private Lanes shall intersect with roads as nearly as possible at right angles. Intersections at angles less than sixty (60) degrees are not permitted. A Private Lane may not intersect with another Private Lane.
   b. Private Alleys shall intersect with other public or private roads at right angles. A private alley may not intersect with another private alley.

(4) Roadway Off-Sets: The off-set alignment of the centerline of two non-intersecting lanes or alleys shall be a minimum of one hundred and twenty-five (125) feet.

(5) Disclosure Statement: A disclosure statement in accordance with NCGS § 136-102.6 shall be approved by the Town Attorney, 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 Lane or Alley.

(6) Certificate of Inspection and Surety: A certificate of inspection signed and sealed by a licensed professional engineer shall be filed with the Town Manager Administrator prior to recordation of the Final Plat. A surety may be posted for a Private Lane or Alley in which case the certificate will be required after road construction is complete. This certificate shall at a minimum state that the private lane or alley has been constructed to meet the minimum design standards set forth herein.

### Table 6.A.6. Minimum Private Lane and Alley Design Standards

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<th>Minimum Right-of-Way Width (FT.)</th>
<th>Minimum Width of Roadway (FT.)</th>
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REMAINING PAGES FROM N-FOCUS AND NOT EDITED OR FORMATTED
C. SIDEWALKS AND TRAILS

1. GENERAL REQUIREMENTS

(a) Where required. Except along controlled access facilities, a sidewalk or trail shall be required along at least one side of all thoroughfares and collectors, and as may be identified in any adopted special area plans, corridor plans and pedestrian/bike plans. An example of one such plan is the Summerfield Road Special Area Plan. Exceptions to this policy are that no sidewalks or trails shall be required:

(1) On lots or sites in the AG Agricultural District or RR Rural residential District, unless identified in an adopted plan as noted under B.1.a above.

(2) In cases where environmental or topographic conditions make such provision impractical; and

(3) When an in-lieu fee consistent with Section 6.B.6.(c) is determined to be appropriate by the Planning Board.

(b) Sidewalk or Trail Determination. Generally, a sidewalk shall be the minimum requirement under this section. A trail shall be installed instead of a sidewalk in the following instances:

(1) when identified in a pedestrian, bicycle, greenway or special area or corridor plan officially adopted by the Town;

(2) when a trail along a roadway segment would connect with an existing trail along an adjoining roadway segment;

(3) when anticipated demand by bicyclists and pedestrians warrants a facility wider than a sidewalk;

(4) when a developer would prefer to install a trail rather than a sidewalk.

(c) Side of Street to be Determined. The side of the street on which the sidewalk or trail is to be installed shall be determined by several factors, some of which may include:

(1) existing sidewalk or trail locations;

(2) environmental or topographic conditions;

(3) the number of driveway cuts existing or anticipated;

(4) the number of other obstructions, existing or anticipated, in the path of the sidewalk or trail;

(5) recommended sidewalk or trail locations as specified in special area or highway corridor plans;

(d) When Required on Both Sides of Street. Sidewalks or trails may be required on both sides of the street where a significant “pedestrian-attractive” facilities are located, where demand is apparent, or
where a continuation of the existing pedestrian system is achievable. Examples where sidewalks or trails on both sides of street may be required, include:

(1) Within one quarter mile of:
   a. Shopping facilities
   b. Schools
   c. Parks

(2) Where pedestrian paths are worn into vegetation on both sides of the street

(3) Where a sidewalk or trail would help complete a continuous sidewalk or trail loop.

(4) Where a sidewalk or trail would help provide a linkage to a trail system.

(e) **Placement of sidewalk or trail relative to right of way.**

(1) **Along Roads with Curb and Gutter Sections:** When placed adjoining a road with a curb and gutter, the sidewalk or trail shall be placed just behind the right of way line.

(2) **Along Roads with Shoulder Sections:** When placed adjoining a road with a shoulder section, the sidewalk shall be placed as close to the street right-of-way line as possible, but generally behind the slope of any roadside ditch or swale.

(3) **Sidewalk or Trail Easement Required.** A permanent easement, no less than 10 feet in width for sidewalks, and no less than 12 feet in width for trails, shall be granted to the Town for sidewalk or trail maintenance, should the Town or other governmental authority accept that responsibility at some point in the future. (See Section 6.B.5. below concerning Maintenance.) The width of the easement may need to be increased when the width of a drainage ditch or swale, and/or topographic or other conditions warrant it.

(4) **Sidewalk or Trail Within the Road Right of Way.** Sidewalks and trails may be constructed within a street right-of-way, provided there is sufficient width in the right of way, and that such placement is approved by the Town and NCDOT.

(f) **Timing of Sidewalk or Trail Construction.** Sidewalks and trails shall be constructed at the time of development of any single lot being used for commercial or institutional purposes, and for any subdivision of land into building lots for residential, commercial or institutional purposes. The developer or subdivider shall be responsible for sidewalk and trail construction on all new streets or roads created as part of the development, and for existing streets or roads that abut the property being developed.

2. **SIDEWALK DESIGN STANDARDS**

(a) Sidewalks shall be at least five feet wide, and may be required to be wider to:

(1) match the width of a connecting sidewalk that exceeds five feet in width;

(2) meet the sidewalk width requirements as identified in a ped/bike, special area or corridor plan;

(3) where a greater than average volume of pedestrian traffic is anticipated.

(b) When the trail is adjacent to or parallel to a public or private street it shall be separated from the edge of pavement a minimum of four (4) feet.

(c) Sidewalks, other than those internal to a non-residential development and not adjoining a public street, shall be constructed of concrete with a brushed finish. All such sidewalks shall be consistent with an approved Site Plan, Subdivision Plat, and with the established sidewalk patterns in the general area of the development;
(d) Pedestrian street crossings at intersections and mid-block pedestrian crossings shall be striped for safety. Such crossings shall require approval of NC DOT.

(e) When paved sidewalks are installed adjacent to parking areas, the sidewalks shall accommodate vehicular bumper overhang and be functional.

(f) All sidewalk construction shall conform with construction norms necessary to meet the American Disabilities Act (ADA) standards.

3. TRAIL DESIGN STANDARDS

(a) Trails shall be at least eight feet wide, when possible, but not less than six, and may be required to be wider to:
   (1) match the width of a connecting trail that exceeds six to eight feet in width;
   (2) meet the width requirements as identified in a ped/bike, special area or corridor plan;
   (3) where a greater than average volume of pedestrian and bicycle traffic is anticipated.

(b) When the trail is adjacent to or parallel to a public or private street it shall be separated from the edge of pavement a minimum of six (6) feet.

(c) Trails may be constructed of concrete or asphalt or a combination of these materials, consistent with an approved Site Plan, Subdivision Plat, and with any established trail patterns in the general area of the development;

(d) Trail crossings at street intersections and mid-block locations shall be striped for safety. Such crossings shall require approval of NC DOT.

(e) When trails are installed adjacent to parking areas, the trails shall accommodate vehicular bumper overhang and be functional.

(f) All trail construction shall conform with construction norms necessary to meet the American Disabilities Act (ADA) standards.

4. SIDEWALK AND TRAIL SYSTEM CONNECTIVITY REVIEW WITH SCOTT

(a) Connections to Adjoining Sidewalks and Trails
   (1) Subdivision sidewalks and trails shall connect with existing or planned sidewalks and trails at property boundaries;
   (2) New nonresidential, mixed-use, and multi-family development shall provide sidewalk and trail connections between the development and the existing or planned adjacent public sidewalk or trail system;

(b) Mid-Block Trail Connections on Long Blocks: Where a block length exceeds 2,000 feet, at least one multi-use trail (bike/ped) shall be provided midblock to connect existing or future parallel sidewalks, trails, and/or streets on the long side of the block.

(c) Cul De Sac Trail Connections: Whenever cul-de-sac streets are created, and the head of the cul de sac is proximate to another new street, at least one twelve-foot-wide access easement for a multi-use trail shall be provided, between each cul-de-sac head or street turnaround and the sidewalk/trail system of the proximate other new street.

5. SIDEWALK AND TRAIL SYSTEM MAINTENANCE

For all sidewalks and trails located outside the public street right-of-way, maintenance of the sidewalk/trail network in a residential development shall be the responsibility of the appropriate Owners Association; for a non-residential development, maintenance shall be the responsibility of the property owner. Trails located
within public street right-of-way may be maintained by the Jurisdiction (e.g. Town, County, or NC DOT) maintaining the public street, subject to the Jurisdiction’s approval. If the Jurisdiction cannot or will not assume maintenance, the Owners Association or property owner, as applicable, shall be responsible for maintenance.

6. EXCEPTIONS TO SIDEWALK AND/OR TRAIL REQUIREMENTS

(a) General

An applicant or developer may request the ability to provide payment-in-lieu for all or a portion of the required sidewalks or trails in accordance with this section. The payment of fees, in-lieu of installing a required public sidewalk or trail, may occur with approval of the Administrator, upon finding that:

(1) Alternate on-site sidewalks and/or trails, such as public greenways or multiuse paths, are adequate; or

(2) The right-of-way, developing lot, or lot abutting a proposed sidewalk or trail is not suitable for sidewalks or trails due to floodplains, wetlands, riparian buffers, required tree canopy retention areas, slopes exceeding 25 percent, or other unique site conditions.

(b) Procedure for Approval

The payment of such fees in-lieu shall be reviewed and approved as part of the Site Plan approval (Section 3.B.5.) or Final Plat approval (Section 3.B.6.(n)) as appropriate. Any applicant proposing to make such payment shall attach a letter to the Administrator requesting the payment of fees in lieu of installing the sidewalk or trail. Upon receipt of the application, the Administrator shall review the request. In the event of a dispute between an applicant who wants to make payment in-lieu, and a recommendation by the Administrator that sidewalks or trails should be provided, the Board of Adjustment shall make the final determination based upon findings of fact related to criteria set forth in Section 3.B.18 Appeals.

(c) Payment in Lieu for Trails and Sidewalks

(1) Time of Payment: The fees in-lieu of sidewalks or trails shall be paid prior to recording the Final Plat, or if no Final Plat is required, prior to the issuance of a Development Clearance Certificate (Section 3.B.12) for a nonresidential or mixed-use development.

(2) Amount of Payment: Where the payment of fees to the Town is to be made in-lieu of installing a sidewalk or trail as permitted by this subsection, the Administrator shall verify the cost estimate for installing the improvements in accordance with the adopted fee schedule, as amended.

(d) Use of Funds

Fees received in accordance with this subsection shall be used only for the development of new sidewalks and trails.

D. OFF-STREET PARKING, LOADING, AND CIRCULATION

1. PURPOSE AND INTENT

The purpose of this section is to ensure that developments provide the off-street parking, loading, and circulation facilities needed to meet demands created by occupants, employees, visitors, customers, and patrons—and that these demands be met without adversely affecting local traffic patterns or adjacent land uses and neighborhoods. The standards in this section are intended to allow the flexibility needed to accommodate alternative solutions and achieve town policies of accommodating appropriate development, encouraging pedestrian-oriented development, avoiding excessive paved surface areas, promoting low impact development, and safeguarding natural and historic resources.
2. **APPLICABILITY**

(a) **General**

The off-street parking, loading, and circulation standards of this section shall apply to all development in the Town of Summerfield.

(b) **Responsibility for Provision**

The responsibility for providing the off-street parking, loading, and circulation areas required by this section shall be that of whoever develops the land or changes an existing use requiring parking and loading areas. Review for compliance with the standards of this section shall occur during review of an application for a Site Plan (Section 3.B.5), Building Permit (Section 3.B.11) or Temporary Use Permit (Section 3.B.9), as appropriate.

(c) **Existing Development**

(1) **Change in Use, Including Exemption for Minor Additional Parking**

Any change in use within an existing development shall provide any additional off-street parking, loading, and circulation facilities required to comply with the minimum off-street parking, loading, and circulation standards applicable to the new use. If the change in use would require an increase of less than ten percent (10%) in the required number of spaces, no additional off-street parking shall be required.

(2) **Expansion**

Any expansion or enlargement of an existing structure that will increase the number of units upon which the applicable parking standard is based (e.g., square feet, employees, dwelling units, seats) shall provide additional off-street parking, loading, and circulation facilities as required by application of these minimum off-street parking, loading, and circulation standards.

(3) **Nonconforming Parking or Loading Facilities**

Refer to Article 8.E Nonconforming Sites when proposing substantial remodeling, expansion or enlargement of an existing use or structure on a nonconforming site.

3. **GENERAL STANDARDS FOR OFF-STREET PARKING, STACKING, AND LOADING AREAS**

(a) **Parking Area, Stacking Area, or Loading Space for Intended Use Only**

All vehicular parking areas, stacking areas, methods of vehicular ingress and egress, internal aisles, and loading spaces required by this section may be referred to as “vehicular use area”, and shall be used only for their intended purposes. Any other use—including, but not limited to, vehicular storage, vehicle sales, vehicular repair work, vehicle service, material or product storage, or display of any kind—shall constitute a separate business use of the space.

(c) **Paving or Surfacing of Parking**

(1) **Except as provided for in Section 6.C.7.(f) Alternative Materials**, all off-street parking, loading, and circulation areas shall be surfaced with asphalt, concrete, brick, stone, pavers, aligned concrete strips, or an equivalent material sufficient to support anticipated traffic volumes and weights. These materials shall be maintained in a smooth, properly graded and drained condition.

(2) **Paving shall not be required for:**

a. Parking facilities used on an irregular basis for churches, private clubs or other similar nonprofit organizations.

b. Parking areas for agricultural uses in the Agricultural (AG) District.
c. Parking areas in the Heavy Industrial (HI) District or manufacturing and industrial uses in the Light Industrial (LI) District, provided they are constructed with an all-weather surface.

d. Parking areas for tracked heavy construction equipment, skid-mounted equipment and similar equipment, provided they are constructed with an all-weather surface. All facilities shall be graded, properly drained, stabilized and maintained to minimize dust and erosion.

(3) Concrete pads for stationary refuse containers shall be provided beneath and in the approach to each container sufficient to support anticipated service truck traffic and weights.

(d) Painting, Marking or Identifying Parking and Loading Areas

Off-street parking areas of three or more spaces and off-street loading spaces shall include painted lines, wheel stops, or other methods of identifying individual parking and loading spaces and loading areas and distinguishing such spaces from aisles or other vehicular use areas.

(e) Arrangement of Parking and Loading

(1) Convenient Access

a. All off-street parking, loading, and circulation areas shall be arranged for the access and safety of pedestrians and vehicles.

b. Off-street parking areas with three or more spaces shall be arranged so that no parking or maneuvering incidental to parking shall occur on a public street or sidewalk, and so that an automobile may be parked and un-parked without moving another automobile.

(2) Backing onto Streets Prohibited

Except for parking areas serving single-family detached dwellings, all off-street parking, loading, and circulation areas shall be arranged so that no vehicle is required to back from such areas directly onto a public street. Vehicular access ways and vehicular use areas on private lands are not considered public streets.

(3) Easements

No off-street parking, loading, or circulation area shall be located within an easement without the written consent of the person or agency who owns the easement.

(f) Parking Lot Access and Curb Cuts

(1) Any construction of or modification to an access drive or curb cut shall require prior approval of the NC DOT.

(2) Access drives shall be surfaced and maintained to a distance at least twenty (20) feet from the edge of road pavement for all parking and loading facilities, whether paved or unpaved. (See Section 6.C.3.(c) concerning surface treatments)

(g) Parking Lot Cross-Access

(1) General

All development except single-family attached or detached dwellings and two- to four-family dwellings shall be designed to allow for cross-access to adjacent compatible developments in accordance with the following standards:

a. Limited to Two Parcels: Cross-access ways shall be designed and located based on the standards of this section, but in no case shall a development be required to provide cross-access to more than two adjacent parcels.
b. **Future Stubs Required:** A connection for future parking lot cross access shall be provided to all adjacent vacant land within a Non-Residential or Planned Development zoning district. Development subject to these standards shall be designed to provide future cross-access in at least one location while remaining in compliance with all landscaping and stormwater standards.

c. **Minimum Width:** Cross-access ways shall allow for two-way traffic between parcels through the use of a single drive aisle with a minimum width of 20 feet, or through two one-way aisles, each with a minimum width of 10 feet.

(2) **Waiver**

The cross-access standard may be waived by the Administrator if the applicant demonstrates it is impractical to provide cross-access due to:

a. Topography, or natural features;

b. The size and configuration of the site;

c. Vehicular safety factors;

d. The presence of incompatible uses; or

e. Existing development patterns on adjacent developed sites. When cross-access is waived in accordance with this section, required bicycle and pedestrian connections shall be provided between adjacent developments or uses, unless it is unreasonable or impracticable.

(3) **Recording Required**

Where provided, a cross-access easement shall be recorded by the owner/developer prior to issuance of a Certificate of Occupancy.

(h) **Drainage**

All off-street parking, loading, and circulation areas shall be properly drained in accordance with the stormwater management standards in Article 9 so as not to cause any nuisance on adjacent land.

(i) **Exterior Lighting**

When lighted, off-street parking, loading, and circulation areas shall be lighted so as to prevent glare or illumination and, unless exempted, shall comply with the standards of Section 6.G. Lighting Standards.

(j) **Landscaping**

Except for parking areas serving single-family detached, two- to four-family, and attached residential buildings of 5,000 square feet in gross floor area or less, all off-street parking, loading, and circulation areas shall be landscaped to soften their visual impact on adjacent areas, and unless exempted, shall comply with the standards of Section 6.E.4.(e) Parking Lot Plantings.

(k) **Curbs and Motor Vehicle Stops**

All off-street parking, loading, and circulation areas shall be designed to prevent vehicles from overhanging a right-of-way, sidewalk, walkway, or adjacent property.

(l) **Maintained in Good Repair**

(1) **Maintained at All Times**

All off-street parking, loading, and circulation areas shall be maintained in good repair and in safe condition at all times so as not to constitute a hazard to public safety, dust or a visual or aesthetic nuisance to surrounding land.
(2) Periodically Restored

All off-street parking, loading, and circulation areas shall be periodically resurfaced, resealed and/or repainted or otherwise restored to maintain a clear identification of separate parking stalls or loading spaces.

(m) Construction of Off-Street Parking, Loading, and Circulation Areas

All off-street parking, loading, and circulation areas shall be completed prior to the issuance of a Certificate of Occupancy and Compliance (Section 3.B.13.) for the use or uses they serve. In the case of phased development, surface off-street parking, loading, and circulation areas should only be provided for the portions of the development for which a Site Plan (Section 3.B.5.) is approved.

4. OFF-STREET PARKING STANDARDS

(a) Parking Plan Required

A parking plan (where appropriate) shall be submitted with every application for a Site Plan (Section 3.B.5.) Building Permit (Section 3.B.11) or Temporary Use Permit (Section 3.B.9) for any development that is required to provide more than three off-street parking spaces. The plan shall accurately designate the required parking spaces, access aisles, and driveways, and the relation of the off-street parking facilities to the uses or structures such facilities are designed to serve. The plan shall also indicate the minimum number of required spaces, maximum number of allowed spaces (if applicable), and an alternative parking plan, if requested (Section 6.C.7 Alternative Parking Plan).

(b) Minimum Number of Spaces Required

Unless otherwise expressly stated in this section, the minimum number of off-street parking spaces shall be provided in accordance with Table 6.C.4.(b) Minimum Off-Street Parking Standards:
### TABLE 6.D.4(b) MINIMUM OFF-STREET PARKING STANDARDS

<table>
<thead>
<tr>
<th>USE CATEGORY</th>
<th>USE TYPE</th>
<th>MINIMUM # OF PARKING SPACES [1]</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>AGRICULTURAL USE CLASSIFICATION</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agriculture</td>
<td>Plant nursery</td>
<td>1 per every 300 sf of garden center + 1 per every 1,000 sf outdoor nursery sales space</td>
</tr>
<tr>
<td></td>
<td>All other agriculture</td>
<td>See Section 6.C.4.(d)</td>
</tr>
<tr>
<td>Agricultural Support and</td>
<td>Equestrian facility</td>
<td>1 space + 1 per stall</td>
</tr>
<tr>
<td>Services</td>
<td>All other agricultural support</td>
<td>See Section 6.C.4.(d)</td>
</tr>
<tr>
<td></td>
<td>and services</td>
<td></td>
</tr>
<tr>
<td><strong>RESIDENTIAL USE CLASSIFICATION</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Household Living</td>
<td>Dwelling, live/work</td>
<td>1 per DU</td>
</tr>
<tr>
<td></td>
<td>Dwelling, multi-family</td>
<td>1.5 per 1 bedroom DU, 1.75 per 2 bedroom DU, 2 per 3 bedroom unit</td>
</tr>
<tr>
<td></td>
<td>Dwelling, single-family attached</td>
<td>2 per DU</td>
</tr>
<tr>
<td></td>
<td>Dwelling, single-family detached</td>
<td>2 per DU</td>
</tr>
<tr>
<td></td>
<td>Dwelling, two- to four-family</td>
<td>2 per DU</td>
</tr>
<tr>
<td></td>
<td>Dwelling, upper story</td>
<td>0.5 per DU</td>
</tr>
<tr>
<td></td>
<td>Manufactured home, Class A[1]</td>
<td>2 per DU</td>
</tr>
<tr>
<td></td>
<td>Manufactured home park (Class A or B)</td>
<td>2 per DU</td>
</tr>
<tr>
<td>Group Living</td>
<td>Dormitory</td>
<td>1 per every 2 resident beds</td>
</tr>
<tr>
<td></td>
<td>Fraternity or sorority house</td>
<td>1 per every 2 resident beds</td>
</tr>
<tr>
<td></td>
<td>Group home, large</td>
<td>1 per employee + 1 per every 5 children or 1 per every 3 adults</td>
</tr>
<tr>
<td></td>
<td>Group home, small</td>
<td>2 + 1 per employee not residing in the home</td>
</tr>
<tr>
<td></td>
<td>Rooming or boarding house</td>
<td>1 + 1 per guest bedroom</td>
</tr>
<tr>
<td></td>
<td>Therapeutic home</td>
<td>2 + 1 per employee not residing in the home</td>
</tr>
<tr>
<td><strong>PUBLIC AND INSTITUTIONAL USE CLASSIFICATION</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Community Services</td>
<td>Community center</td>
<td>1 per every 300 sf</td>
</tr>
<tr>
<td></td>
<td>Cultural facility</td>
<td>1 per every 300 sf</td>
</tr>
<tr>
<td></td>
<td>Library</td>
<td>1 per every 300 sf</td>
</tr>
<tr>
<td></td>
<td>Museum</td>
<td>1 per every 500 sf</td>
</tr>
<tr>
<td></td>
<td>Senior center</td>
<td>1 per every 300 sf</td>
</tr>
<tr>
<td></td>
<td>Youth club facility</td>
<td>1 per every 300 sf</td>
</tr>
<tr>
<td>Day Care</td>
<td>Adult day care center</td>
<td>1 per every 5 persons up to 50, then 1 per every 10 persons</td>
</tr>
<tr>
<td></td>
<td>Child day care center</td>
<td>4 + 1 per employee on the largest shift</td>
</tr>
<tr>
<td>Educational Facilities</td>
<td>Community College</td>
<td>1 per every 2 students + 1 per employee on the largest shift</td>
</tr>
<tr>
<td></td>
<td>College, 4-year, on-campus housing</td>
<td>1 per every 3 students + 1 per employee on the largest shift</td>
</tr>
<tr>
<td></td>
<td>School, elementary</td>
<td>1 per employee + 5</td>
</tr>
<tr>
<td></td>
<td>School, middle</td>
<td>1 per every 30 students + 1 per employee</td>
</tr>
<tr>
<td></td>
<td>School, high</td>
<td>1 per every 300 sf</td>
</tr>
</tbody>
</table>
### Vocational or trade school
1 per every 300 sf

### Government Facilities
- Government maintenance, storage, or distribution facility
  1 per every 600 sf
- Government office
  1 per every 300 sf
- Post office
  1 per every 300 sf

### Health Care Facilities
- Blood/tissue collection facility
  1 per every 300 sf
- Drug or alcohol treatment facility
  1 per every 300 sf
- Hospital
  1 per 2 inpatient beds + 1 per employee
- Medical or dental clinic
  1 per every 300 sf
- Medical or dental lab
  1 per every 300 sf
- Medical treatment facility
  1 per 2 patient beds + 1 per employee
- Outpatient facility
  1 per every 300 sf
- Assisted living facility
  1 per every 3 resident beds

### Institutions
- Auditorium, Assembly Hall
  1 per 4 seats
- Club or lodge
  1 per 300 sf
- Convention center
  1 per 300 sf
- Halfway house
  1 per employee + 1 per every 4 persons
- Nursing home
  1 per every 3 patient beds
- Psychiatric treatment facility
  1 per every 3 patient beds
- Religious institution
  1 per every 3 seats in worship area

### Parks and Open Areas
- Arboretum or botanical garden
  See Section 6.C.4.(d)
- Cemetery, columbaria, mausoleum
  1 per employee on largest shift
- Community garden
  2 + 1 per every 0.5 acre
- Greenway
  See Section 6.C.4.(d)
- Park, public or private
  See Section 6.C.4.(d)
- Public square or plaza
  See Section 6.C.4.(d)

### Public Safety
- Correctional facility
  See Section 6.C.4.(d)
- Fire or EMS facility
  See Section 6.C.4.(d)
- Police substation
  See Section 6.C.4.(d)
- Police station
  See Section 6.C.4.(d)

### Transportation
- Airport
  See Section 6.C.4.(d)
- Helicopter landing facility
  See Section 6.C.4.(d)

### Utilities
- Telecommunications antenna, collocation on existing tower
  None
- Telecommunications antenna, placement on existing building
  None
- Telecommunications tower, freestanding
  None
- Utility, major
  1 per employee on largest shift
- Utility, minor
  See Section 6.C.4.(d)

### COMMERCIAL USE CLASSIFICATION
Uses in the commercial use classification shall not provide more than 140% of the minimum number of spaces required except through an approved alternative parking plan (See ________).

<table>
<thead>
<tr>
<th>Adult entertainment</th>
<th>Adult Entertainment</th>
<th>1 per every 3 persons of maximum fire rated capacity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Animal Care</td>
<td>Animal grooming</td>
<td>1 per every 300 sf</td>
</tr>
<tr>
<td></td>
<td>Animal shelter</td>
<td>1 per every 300 sf</td>
</tr>
<tr>
<td></td>
<td>Kennel, indoor</td>
<td>1 per every 400 sf</td>
</tr>
<tr>
<td></td>
<td>Kennel, outdoor</td>
<td>1 per every 400 sf</td>
</tr>
<tr>
<td>Category</td>
<td>Example</td>
<td>Density</td>
</tr>
<tr>
<td>----------------------------------</td>
<td>--------------------------------</td>
<td>--------------------------</td>
</tr>
<tr>
<td><strong>Veterinary clinic</strong></td>
<td></td>
<td>1 per every 300 sf</td>
</tr>
<tr>
<td><strong>Conference and Training Centers</strong></td>
<td>Conference or training center</td>
<td>See Section 6.C.4.(d)</td>
</tr>
<tr>
<td><strong>Eating Establishments</strong></td>
<td>Dinner theater</td>
<td>1 per every 4 seats</td>
</tr>
<tr>
<td></td>
<td>Restaurant, with indoor or outdoor seating</td>
<td>1 per every 150 sf (including outdoor waiting/seating/dining areas)</td>
</tr>
<tr>
<td></td>
<td>Restaurant, with drive-through service</td>
<td>1 per every 150 sf (including outdoor areas) Also see section 6.C.10.(b) Stacking Spacing for Drive-Thru and Related Uses</td>
</tr>
<tr>
<td></td>
<td>Specialty eating establishment</td>
<td>1 per every 250 sf</td>
</tr>
<tr>
<td><strong>Offices</strong></td>
<td>Business services</td>
<td>1 per every 250 sf</td>
</tr>
<tr>
<td></td>
<td>Financial services</td>
<td>1 per every 250 sf</td>
</tr>
<tr>
<td></td>
<td>Professional services</td>
<td>1 per every 250 sf</td>
</tr>
<tr>
<td></td>
<td>Radio and television broadcasting studio</td>
<td>1 per every 500 sf</td>
</tr>
<tr>
<td></td>
<td>Sales (including real estate)</td>
<td>1 per every 250 sf</td>
</tr>
<tr>
<td><strong>Parking, Commercial</strong></td>
<td>Parking lot</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td>Parking structure</td>
<td>None</td>
</tr>
<tr>
<td><strong>Recreation/Entertainment, Indoor</strong></td>
<td>Bowling Centers</td>
<td>4 per lane</td>
</tr>
<tr>
<td></td>
<td>Fitness Centers</td>
<td>1 per 200 sf of activity area</td>
</tr>
<tr>
<td></td>
<td>Theater</td>
<td>1 per every 4 seats</td>
</tr>
<tr>
<td></td>
<td>Other commercial recreation, indoor</td>
<td>1 per every 300 sf</td>
</tr>
<tr>
<td><strong>Recreation/Entertainment, Outdoor</strong></td>
<td>Amusements parks, fairgrounds</td>
<td>1 per 200 feet of activity area</td>
</tr>
<tr>
<td></td>
<td>Arena, amphitheater, or stadium</td>
<td>1 per every 4 seats</td>
</tr>
<tr>
<td></td>
<td>Golf course</td>
<td>4 per hole</td>
</tr>
<tr>
<td></td>
<td>Athletic field and clubhouse</td>
<td>35 per field plus 1 per 200 sf of clubhouse</td>
</tr>
<tr>
<td></td>
<td>Batting Cage/Shooting Range</td>
<td>1 per cage or firing point</td>
</tr>
<tr>
<td></td>
<td>Golf driving range</td>
<td>1 per tee + 1 per employee on largest shift</td>
</tr>
<tr>
<td></td>
<td>Swimming pool, private with outside members</td>
<td>1 per every 75 sf of water surface area</td>
</tr>
<tr>
<td></td>
<td>Swimming pool, private only</td>
<td>1 per every 100 sf of water surface area</td>
</tr>
<tr>
<td></td>
<td>Tennis court, private</td>
<td>3 per court</td>
</tr>
<tr>
<td></td>
<td>Tennis court, private w outside members</td>
<td>4 per court</td>
</tr>
<tr>
<td></td>
<td>Tennis court, public</td>
<td>5 per court</td>
</tr>
<tr>
<td></td>
<td>Miniature golf</td>
<td>2 per hole</td>
</tr>
<tr>
<td></td>
<td>Go-cart track</td>
<td>1 per go cart plus 1 per employee on largest shift</td>
</tr>
<tr>
<td></td>
<td>Other commercial recreation, outdoor</td>
<td>1 per every 5,000 sf of land area</td>
</tr>
<tr>
<td><strong>Retail Sales &amp; Services</strong></td>
<td>Bar, nightclub, or cocktail lounge</td>
<td>1 per 3 persons of maximum fire rated capacity</td>
</tr>
<tr>
<td></td>
<td>Entertainment establishment</td>
<td>1 per every 3 persons of maximum fire rated capacity, plus 2 per 3 employees</td>
</tr>
<tr>
<td></td>
<td>Crematory</td>
<td>1 per 4 seats in main assembly room</td>
</tr>
<tr>
<td></td>
<td>Financial institution, without drive-through service</td>
<td>1 per every 300 sf</td>
</tr>
</tbody>
</table>
|                                  | Financial institution, with drive-through service | 1 per every 300 sf Also see Section 6.C.10.(b) Stacking
<table>
<thead>
<tr>
<th>Use</th>
<th>Spaces for Drive-Thru and Related Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Funeral home</td>
<td>1 per 4 seats in main assembly room, plus 2 per 3 employees</td>
</tr>
<tr>
<td>Laundromat</td>
<td>1 per every 250 sf</td>
</tr>
<tr>
<td>Personal services (e.g. barber, beauty shop)</td>
<td>1 per every 300 sf</td>
</tr>
<tr>
<td>Tattoo parlor/body piercing establishment</td>
<td>1 per every 300 sf</td>
</tr>
<tr>
<td>Repair establishment</td>
<td>1 per every 300 sf</td>
</tr>
<tr>
<td>Convenience store, without gas sales</td>
<td>1 per every 250 sf</td>
</tr>
<tr>
<td>Convenience store, with gas sales</td>
<td>1 per every 250 sf</td>
</tr>
<tr>
<td>Drug store or pharmacy, without drive through service</td>
<td>1 per every 250 sf</td>
</tr>
<tr>
<td>Drug store or pharmacy, with drive through service</td>
<td>1 per every 250 sf</td>
</tr>
<tr>
<td>Equipment Rental/Leasing</td>
<td>1 per every 300 sf</td>
</tr>
<tr>
<td>Flea market</td>
<td>1 per every 200 sf of building or use area</td>
</tr>
<tr>
<td>Grocery store</td>
<td>1 per every 250 sf</td>
</tr>
<tr>
<td>Internet sweepstakes</td>
<td>1 per machine + 1 per employee on largest shift</td>
</tr>
<tr>
<td>Liquor Store</td>
<td>1 per every 250 sf</td>
</tr>
<tr>
<td>Retail sales, large establishment</td>
<td>1 per 350 sf</td>
</tr>
<tr>
<td>Retail sales, bulky items (e.g. furniture, white goods)</td>
<td>1 per 1000 sf of floor area</td>
</tr>
<tr>
<td>Other retail sales establishments</td>
<td>1 per every 250 sf</td>
</tr>
<tr>
<td>Self–Service Storage Mini-warehouse</td>
<td>1 per 100 units</td>
</tr>
<tr>
<td>Shopping Center: Less than 250,000 square feet gross floor area</td>
<td>1/200 square feet gross floor area in main building(s) (excluding theaters) plus parking as required for outparcels or theaters</td>
</tr>
<tr>
<td>Shopping Center: More than 250,000 square feet gross floor area</td>
<td>1,250 spaces plus 1/225 square feet gross floor area above 250,000 square feet</td>
</tr>
<tr>
<td><strong>Vehicle Sales and Services, Heavy</strong></td>
<td></td>
</tr>
<tr>
<td>Aircraft parts, sales, and maintenance</td>
<td>1 per every 300 sf</td>
</tr>
<tr>
<td>Automotive painting/body shop</td>
<td>1 per every 300 sf</td>
</tr>
<tr>
<td>Automotive wrecker service</td>
<td>1 per employee on largest shift</td>
</tr>
<tr>
<td>Boat and marine rental and sales</td>
<td>1 per every 400 sf + 1 per every 5,000 sf of outdoor display area</td>
</tr>
<tr>
<td>Recreational vehicle rental and sales</td>
<td>1 per every 400 sf + 1 per every 5,000 sf of outdoor display area</td>
</tr>
<tr>
<td>Transmission shop</td>
<td>1 per every 300 sf</td>
</tr>
<tr>
<td>Truck stop</td>
<td>1 per every 300 sf of retail + 1 per service bay + 0.5 per gasoline pump</td>
</tr>
<tr>
<td><strong>Vehicle Sales and Services, Light</strong></td>
<td></td>
</tr>
<tr>
<td>Automotive parts and installation</td>
<td>1 per every 300 sf</td>
</tr>
<tr>
<td>Automobile repair and servicing</td>
<td>1 per every 300 sf</td>
</tr>
</tbody>
</table>
### (without painting/bodywork)

<table>
<thead>
<tr>
<th>Activity</th>
<th>Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Automobile sales or rentals</td>
<td>1 per every 300 sf of building area + 1 per every 5,000 sf of outdoor display area</td>
</tr>
<tr>
<td>Car wash, automatic</td>
<td>1 plus 1 per employee on largest shift&lt;br&gt;Also see 6.C.11.b Stacking Spaces for Drive-Thru and Related Uses</td>
</tr>
<tr>
<td>Car wash, full service</td>
<td>2 plus 1 per employee on largest shift&lt;br&gt;Also see 6.C.10.(b) Stacking Spaces for Drive-Thru and Related Uses</td>
</tr>
<tr>
<td>Car wash, self service</td>
<td>1 plus 1 per employee on largest shift&lt;br&gt;Also see 6.C.10.(b) Stacking Spaces for Drive-Thru and Related Uses</td>
</tr>
<tr>
<td>Taxicab service</td>
<td>1 per employee on largest shift</td>
</tr>
<tr>
<td>Tire/muffler sales and mounting</td>
<td>1 per every 300 sf</td>
</tr>
</tbody>
</table>

### Visitor Accommodations

<table>
<thead>
<tr>
<th>Accommodation</th>
<th>Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bed and breakfast inn</td>
<td>2 + 1 per guest bedroom</td>
</tr>
<tr>
<td>Hotels and motels containing 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.</td>
<td>1.1/rental unit</td>
</tr>
<tr>
<td>Hotels and motels containing 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 sq. feet</td>
<td>1.25/rental unit</td>
</tr>
<tr>
<td>Tourist Home</td>
<td>2 + 1 per guest room</td>
</tr>
</tbody>
</table>
### INDUSTRIAL USE CLASSIFICATION

Uses in the industrial use classification shall not provide more than 140% of the minimum number of spaces required except through an approved Alternative Parking Plan (Section 6.C.7).

<table>
<thead>
<tr>
<th>Extractive Industry</th>
<th>All uses</th>
<th>1 per employee on largest shift</th>
</tr>
</thead>
<tbody>
<tr>
<td>Industrial Services</td>
<td>Building, heating, plumbing, or electrical contractor</td>
<td>1 per every 1,000 sf</td>
</tr>
<tr>
<td></td>
<td>Electric motor repair</td>
<td>1 per every 400 sf</td>
</tr>
<tr>
<td></td>
<td>Fuel oil/bottled gas distributor</td>
<td>1 per employee on largest shift</td>
</tr>
<tr>
<td></td>
<td>General industrial service</td>
<td>1 per 1,500 sf</td>
</tr>
<tr>
<td></td>
<td>Heavy equipment sales, rental, or storage</td>
<td>1 per 400 sf + 1 per 5,000 sf outdoor display area</td>
</tr>
<tr>
<td></td>
<td>Heavy equipment servicing and repair</td>
<td>1 per every 1,000 sf</td>
</tr>
<tr>
<td></td>
<td>Laundry, dry cleaning, and carpet cleaning plants</td>
<td>1 per every 500 sf</td>
</tr>
<tr>
<td></td>
<td>Machine shop</td>
<td>1 per every 400 sf</td>
</tr>
<tr>
<td></td>
<td>Repair of scientific or professional instruments</td>
<td>1 per every 400 sf</td>
</tr>
<tr>
<td></td>
<td>Research and development</td>
<td>1 per every 800 sf</td>
</tr>
<tr>
<td></td>
<td>Tool repair</td>
<td>1 per every 400 sf</td>
</tr>
<tr>
<td>Manufacturing and Production</td>
<td>Manufacturing, heavy</td>
<td>See Table 6.C.4.(c)</td>
</tr>
<tr>
<td>Warehouse and Freight Movement</td>
<td>Cold storage plant</td>
<td>See Table 6.C.4.(c)</td>
</tr>
<tr>
<td></td>
<td>Outdoor storage (as a principal use)</td>
<td>See Table 6.C.4.(c)</td>
</tr>
<tr>
<td></td>
<td>Parcel services</td>
<td>1 per employee on largest shift</td>
</tr>
<tr>
<td></td>
<td>Truck or freight terminal</td>
<td>1 per employee on largest shift</td>
</tr>
<tr>
<td></td>
<td>Warehouse (distribution)</td>
<td>See Table 6.C.4.(c)</td>
</tr>
<tr>
<td></td>
<td>Warehouse (storage)</td>
<td>See Table 6.C.4.(c)</td>
</tr>
<tr>
<td>Waste-Related Services</td>
<td>Energy recovery plant</td>
<td>See Table 6.C.4.(c)</td>
</tr>
<tr>
<td></td>
<td>Hazardous waste collection sites</td>
<td>1 per employee on largest shift</td>
</tr>
<tr>
<td></td>
<td>Incinerator</td>
<td>See Table 6.C.4.(c)</td>
</tr>
<tr>
<td></td>
<td>Land application of wastes</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td>Landfill, land clearing and inert debris or construction debris</td>
<td>See Table 6.C.4.(c)</td>
</tr>
<tr>
<td></td>
<td>Landfill, sanitary</td>
<td>See Table 6.C.4.(c)</td>
</tr>
<tr>
<td></td>
<td>Recycling center</td>
<td>1 per employee on largest shift + 3 spaces</td>
</tr>
<tr>
<td></td>
<td>Recycling drop-off center</td>
<td>See Table 6.C.4.(c)</td>
</tr>
<tr>
<td></td>
<td>Salvage and junkyard</td>
<td>1 per every 10,000 sf of outdoor area + 1 per employee on largest shift</td>
</tr>
<tr>
<td></td>
<td>Tire disposal or recycling</td>
<td>1 per employee on largest shift</td>
</tr>
<tr>
<td></td>
<td>Waste composting</td>
<td>1 per employee on largest shift</td>
</tr>
<tr>
<td>Wholesale sales</td>
<td>All uses</td>
<td>See Table 6.C.4.(c)</td>
</tr>
</tbody>
</table>

**NOTE:** [1] DU = dwelling unit; sf = square feet of gross floor area unless otherwise noted.
(c) **Off-Street Parking Standards for Selected Service and Industrial Uses**

Uses in Table 6.C.4(b) above that reference Table 6.C.4(c) below shall provide the minimum number of spaces established in Table 6.C.4(c) below, Off-Street Parking Standards for Selected Service and Industrial Uses:

| TABLE 6.D.4.(c) OFF-STREET PARKING STANDARDS FOR SELECTED SERVICE AND INDUSTRIAL USES |
|----------------------------------|----------------------------------|
| **FUNCTION**                     | **MINIMUM NUMBER OF PARKING SPACES** |
| Office or administrative area    | 1 per every 300 sf²               |
| Indoor sales area                | 1 per every 250 sf                |
| Indoor storage/warehousing/assembly/vehicular service/manufacturing area: | 1 per every 250 sf |
| 1 – 3,000 sf                    | 1 per every 250 sf                |
| 3,001 – 5,000 sf                | 1 per every 500 sf                |
| 5,001 – 10,000 sf               | 1 per every 750 sf                |
| 10,001 sf or more               | 1 per every 1,250 sf              |
| Outdoor sales/display/storage area (3,000 sf or less) | 1 per every 750 sf |
| Outdoor sales/display/storage area (more than 3,000 sf) | 1 per every 1,000 sf |

NOTES:
1. The total number of required spaces is cumulative, based on the variety of different functions present in a single use.
2. sf = square feet (of floor area unless otherwise noted)

(d) **Uses with Variable Parking Demand Characteristics**

Uses that reference this subsection in Table 6.C.4(b) Minimum Off-Street Parking Standards, have widely varying parking and loading demand characteristics, making it difficult to establish a single off-street parking or loading standard. Upon receiving a development application for a use subject to this subsection, the Administrator shall apply the off-street parking, loading, and circulation standard specified for the listed use that is deemed most similar to the proposed use or establish minimum off-street parking standards on the basis of a parking and loading study prepared by the applicant. Such a study shall include estimates of parking demand based on recommendations of the Institute of Traffic Engineers (ITE) or other acceptable estimates as approved by the Administrator, and should include other reliable data collected from uses or combinations of uses that are the same as or comparable with the proposed use. Comparability will be determined by density, scale, bulk, area, type of activity, and location. The study shall document the source of data used to develop the recommendations.

(e) **Mixed Uses**

Unless otherwise approved, lots containing more than one use shall provide parking spaces in an amount equal to the total of the standards for all individual uses. This provision shall not limit the ability to submit an Alternative Parking Plan (Section 6.C.7) to reduce the minimum number of required off-street parking spaces in recognition of different operating hours or peak business periods.

(f) **Maximum Number of Spaces Permitted to 140 Percent of Minimum**

For any use listed under the commercial or industrial use classification in Table 6.C.4(b) Minimum Off-Street Parking Standards, the number of off-street parking spaces shall not exceed 140 percent of the minimum number of parking spaces required, except that additional parking spaces may be allowed through approval of an Alternative Parking Plan in accordance with Section 6.C.7(a) Provision Over the Maximum Allowed.
(g) Compact Spaces

Off-street parking spaces provided in excess of the minimum number of required off-street parking spaces in Table 6.C.4(b) Minimum Off-Street Parking Standards, may be provided as compact car spaces, provided the following standards are met:

1. Minimum Dimensions

Each compact car parking space shall have minimum dimensions of eight feet in width and 16 feet in length, with a total area of at least 128 square feet;

2. Location

Compact car parking spaces shall be located no closer to the primary building entrance than any standard parking spaces; and

3. Designated

All compact car spaces shall be designated by signage and pavement marking.

(h) Placement

1. The location or placement of off-street parking areas on a development site shall be limited in accordance with the placement standards of Section 6.H.4 of the Commercial, Office and Mixed Use Design Standards.

2. Placement of off-street parking, loading, or circulation areas within an easement shall require the written consent of the easement owner.

(i) Minimum Separation

All parking areas shall be separated at least eight feet from front building facades and side building facades facing a public street to allow room for sidewalks, landscaping, and other plantings between the building and the parking area. This separation may be eliminated to the rear of buildings in areas designed for unloading and loading of materials.

5. ACCESSIBLE PARKING SPACES FOR PHYSICALLY DISABLED PERSONS

Development required to provide off-street parking spaces shall ensure that a portion of the total number of required off-street parking spaces shall be specifically designated, located, and reserved for use by persons with physical disabilities, in accordance with the standards in the federal American with Disabilities Act.

6. DIMENSIONAL STANDARDS FOR PARKING SPACES AND AISLES

(a) General

Standard car parking spaces and parking lot aisles shall comply with the minimum dimensional standards established in Table 6.C.6 Dimensional Standards for Parking Spaces and Aisles:

<table>
<thead>
<tr>
<th>PARKING ANGLE</th>
<th>STALL WIDTH (FEET)</th>
<th>STALL DEPTH (FEET)</th>
<th>AISLE WIDTH FOR TWO-WAY TRAFFIC (FEET)</th>
<th>AISLE WIDTH FOR ONE-WAY TRAFFIC (FEET)</th>
</tr>
</thead>
<tbody>
<tr>
<td>90 degrees</td>
<td>9</td>
<td>20</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td>60 degrees</td>
<td>9</td>
<td>18</td>
<td>20</td>
<td>11</td>
</tr>
<tr>
<td>45 degrees</td>
<td>9</td>
<td>18</td>
<td>20</td>
<td>10</td>
</tr>
<tr>
<td>Parallel</td>
<td>9</td>
<td>22</td>
<td>20</td>
<td>10</td>
</tr>
</tbody>
</table>

(b) Dimensional Adjustments
Parking structures may be subject to dimensional adjustments based on utilization, but in no case shall the standard parking space width be less than eight feet. Reduction in design standards shall be subject to approval by the Administrator.

7. ALTERNATIVE PARKING PLAN

The Administrator shall be authorized to approve an alternative parking plan that proposes alternatives to providing the number of required off-street parking spaces required by Table 6.C.4.(b) Minimum Off-Street Parking Standards, in accordance with the standards listed below. Nothing in this subsection shall limit the utilization of one or more of the following off-street parking alternatives by a single use.

(a) **Provision over the Maximum Allowed**

Requests to provide more than the maximum number of off-street parking spaces required by Section 6.C.4.(f) Maximum Number of Spaces Permitted, shall comply with the following:

(1) **Parking Demand Study**

Requests for exceeding the maximum number of required off-street parking spaces shall be accompanied by a parking demand study demonstrating how the maximum number of parking spaces specified by Section 6.C.4.(f) Maximum Number of Spaces Permitted, is insufficient for the proposed development.

(2) **Minimum Amount Required**

The maximum number of off-street spaces allowed shall be limited to the minimum number of additional spaces recommended as needed by the required parking demand study.

(b) **Provision Under the Minimum Required**

Requests to provide fewer than the minimum number of off-street parking spaces required by Table 6.C.4.(b) Minimum Off-Street Parking Standards, shall comply with the following:

(1) **Parking Demand Study**

Requests for reducing the minimum number of required off-street parking spaces shall be accompanied by a parking demand study demonstrating how the minimum number of parking spaces specified by Table 6.C.4.(b) Minimum Off-Street Parking Standards, is excessive for the proposed development.

(2) **Minimum Amount Required**

The minimum number of off-street spaces allowed shall equal the minimum number of off-street parking spaces recommended as needed by the required parking demand study.

(c) **Off-Site Parking for Nonresidential Uses**

Generally, all off-street parking areas for any nonresidential use shall be provided on the same parcel of land as the use it serves. Off-street parking for nonresidential uses may be located on another parcel of land, however, if there are practical difficulties in locating the parking area on-site or the public safety or public convenience is better served by off-site parking. Off-site parking for nonresidential uses shall comply with the following standards:

(1) **Safe Pedestrian Way Required**

A pedestrian way that complies with all applicable ADA requirements, and is not more than 300 feet in length shall be available, or provided if not available, from the off-site parking area to the use it serves. No such pedestrian way may cross an intervening major or minor thoroughfare without the availability or provision of an improved, safe pedestrian crossing, with approval of NC DOT.
(2) **Directional Signage**

Directional signage that complies with the standards of this Ordinance shall be provided to direct the public to the off-site parking spaces. If parking is available both on-site and off-site, it is preferable for the employees of an establishment to utilize the off-site spaces.

(3) **Special Use Permit Required for Parking in Residentially Zoned Area**

A special use permit shall be required for off-site parking serving a non-residential use that is to be located on a residentially zoned lot, with at least the following minimum standards:

a. Vehicular access to the off-site parking area is limited to the uses it serves; and

b. Portions of the offsite parking area not directly adjacent to the use it serves are surrounded by a decorative fence or wall that shall:
   i. Be at least 6 feet in height when adjacent to existing single-family development or lots in a single-family residential district;
   ii. Maintain a minimum opacity of at least 50 percent or not exceed three feet in height when adjacent to streets or walkways; and
   iii. Be landscaped with shrubs reaching a minimum height of 24 inches and planted in continuous rows adjacent to the fence or wall.

(4) **No Undue Hazard**

The off-site parking area shall be convenient to the use it serves without causing unreasonable:

a. Hazard to pedestrians;

b. Hazard to vehicular traffic;

c. Traffic congestion;

d. Interference with commercial activity or convenient access to other parking areas in the vicinity;

e. Detriment to the appropriate use of business lands in the vicinity; or

f. Detriment to any abutting residential uses.

(5) **Recorded Agreement**

In cases where off-site parking occurs on a lot under separate ownership, an off-site parking agreement shall be established between all owners of record. An attested copy of the agreement shall be recorded with the Register of Deeds. Recordation of the agreement shall take place prior to issuance of a Certificate of Occupancy for any use to be served by the off-site parking area. A parking agreement may be discontinued and revoked only if all required off-street parking spaces will be provided in accordance with the requirements of Table 6.C.4.(b) Minimum Off-Street Parking Standards.

(d) **Shared Parking**

The required parking for separate or mixed uses may be combined in one facility. Requests for shared parking shall comply with all of the following standards:

(1) **Location**
It is preferred that shared parking be located on adjoining property(ies) serving two or more non-
residential uses. Shared parking spaces may, however, be located off-site in accordance with
the standards of Section 6.C.7.(c) Off-Site Parking for Nonresidential Uses.

(2) Maximum Shared Spaces

The maximum reduction in the number of parking spaces required for all uses sharing the
parking area shall be 50 percent.

(3) Shared Parking Plan

a. Justification: Those requesting to use shared parking as a means of satisfying the off-
street parking standards must submit a shared parking plan as part of an alternative parking
plan that justifies the feasibility of shared parking. Justification shall include information on
the size and type of the proposed development, the composition of tenants, the anticipated
rate of parking turnover, and the anticipated peak parking and traffic loads for all uses that
will be sharing off-street parking spaces.

b. Recorded Agreement: A shared parking plan portion of an alternative parking plan shall be
enforced through written agreement among all owners of record. An attested copy of the
agreement between the owners of record must be recorded with the Register of Deeds.
Recordation of the agreement shall take place prior to issuance of a Certificate of
Occupancy for any use to be served by the shared parking area. A shared parking
agreement may be revoked only if all required off-street parking spaces will be provided in
accordance with the requirements of Table 6.C.4.(b) Minimum Off-Street Parking Standards.

c. Duration: A shared parking agreement shall remain in effect until one or more of the uses
subject to the agreement changes.

(e) Deferred Parking

An applicant may submit a request to defer the construction of up to 30 percent of the number of
parking spaces required in Table 6.C.4.(b) Minimum Off-Street Parking Standards, if the request
complies with the following standards:

(1) Fewer Spaces Needed

The applicant shall demonstrate that because of the location, nature, or mix of uses, there is a
reasonable probability the number of parking spaces actually needed to serve the development
is less than the minimum required by Table 6.C.4.(b) Minimum Off-Street Parking Standards.

(2) Reserve Parking Plan

The request shall be accompanied by a Reserve Parking Plan identifying: (a) the amount of off-
street parking being deferred, and (b) the location of the area to be reserved for future parking, if
future parking is needed.

(3) Parking Demand Study

The applicant shall provide assurance that a Parking Demand Study evaluating the adequacy of
the existing parking spaces in meeting the parking demand generated by the development will
be submitted to the Administrator within 16 months after the initial Certificate of Occupancy is
issued for the development. If the study indicates that the existing parking is adequate, then
construction of the remaining number of parking spaces shall not be required. If the study
indicates a need for additional parking, it shall be provided consistent with the Reserve Parking
Plan and the standards of this section.

(4) Limitations on Reserve Areas
Areas reserved for future parking shall be brought to the finished grade, kept free of materials or obstructions, and planted with a suitable grass so as to allow for potential overflow parking during the period of the deferral.

(5) **Landscaping Required**

In addition to the planting of an appropriate ground cover for potential overflow parking, areas reserved for future parking shall be landscaped in accordance with all relevant parking lot perimeter landscaping standards of this Ordinance.

(6) **Performance Bond Required**

The applicant shall be required to post a performance bond in accordance with 7.F.1. *Performance Guarantees* equal to the estimated cost of completing the parking area or spaces designated for deferral.

(f) **Alternative Surfacing Materials**

The use of pervious or semi-pervious parking area surfacing materials—including, but not limited to, grass, mulch, “grass-crete,” or recycled materials such as glass, rubber, used asphalt, brick, block and concrete—may be approved for the required vehicular surface area on a site, provided such areas are properly maintained. Where possible, such materials should be used in areas proximate to and in combination with on-site stormwater control devices.

(b) **Nonresidential Condominium Parking Allocations to Be Specified.**

If a condominium is a nonresidential condominium, the declaration shall contain the following provision:

“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. The Owner’s 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 Summerfield Planning Board upon request. The Owner’s 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.”

8. **BICYCLE PARKING**

Multi-family residential development with 10 or more dwelling units and nonresidential development with 2,500 or more square feet of gross floor area shall provide individual or shared bicycle parking facilities when located within 1000 feet from a designated pedestrian or bicycle corridor. Nonresidential uses of up to 20,000 square feet in size may share bicycle parking facilities in accordance with this section.

(a) **General Standards**

(1) Bicycle parking facilities shall be conveniently located, but in no case shall such facilities be located more than 150 feet from the primary building entrance.

(2) Bicycle parking spaces shall be provided at the rate of one bicycle parking space per every 10 residential dwelling units and one for each additional 2,500 square feet of nonresidential floor area.

(3) Bicycle facilities shall include a rack or other device to enable bicycles to be secured.

(b) **Shared Bicycle Parking**
Nonresidential uses of 20,000 square feet in size or less may share bicycle parking spaces provided:

(1) Each use provides or is served by improved pedestrian access from the bicycle parking facility to the primary building entrance; and

(2) The shared bicycle parking facility and improved pedestrian access is depicted on a site plan approved by the Administrator.

9. LOADING SPACE STANDARDS

(a) Number of Required Off-Street Loading Spaces

On-site loading spaces shall be provided in accordance with Table 6.C.9.(a) Required Off-Street Loading Spaces, depending on the use or its gross floor area. The developer shall determine if the use requires a greater number of spaces than those required by this section.

<table>
<thead>
<tr>
<th>TABLE 6.D.9(a) REQUIRED OFF-STREET LOADING SPACES [1]</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>USE OR ACTIVITY [2]</strong></td>
</tr>
<tr>
<td>Offices and personal service establishments</td>
</tr>
<tr>
<td>Space used by, designed for, or adaptable to a retail sales and services use</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Wholesale and manufacturing uses</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>All other Commercial and Industrial Uses</td>
</tr>
<tr>
<td></td>
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<td></td>
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<td></td>
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<td></td>
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<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

NOTES: [1] DU = dwelling unit; sf = square feet; GFA = gross floor area  
[2] See Table 4.G.3.1 Permitted Use Table.

(b) Standards

(1) Minimum Dimensions

Each loading space required by this subsection shall be at least 12 feet wide by 25 to 65 feet long (or deep), depending upon the size of the trucks serving the use. There shall also be at least 14 feet of overhead clearance. Each off-street loading space shall have adequate, unobstructed means for the ingress and egress of vehicles.
(2) **Berths or Loading Docks**
Buildings required to provide three or more loading spaces or buildings with nonresidential uses on three or more floors shall provide a loading dock adjacent to a loading space.

(3) **Location**
Where possible, loading areas shall be located to the side or rear of the use they serve. In addition, the loading area shall be located adjacent to the buildings loading doors, in an area that promotes their practical use.

(4) **Delineation of Loading Spaces**
All loading spaces shall be delineated by signage and striping and labeling of the pavement.

(5) **Access to a Street**
Every loading space shall be provided with safe and convenient access to a street, but in no case shall the loading space extend into the required aisle of the parking lot.

(6) **Paving**
The ground surface of loading spaces shall be paved with a durable, dust free, and hard material, such as surface and seal treatment, bituminous hot mix, Portland cement, concrete, or some comparable material. Such paving shall be maintained for safe and convenient use at all times.

(7) **Landscaping**
Loading spaces visible from the street or adjoining residential properties shall be buffered by a Type C Planting Yard, as described in Figure 6 E.3.(4). The Administrator or Planning Board, as applicable, may waive this requirement depending upon the nature of the volume, size and frequency of the loading operation relative to surrounding land uses.

(8) **Exterior Lighting**
Exterior lighting for loading areas shall comply with the standards in Section 6.G. Lighting Regulation.

10. **OFF-STREET CIRCULATION**

(a) **Fire Lanes**
Where streets or right-of-way provide insufficient access for fire fighting, unobstructed fire lanes with a minimum width of 20 feet shall be provided adjacent to a structure’s primary entrance in accordance with the local fire code. In no instance shall this standard waive the requirement for primary drive aisles constructed in accordance with Section 6.C.10.(e) Primary Drive Aisles, when these drive aisles are required by this Ordinance.

(b) **Stacking Spaces for Drive-Thru and Related Uses**
In addition to meeting the off-street parking standards in Table 6.C.4.(b) Minimum Off-Street Parking Standards, uses with drive-thru facilities and other auto-oriented uses where vehicles queue up to access a service facility shall provide the minimum number of stacking/standing spaces established in Table 6.C.10.(b), Required Stacking/Standing Spaces:
### TABLE 6.D.10.(b) REQUIRED STACKING / STANDING SPACES

<table>
<thead>
<tr>
<th>USE OR ACTIVITY [1]</th>
<th>MINIMUM NUMBER OF STACKING / STANDING SPACES</th>
<th>MEASURED FROM (must be out of DOT ROW)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Automated teller machine</td>
<td>3</td>
<td>Teller machine</td>
</tr>
<tr>
<td>Automobile repair &amp; service (all types)</td>
<td>2 per bay</td>
<td>Bay entrance</td>
</tr>
<tr>
<td>Car wash, automatic</td>
<td>3</td>
<td>Bay entrance</td>
</tr>
<tr>
<td>Car wash, full service</td>
<td>4</td>
<td>Bay entrance</td>
</tr>
<tr>
<td>Car wash, self-service</td>
<td>1 per bay</td>
<td>Bay entrance</td>
</tr>
<tr>
<td>Convenience store, with gas sales</td>
<td>1</td>
<td>Each end of the outermost gas pump island</td>
</tr>
<tr>
<td>Day care center, child and adult</td>
<td>3</td>
<td>Building entrance</td>
</tr>
<tr>
<td>Drug store or pharmacy, with drive-thru service</td>
<td>4 per lane</td>
<td>Agent window</td>
</tr>
<tr>
<td>Financial institution, with drive-through service</td>
<td>4 per lane</td>
<td>Teller window</td>
</tr>
<tr>
<td>Gas sales</td>
<td>1</td>
<td>Each end of the outermost gas pump island</td>
</tr>
<tr>
<td>Nursing home</td>
<td>3</td>
<td>Building entrance</td>
</tr>
<tr>
<td>Personal services with drive-through (e.g., laundry/dry-cleaning establishment,)</td>
<td>4 per lane</td>
<td>Agent window</td>
</tr>
<tr>
<td>Restaurant, with drive-through service</td>
<td>5</td>
<td>Menu Board</td>
</tr>
<tr>
<td>Unlisted</td>
<td>Standards for uses not specifically listed shall be determined by the Administrator based on the standards for comparable uses and on the particular characteristics of the use, or alternatively, on a parking demand study submitted by the applicant.</td>
<td></td>
</tr>
</tbody>
</table>

**NOTES: [1]** See Table 4.G.3.1 Permitted Use Table.

#### (c) Stacking Lanes for Parking Lot Entrances

Nonresidential uses shall provide stacking lanes between the edge of the driveway apron adjacent to the street right-of-way and entrances into off-street parking areas in accordance with the minimum stacking lane distance established in Table 6.D.10.2 Stacking Lanes for Parking Lots:

### TABLE 6.D.10.2 STACKING LINES FOR PARKING LOTS

<table>
<thead>
<tr>
<th>NUMBER OF OFF-STREET PARKING SPACES</th>
<th>MINIMUM STACKING LANE DISTANCE (FEET)¹</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 – 49</td>
<td>25</td>
</tr>
<tr>
<td>50 – 249</td>
<td>50</td>
</tr>
<tr>
<td>250 – 499</td>
<td>100</td>
</tr>
<tr>
<td>500 or more</td>
<td>100 feet + 15 feet for every additional 50 spaces beyond 500</td>
</tr>
</tbody>
</table>

¹ Stacking lane distance is measured from the edge of the driveway apron adjacent to the street right-of-way along the centerline of the stacking lane to its intersection with the centerline of the primary drive aisle through the parking area.

#### (d) Medians in Driveway Entrances

Medians may be provided within driveway entrances provided:

1. The median is surrounded by valley or other mountable curbing;
2. No signage is included within the median;
3. Planted material within the median is limited to understory trees, shrubs, and ground cover; and
(4) The minimum aisle width is maintained for each travel and turning lane.

(e) Primary Drive Aisles

Primary drive aisles within off-street surface parking lots with 250 or more spaces shall be designed to appear as an extension of the public street network extending from the public right-of-way along the full length of the primary facades of structures being served by the drive, and shall meet the following standards:

(1) Primary drive aisles shall have a maximum cross section of 38 feet to serve two travel lanes and accommodate parallel parking spaces along both sides of the drive aisle in areas not needed for turning movements;

(2) Primary drive aisles shall be striped to designate parallel parking spaces, where appropriate, but in no case shall parallel parking spaces be designated within 60 feet of the primary building entrance(s);

(3) Sidewalks meeting or exceeding the town’s construction standards shall be provided adjacent to the building’s front facade; and

(4) Both sides of the primary drive aisle shall be given priority for canopy tree plantings in accordance with Section 6.E.4.(e) Parking Lot Plantings

(f) Pedestrian Pathways

Off-street surface parking lots with 150 or more spaces shall provide fully-separated, improved pedestrian pathways that:

(1) Are located within planted landscaping strips located a minimum of every six parking rows;

(2) Include, to the maximum extent practicable, a pathway aligned with and perpendicular to the primary entrance into the building served by the parking lot;

(3) Are paved with asphalt, concrete, or other comparable material;

(4) Are of contrasting color or materials when crossing drive aisles;

(5) Are at least four feet wide when located within planting strips, and ten feet wide when crossing drive aisles;

(6) Terminate at drive aisle edges;

(7) Connect to all existing or planned adjacent bike/ped facilities;

(8) Meet all applicable ADA requirements;

(9) Are properly drained; and

(10) Provide safe and efficient pedestrian access to the use they serve.
E. CONSERVATION AREA AND OPEN SPACE REQUIREMENTS

1. PURPOSE AND INTENT

The purpose of this section is to:

(a) Establish the standards under which new residential, new nonresidential, and new mixed-use development shall set aside a portion of the development area as conservation and open space set-aside lands for the retention and protection of natural resources (e.g., specimen trees, mature hardwood forests, wetlands, riparian areas, and other significant resources), and other lands;

(b) Set out the minimum ownership and maintenance standards for open space set-asides;

(c) Describe the procedure for determining the composition of open space set-aside lands;

(d) Set out the maximum requirements for the provision of open space set-aside lands; and

(e) Provide the option for payment of a fee-in-lieu for the provision of open space set-asides on small sites.

2. APPLICABILITY

(a) General

Unless exempted, the provisions of this section shall apply to development of all land in the town subject to a Planned Development (Section 3.B.4), Site Plan (Section 3.B.5), Preliminary Subdivision Plat (Section 3.B.6) or Building Permit (Section 3.B.11) as appropriate.

(b) Exemptions

Agricultural uses and a single-family detached or attached dwelling or two- to four-family dwelling on a platted lot in existence on _________________ (effective date of this Ordinance) shall be exempt from the standards in this section.

3. OPEN SPACE SET-ASIDE STANDARDS

(a) Residential Open Space Set Aside Required

(1) Residential development shall provide at least the minimum amounts of open space set-aside identified in Table 6.D.3(a) Residential Open Space Set-Aside Standards, below:

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Allowable Number of Lots</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Less than 5</td>
</tr>
<tr>
<td>RS-30</td>
<td>Not Required</td>
</tr>
<tr>
<td>RS-40</td>
<td>Not Required</td>
</tr>
<tr>
<td>OSRD/OSMU</td>
<td>N/A</td>
</tr>
<tr>
<td>RR</td>
<td>Not Required</td>
</tr>
<tr>
<td>AG</td>
<td>Not Required</td>
</tr>
</tbody>
</table>

(2) Calculation of Allowable Number of Lots: The maximum number of lots/dwelling units shall be determined as follows:

a. Calculate the gross acreage of the tract, excluding any existing street right-of-way;

b. Multiply the remaining acres by 0.73. Then round up if resulting number has a fraction greater than 0.5.

c. This is allowable number of building lots.
(3) **Calculation of Open Space Requirement:** To calculate Open Space requirement, determine the allowable number of lots, then multiply the number of gross acres by the percentage from the appropriate table line. EXAMPLE: RS-40 subdivision with 37 lots on 50 acres = 50 x 15% = 7.5 acres required Open Space.

(b) **Specific Non-Residential Open Space Set Aside Not Required**

Non-residential development shall not be required to set aside a specific percentage of lot area in open space. Rather, open space will be provided as a result of the several environmental and development standards required for all non-residential development in Summerfield. These include, for example, watershed development restrictions, conservation area requirements, and various buffering standards.

4. **CONSERVATION AND QUALIFYING OPEN SPACE AREAS**

(a) **Designation of Primary and Secondary Conservation Areas**

Areas suitable for conservation and open space set aside shall be identified during the Environmental Inventory requirement for specified development types. (see Section 3.B.) The two categories of conservation areas, described under Sections 6.D.4.(c) and (d) are (1) Primary Conservation Areas and (2) Secondary Conservation Areas. In identifying such areas, the intent is to prohibit disturbance within all Primary Conservation Areas, other than driveway access, walkways and greenway trails, and to avoid or minimize disturbance in Secondary Areas.

(b) **Prioritization of Open Space Set-Asides**

The first areas preserved as Open Space shall be those areas located within a Primary Conservation area. If additional acreage is needed to meet required Open Space, then Secondary Preservation areas will be preserved.

(c) **Primary Conservation Areas Identified**

Primary Conservation Areas include sensitive environmental features, cultural resources, and/or roadside buffers considered to be essential to preserving the natural, cultural or rural environmental value of the community. As such, they are the first type of open space designated on a submitted plan to satisfy the minimum open space requirements of this ordinance. Primary Conservation Areas consist of the following site features:

1. **Wetlands**, including, but not limited to, steams, creeks, ponds, reservoirs, stormwater management facilities for watershed protection purposes, and adjoining land areas as identified by, but not limited to:
   a. The National Wetlands Inventory Maps for Guilford County, NC prepared by the U.S. Fish and Wildlife Service;
   b. The Guilford County, NC Soil Survey prepared by the USDA Soil Conservation Service;
   c. The Natural Heritage Inventory of Guilford County, NC as prepared by the Piedmont Land Conservancy;
   d. A required Environmental Assessment or Environmental Impact Statement; and/or
   e. A site analysis conducted by a registered engineer, land surveyor, landscape architect, architect, or land planner using data from the U.S. Army Corps of Engineers.

2. **Floodplains (100 year) and Alluvial Soils** as identified by, but not limited to:
   a. The Flood Insurance Study: Guilford County, NC prepared by the federal Emergency Management Agency (FEMA);
b. The Guilford County, NC Soil Survey prepared by the USDA Soil Conservation Service; and/or

(3) **Steep Slopes**, defined as those greater than 15 percent, as identified by, but not limited to:
   a. The Guilford County, NC Geographic Information System Digital Elevation Model Maps; and/or
   b. A site analysis by a registered engineer, land surveyor, landscape architect, architect or land planner and calculated using topographic maps from an actual survey or from the U.S. Geological Survey.

(4) **Natural Areas, Wildlife Habitats and Corridors** as identified by, but not limited to:
   a. The Guilford County, NC Natural Heritage Inventory prepared by the Piedmont Land Conservancy;
   b. A required Environmental Assessment or Environmental Impact Statement; and/or
   c. An independent site study conducted by a trained botanist and/or biologist.

(5) **Historic and Archeological Sites** listed on the National Register of Historic Places or included on the State’s National Register study list, designated as a local historic landmark, designated as a local historic district, and/or identified as having high potential for archaeological remains are identified by, but not limited to:
   a. The Historic Architecture inventory of Guilford County, NC;
   b. A required Environmental Assessment or Environmental Impact Statement; and/or
   c. An independent site study conducted by a trained architectural historian or archaeologist.

(6) **Lands located within Zone 1 of all Jordan Lake Watershed Riparian Buffers**, i.e. within 30 feet of certain designated water bodies and perennial and intermittent streams and as more fully described in Section 9.D.7.(d)(1).

(7) **Rural Character Roadside Buffers**, with standards as follows:
   a. buffers are to be fifty feet in depth, as measured from the right of way line;
   b. buffers are to be occupied by existing or planted canopy-type trees, indigenous to the area, at the rate of not less than four trees per 100 linear feet of roadway frontage (more are preferred). It is preferred that trees be clustered or randomly spaced rather than occurring in a uniform, urban street tree pattern;
   c. buffers are not intended to create an opaque wall of vegetation along the road side but rather a “veil of trees along the road” when looking side to side, while providing for the appearance of a wooded roadway corridor when looking down the length of the roadway.
   d. buffers may be disturbed only for driveway access and a single pedestrian sidewalk or trail placed in a winding fashion among the trees.
   e. buffers are to be preserved or planted along all sections of major and minor thoroughfares that are undeveloped as of the effective date of this ordinance. Where such buffers are required, street yard planting requirements may be waived.
   f. In the event of unusual topography or elevation of a development site, or other unusual condition of the site, would make strict adherence to the roadside buffering requirements serve no meaningful purpose or would make it physically impossible to install and maintain the required buffer, the Administrator, or the Planning Board, as applicable, may alter the roadside buffering requirement as long as the existing features of the development site...
comply with the spirit and intent of the buffering requirement. Such an alteration may occur only at the request of the property owner who shall submit a plan to the Town showing existing site features that would serve the roadside buffering purpose and any additional buffer materials the property owner will plant or construct to satisfy the intent of the roadside buffer.

(8) **Rural Character Site Features:**

a. Open Space Set-Asides may incorporate and receive open space credit for preserving the following site features:
   i. Farm house or “home place”; farm structures, and other historical structures or archaeological areas;
   ii. Wood post fences, stone rows, and tree lines; and
   iii. Farm roads.

b. Rural character site features may be credited as open space under the provisions of this section or included in a lot or lots provided that the area(s) or structure(s) are identified on the required plans as submitted (and protected through zoning conditions).

c. The location of farm roads should be used as driveway access to dwelling units or as street access into the development, where feasible.

d. In the case of linear site features, such as farm roads and fences, the area credited shall be determined by a feature “right of way” extending five feet on either side of the feature.

(9) **Scenic Views,** especially of natural and cultural features from designated scenic road corridors, including views from the road seen through the required roadside buffer, as well as views outward from potential home sites.

(d) **Secondary Conservation Areas Identified**

Secondary Conservation Areas include environmental features and/or cultural resources that, while not as critically significant as Primary Conservation Areas, are nonetheless deserving of special consideration in the development process. Secondary Conservation Areas consist of the following site features:

(1) Woodlands, including forest land for the planting and production of trees and timber, where management practices such as selective timber harvesting and wildlife enhancement are employed. Such woodlands may consist of hardwood, pine, and/or mixed pine hardwood forests as identified by, but not limited to:

a. A site analysis by a registered engineer, land surveyor, landscape architect, architect or land planner using aerial photographs and/or satellite imagery;

b. A required Environmental Assessment or Environmental Impact Statement; and/or

c. An independent site study conducted by a trained botanist and/or forester.

(2) Farmland, especially prime agricultural land identified by, but not limited to:

a. The USDA Soil Conservation Service and which are in active use for the production of crops and/or raising livestock.

b. Farmland also includes space on individual lots used for gardens, ponds, paddocks and barns, and similar uses.

(3) Active pasture Land
(4) Slopes which require special site planning due to their erosion potential, limitations for septic tank nitrification fields, and terrain or elevation changes. Such areas may be suitable for building but higher site preparation and construction costs are to be expected.

(5) Other historic and/or archaeological sites identified from the same sources as for Primary Conservation Area sites.

(6) Public and/or private recreation areas and facilities, including:
   a. Passive Recreation Areas such as greenways, picnic areas, community commons or greens, and similar kinds or areas, whether public or private. Land in this category receives full credit toward meeting the minimum open space requirement.
   b. Septic tank nitrification fields, but such fields can only make up 25% of the total open space dedication. Septic areas or septic easements shall not be located in Primary Conservation Areas.

(7) Lands located within Zone 2 of all Jordan Lake Watershed Riparian Buffers, i.e. within a band of property located no closer than 30 feet and no farther than 50 feet of certain designated water bodies and perennial and intermittent streams and as more fully described in Section 9.D.7.(d)(2).

Secondary Conservation Areas may be comprised of any of the remaining open space uses identified above, and, unless specified otherwise, receive full credit toward meeting the minimum open space requirement in developments.

(e) Special Purpose Lots (i.e. Sewage Treatment. Community Wells)

Special Purpose Lots or easements designated for off-site sewage treatment, community well recharge areas and community sewage treatment shall be used as a last resort and shall not comprise more than 25% of total required open space acreage. Septic areas or septic easements shall not be located in Primary Conservation Areas as set forth and provided in Section 6.D.4.(c).

5. OPEN SPACE CREDITS FOR ADDITIONAL SIDEWALK AND TRAIL CONSTRUCTION STILL GOING TO NEED MINIMUM SQ FT FOR SEPTIC DRAINAGE FIELDS

Open space credits shall be given for sidewalks and trails constructed in excess of the requirements of Section 6.B. Sidewalks and Trails. The open space credits shall be calculated by multiplying the additional linear feet of sidewalk or trail by twenty (20) feet. Every acre or portion thereof provided in sidewalk/trail network shall be deducted from the total minimum percent open space requirement. (e.g. In an OSRD development, where there is a 50% open space requirement, a one hundred (100) acre site providing one (1) mile [2.42 acres] of additional trail would reduce the minimum open space requirement from fifty (50) acres to forty-seven and six tenths (47.6 acres.)

6. AREAS NOT CREDITED TOWARD OPEN SPACE:

Areas not credited toward meeting the minimum open space requirement include:

(a) Active recreation areas such as golf courses, playing fields, playgrounds, swimming pools, and courts for tennis, basketball, volleyball, and similar sports and accessory structures. This is because they represent uses in which natural lands are cleared, graded, and managed for intensive activities.

(b) Private yards not subject to an open space or conservation easement;

(c) Public street rights-of-way or private street easements,

(d) Open parking areas and driveways for dwellings;

(e) Land covered by structures;
(f) Designated outdoor storage areas;

(g) Cul-de-sac islands and development entrance islands;

(h) Long narrow segments, unless part of a trail or stream greenway corridor. The shape of open space areas will be reasonably contiguous and coherently configured. Open Space is encouraged to abut existing or potential Open Space on adjacent properties or phases.

7 PROVISION IN MULTI-PHASE DEVELOPMENTS

(a) Multi-phase development shall preserve open space set-asides in phases, so that the first phase of development does not contain 100 percent of the open space allotted for the entire development, but does contain, at a minimum, its pro rata share of the total amount of required open space set aside.

(b) Open space set-asides shall be apportioned among phases such that the total amount of open space set aside in a phase and any previously approved phases meets the open space set-aside standard as applied to the total area of the phase and previously approved phases.

8 OWNERSHIP OF OPEN SPACE SET-ASIDES

(a) Homeowners or Property Owners Association.

Wherever possible, all open space set-aside areas shall be owned jointly or in common by the owners of the development through a recognized homeowners or property owners association, which should be established in accordance with the following:

(1) The landowner shall submit documents for the creation of the homeowners or property owners association to the Administrator for review and approval, including the association’s bylaws, all documents governing ownership, maintenance, and use restrictions for the open space set-aside, and a legal description of open space set-aside areas.

(2) The landowner shall agree that the association shall be established by the landowner or applicant and shall be operating (with financial subsidization by the owner or applicant, if necessary) before approval of the first subdivision Final Plat or Building Permit, whichever occurs first.

(3) Membership in the association shall be automatic (mandatory) for all purchasers of land, dwelling units, or structures in the development, and their successors in title.

(b) Town of Summerfield

Open space set asides may be dedicated to the Town of Summerfield with the recordation of the first phase of development, and if first accepted by the Town Council in a public hearing. (See Section 6.D.9 Public Dedication of Open Space)

(c) Nonprofit Organization.

The landowners may decide to convey open space set-aside to a nonprofit organization such as a land trust or land conservancy for management and maintenance if the Town is provided adequate assurance the set-aside will be properly managed and maintained.

(d) Retained on Private Lots

All required open space set-aside areas maintained on individual building lots shall be maintained as open space set asides through the use of an easement prohibiting future development of the open space set aside except in accordance with this section. Any open space set-aside areas subject to such an easement shall be credited against any open space set-aside required. Such open space set aside shall be clearly marked on the Site Plan and on the Preliminary Plat and Final Plat, as appropriate.

(d) Agricultural Use
Land designated for agricultural use only may be held in private ownership or by an owner’s association with a Town Council approved conservation easement.

9. PUBLIC DEDICATION OF OPEN SPACE:

If the land owner proposes a public dedication of open space within the development, the following standards apply:

(a) The Town Council will hold a separate public hearing (after any applicable zoning hearing) on the suitability of the proposed land dedication. This review will include, by way of example, but is not limited to the following:

1. Accessibility;
2. Conservation goals of the Town;
3. Recreation goals of the Town;
4. Conformance with any adopted trail, greenway, conservation, or recreation plans or maps adopted by the Town Council;
5. Community impact to both new development and existing nearby development.

(b) The Town Council may require review of the property by any appointed Committee of the Town, by way of example, but not limited to, the Parks and Recreation Committee, Summerfield Conservation Council, or Public Safety Committee.

(c) The Town Council must accept ownership of the property within three (3) years of platting any phase of the development that includes an offer of public dedication. If the Town Council does not accept the offer, then the property reverts to the ownership of the Homeowners' Association. The Town Council may extend this decision for up to two (2) years, but only after a public hearing is held to determine the reason why the decision should be delayed.

(d) If the property is suitable for active recreation, a master plan for park development must be instituted within two (2) years of acceptance of the property by the Town Council. Active recreation planning must take into account the nature of the protected land and the neighborhood in which it is located so as not to impact the community unnecessarily.

10. MAINTENANCE OF OPEN SPACE SET-ASIDES

The owner of the land shall be responsible for inspection, protection and maintenance of all open space set-aside areas. Failure to maintain open space set-aside areas or other community facilities in accordance with the approved Planned Development (Section 3.B.4), Site Plan (Section 3.B.5) or Final Plat (Section 3.B.6) shall be a violation of this Ordinance subject to the remedies and penalties in Article 10 Enforcement.

F. LANDSCAPING REQUIREMENTS

1. APPLICABILITY

(a) Exemptions: These requirements shall not apply to:

1. Single family detached dwellings or two-family dwellings on their own lots;
2. Properties lines abutting railroad rights-of-way and utility easements in excess of sixty (60) feet in width; and
3. Property lines abutting dedicated street right-of-way which has remained unopened for a period of at least fifteen (15) years.
4. Property lines abutting a roadway where a roadside buffer is provided in accordance with the open space standards of 6.D.4.(c)(7).
(b) **Exceptions to Buffering for Large or Unusual Properties**

In the event of unusual topography or elevation of a development site, the size of the parcel to be developed, the soil or sub-surface condition of the site would make strict adherence to the requirements of this section serve no meaningful purpose or would make it physically impossible to install and maintain the required buffer plantings, the Administrator, or the Planning Board, as applicable, may alter the requirements of this section as long as the existing features of the development site comply with the spirit and intent of the buffering requirement. Such an alteration may occur only at the request of the property owner who shall submit a plan to the Town showing existing site features that would buffer or screen the proposed use and any additional buffer materials the property owner will plant or construct to buffer the proposed use.

Note: This provision was also added to the roadside buffer section as requested.

(c) **Application:** These requirements shall apply to the following:

1. **New Principal Building or Use:** Principal buildings or open uses of land constructed or established after the adoption of this Ordinance.
2. **Changes in Use:** Changes in use which result in an increase of two (2) or more in the Land Use Classification number. The requirements of this Section shall be applicable to the entire zone lot.
3. **Expansions or Reconstruction:** Expansions which will result in a parking or building square footage increases of more than three thousand (3,000) square feet for developments existing on the effective date of this Ordinance. In such cases the landscaping requirements shall apply only to the expansion.

(d) **Reduction in Parking Requirements for Pre-Existing Developments:** To allow compliance with the landscaping regulations, the number of required off-street parking spaces may be reduced by the Town Manager up to ten (10%) percent.

2. **PLANTING YARDS**

(a) **Required Planting Areas:** The following areas are required to be landscaped:

1. Street planting yards (not applicable where a roadside buffer is provided in accordance with the open space standards of Section 6.D.4.(c).(7));
2. Planting yards;
3. Parking lots (excluding vehicle loading, storage, and display areas); and

(b) **Planting Area Descriptions:**

1. **Street Planting Yard:** A planting area parallel to a public street designed to provide continuity of vegetation along the right-of-way and a pleasing view from the road. No more than fifteen (15%) percent of the street planting yard may be used for walkways or signs. Parking merchandise display and off-street loading are prohibited in the street planting yard. See Figure 6.E.3.(1).
2. **Type A Planting Yard:** A high density screen intended to block substantially visual contact between adjacent uses and create spatial separation. A type A Planting Yard reduces lighting and noise which would otherwise intrude upon adjacent uses. See Figure 6.E.3.(2)
3. **Type B Planting Yard:** A medium density screen intended to partially block visual contact between uses and create spatial separation. See Figure 6.E.3.(3)
4. **Type C Planting Yard:** A low density screen intended to partially block visual contact between uses and create spatial separation. See Figure 6.E.3.(4)
(5) Type D Planting Yard: A peripheral planting strip intended to separate uses, provide vegetation in densely-developed areas and enhance the appearance of individual properties. See Figure 6.E.3.(5).

(6) Parking Lot Plantings: Planting areas within and adjacent to parking areas designed to shade and improve the attractiveness of large areas of pavement. See Figure 6.E.4.(1).

3. PLANTING YARD DETERMINATION

To determine the planting yards required by this Ordinance, the following steps shall be taken:

(a) Identify the classification of the proposed or expanded land use and of any existing or proposed adjacent land use(s) by using Table 4.G.3.1 Permitted Use Table. A land use becomes existing on an adjacent property when a building permit is issued. If a zone lot contains uses with different land use classifications, select the higher numbered classification, then

(b) Use the Planting Yard Chart, Table 6.E.3.1, to determine the appropriate letter designation for each planting yard, then

(c) Match the letter designation obtained from the Planting Yard Chart with the Planting Rate Chart, Table 6.E.3.2, to determine the types and numbers of shrubs and trees required.

### TABLE 6.F.3.1 PLANTING YARD CHART

<table>
<thead>
<tr>
<th>Existing Adjacent Use(S)</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>Undeveloped</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land Classification</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>2</td>
<td>C</td>
<td>D</td>
<td>D</td>
<td>D</td>
<td>D</td>
<td>D</td>
</tr>
<tr>
<td>3</td>
<td>B</td>
<td>B</td>
<td>D</td>
<td>D</td>
<td>D</td>
<td>D</td>
</tr>
<tr>
<td>4</td>
<td>A</td>
<td>A</td>
<td>C</td>
<td>D</td>
<td>D</td>
<td>D</td>
</tr>
<tr>
<td>5</td>
<td>A</td>
<td>A</td>
<td>B</td>
<td>C</td>
<td>D</td>
<td>D</td>
</tr>
</tbody>
</table>

### TABLE 6.F.3.2 PLANTING YARD RATE CHART

<table>
<thead>
<tr>
<th>Yard Type</th>
<th>Minimum Widtha (ft.)</th>
<th>Min. Avg. Widtha (ft.)</th>
<th>Maximum Width (ft.)</th>
<th>Canopy Tree Rate</th>
<th>Understory Tree Rate</th>
<th>Shrub Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street Yard</td>
<td>8</td>
<td>8</td>
<td>25</td>
<td>2/100 1f</td>
<td>NAc</td>
<td>17/100 lf</td>
</tr>
<tr>
<td>Type A Yard</td>
<td>40b</td>
<td>50b</td>
<td>75</td>
<td>4/100 1f/oc</td>
<td>10/100 1f/oc</td>
<td>33/100lf/oc</td>
</tr>
<tr>
<td>Type B Yard</td>
<td>25b</td>
<td>30b</td>
<td>50</td>
<td>3/100 1f</td>
<td>5/100 1f</td>
<td>25/100 lf</td>
</tr>
<tr>
<td>Type C Yard</td>
<td>15b</td>
<td>20b</td>
<td>40</td>
<td>2/100 1f</td>
<td>3/100 1f</td>
<td>17/100 lf</td>
</tr>
<tr>
<td>Type D Yard</td>
<td>5</td>
<td>5</td>
<td>10</td>
<td>-</td>
<td>2/100 1f</td>
<td>18/100 lf</td>
</tr>
<tr>
<td>Parking Lot</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>1/12 parking Spacesb</td>
<td>NAc</td>
<td>NA</td>
</tr>
</tbody>
</table>

If: linear feet oc: on center

a Minimum Width and Minimum Average Width Explained: The minimum width is not intended nor permitted to be applied along the entire length of a required planting yard. Rather, it is the smallest width allowed at any point along the yard as installed. The minimum average width is determined by averaging the width of the planting yard along its entire length. Thus, if a planting yard is 25 feet wide for half its length and 15 feet wide for the other half of its length, the minimum average width for that yard as installed would be calculated as 20 feet (i.e. 25 + 15 = 40 / 2 = 20). This example would satisfy the dimensional requirements for a Type C planting yard.

b Walls, a minimum of five (5) feet in height, constructed or masonry, stone, or pressure treated lumber or an opaque fence, a minimum of five (5) feet in height, may be used to reduce the widths of the planting yards by ten (10) feet.
In streetyards, Type C and Type D planting yards, and parking lots understory trees may be substituted for canopy trees at the rate of two (2) understory trees for each required canopy tree.

One understory tree may be substituted for each required canopy tree if the Administrator determines that there would be a major conflict with overhead utility lines.

Note: On lots of record less than fifty-five thousand (55,000) square feet in area, no development shall be required to place required landscaping on greater than fifteen (15%) percent of the site.

Figure 6.F.3.1 STREET PLANTING YARD

- 8’ minimum average width, 25’ maximum width
- 2 canopy trees per 100’
- 17 shrubs per 100’
Figure 6.F.2 TYPE A PLANTING YARD

- 50’ minimum average width, 75’ maximum width
- 4 canopy trees per 100’
- 10 understory trees per 100’
- 33 shrubs per 100’

Figure 6.F.3.3 TYPE B PLANTING YARD

- 30’ minimum average width, 50’ maximum width
- 3 canopy trees per 100’
- 5 understory trees per 100’
- 25 shrubs per 100’
**Figure 6.F.3.4 TYPE C PLANTING YARD**

- 20’ minimum average width, 40’ maximum width
- 2 canopy trees per 100’
- 3 understory trees per 100’
- 17 shrubs per 100’

**Figure 6.F.3.5 TYPE D PLANTING YARD**

- 5’ minimum average width, 10’ maximum width
- 2 understory trees per 100’
- 18 shrubs per 100’
4. LANDSCAPING DESIGN AND MAINTENANCE STANDARDS

(a) Calculation of Street Planting Yards: Street planting yard rate and width calculations shall exclude access drives.

(b) Plant Species: Species used in required street planting yards, parking lots and planting yards shall be of a locally adapted nature. Refer to the recommended plant materials lists in the Guilford County Landscape Manual (1993) available at the Town offices. The agricultural extension service also maintains list of plant species either native to the area or adapted. Other species may be approved by the Administrator. Get a copy of this manual - download?

(c) Dimension of Planting Areas: Each freestanding planting island containing trees, including those located in parking lots, shall have a minimum inside dimension of seven (7) feet and be at least two hundred (200) square feet in area.

(d) Grouping: For the Type B, C, and D planting yards, shrubs and trees may be grouped or clustered; however, not more than fifty (50%) percent of each required plant material may be grouped or clustered. The remainder of the materials shall be distributed throughout the planting yard. There shall be at least one row of evergreen shrubs or evergreen understory trees in all Type A planting yards.
(e) **Parking Lot Plantings:** Required canopy tree areas shall be distributed throughout parking lots and shall be located within or adjacent to parking lots as tree islands, at the end of parking bays, medians, or between rows of parking spaces. See Figure 6.E.4.1.

![Figure 6.E.4.1 PARKING LOT PLANTINGS](image)

- 1 canopy tree for every 12 parking spaces
- The illustration above shows examples of possible arrangements.
- Note the walkway provided within the central planting median.

(f) **Canopy Tree Size:** Canopy trees must be a minimum of eight (8) feet high and two (2) inches in caliper, measured size (6) inches above grade, when planted. When mature, a canopy tree should be at least forty (40) feet high and have a crown width of thirty (30) feet or greater.

(g) **Understory Tree Size:** Understory trees must be a minimum of four (4) feet high and one (1) inch in caliper, measured six (6) inches above grade, when planted.

(h) **Shrub Size:** All approved shrubs shall be installed at a minimum size of eighteen (18) inches, spread or height and are expected to reach a minimum height of thirty-six (36) inches, and a minimum spread of thirty (30) inches within three (3) years of planting.

(i) **Berms:** Berms may be used in an alternate planting plan as a substitute for some plant materials, subject to approval of the Town Manager or Summerfield Planning Board, as authorized.

(j) **Wall Planters:** Wall planters shall be constructed of masonry, stone, or pressure treated lumber stamped for ground contact (AWPB LP-22 1980 or equivalent). The minimum height of the wall planter shall be thirty (30) inches. The minimum height of shrubs in the wall planter shall be six (6) inches. The effective planting area of the wall planter shall be four (4) feet in width. If the wall planter is to contain trees, the effective planting width shall be seven (7) feet.
(k) Encroachments Permitted in Required Planting Yards: The following are permitted in required planting yards provided the landscaping requirements are met and there is no interference with any sight area:

1. Landscaping features, including but not limited to ornamental pools, planting boxes, sculpture, arbors, trellises, and birdbaths.

2. Pet shelters, at-grade patios, play equipment, 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, wells, fences, retaining walls, or similar structures.

3. Cornices, steps, canopies 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 (2½) feet into any required planting yard, but in no case shall be closer than three (3) feet to any property line.

4. Permanent runoff control structures. Such structures may project into the buffer for no more than 50% of the buffer width. In addition landscape screening must be part of the design of the runoff control structure. (e.g. trees planted in a rain garden.)

(l) Fence Location within Required Planting Yards: The setback of fences within a required planting yard shall be subject to the approval of a landscaping plan.

(m) Setback Less than Planting Yard: If the required building setback is less than the required planting yard, the building setback shall control, reducing the required planting yard width only along side the building. The planting rate of the required planting yard shall still apply.

(n) Location of Planting Material Outside Shade of Building: Where a building is located less than ten (10) feet from a property line, and the planting yard would be heavily shaded by buildings on both sides of the property line, the required trees and shrubs may be planted outside the shaded area to improve survivability.

(o) Obstructions: Landscaping shall not obstruct the sight lines for safe movement of motorists, bicyclists and pedestrians using any street, driveway, parking aisle, bikeway or pathway.

(p) Location: Required trees and shrubs shall not be installed in street rights-of-way. Required trees and shrubs may be placed in water quality conservation easements. Required trees and shrubs may be planted in electric utility easements below overhead lines and in drainage maintenance and utility easements by approval of the Town Manager.

(q) Plant Protection: Whenever planting areas are adjacent to parking lots or drives, the planting areas shall be protected from damage by vehicles, lubricants or fuels.

(r) Maintenance: The owner is responsible for maintaining all required plant materials and planting areas in good health and appearance. Any dead, unhealthy or missing plants must be replaced within one-hundred and eighty (180) days with vegetation which conforms to the initial planting rates and standards. When plant material is severely damaged due to unusual weather conditions or other acts of God, the owner shall have two (2) years to replant.

5. PROCEDURES

(a) Landscaping Plan Required: Prior to obtaining a building permit, an applicant must receive approval of a landscaping plan from the Town Manager the Summerfield Planning Board, as authorized under Article 2. Site plans submitted in accordance with Section 3.B.5 may include a conceptual landscaping plan and delay submission of the landscaping plan for up to ninety (90) days after issuance of the building permit.

(b) Installation of Plant Materials
(1) Installation of plant material shall occur prior to the issuance of a Certificate of Occupancy.

(2) If at the time of a request for a Certificate of Occupancy, the required planting areas are not complete and it can be determined that:
   a. plant materials are unavailable,
   b. completion of the planting areas would jeopardize the health of the plant materials, or
   c. weather conditions prohibit completion of the planting areas, then the installation of plant materials may be deferred by the Town Manager or the Summerfield Planning Board, as authorized under Article 2. The developer shall submit a copy of a signed contract for installation of the required planting areas and may be required to post a surety equal to the amount of the contract. In no instance shall the surety be for a period greater than one-hundred and eighty (180) days. The Town Manager may issue a Temporary Certificate of Occupancy but shall not issue a Certificate of Occupancy until the planting areas have been completed and approved.

6. ALTERNATE METHODS OF COMPLIANCE

(a) General Provisions:

(1) Alternate landscaping plans, plant materials or planting methods may be used where unreasonable or impractical situations would result from application of landscaping requirements. Such situations may result from utility easements, streams, natural rock formations, topography, lot configuration, or where other physical conditions exist, or where other site conditions exist such as unified development design.

(2) The Town Manager the Summerfield Planning Board (as authorized under Article 2) may approve an alternate plan which proposes different plant materials, planting yard widths, or methods provided that quality, effectiveness, durability and performance are equivalent to that required by this Ordinance.

(3) Any approval of an alternate landscaping plan must be based on a determination that the alternate plan meets the intent and purpose of this Ordinance. This determination shall take into account the land use classification of adjacent property, number of plantings, species, arrangement and coverage, location of plantings on the lot, and the level of screening, height, spread, and canopy of the plantings at maturity.

(4) Decisions regarding alternate methods of compliance may be appealed to the Board of Adjustment.

(b) Lot of Record Provisions: For zone lots less than one hundred (100) feet in width the following provisions may be applied:

(1) For zone lots less than one hundred (100) feet and greater than eighty (80) in width where Type D Planting Yards are required, one (1) Type D planting yard may be eliminated from the landscaping plan if the Town Manager finds that strict application of the requirements of this Section prevents reasonable use of the property. However, the plantings required for this yard shall be installed in remaining planting yards.

(2) For zone lots less than eighty (80) feet in width where Type D planting yards are required, two (2) Type D planting yards may be eliminated from the landscaping plan if the Town Manager finds that strict application of the requirements of this Section prevents reasonable use of the property. All required plants for these yards shall be installed in remaining planting yards.

7. PROVISIONS FOR PRESERVATION OF EXISTING TREES
(a) **General:** Any existing tree or group of trees which stands within or near a required planting area and meets or exceeds the standards of this Ordinance may be used to satisfy the tree requirements of the planting area. For example, in the case of a required planting area between a new commercial use and an existing residential neighborhood, it may be preferable to retain an existing buffer of trees, provided the trees are of suitable species to achieve the intended buffering. The protection of tree stands, rather than individual trees, is strongly encouraged.

(b) **Protection of Existing Trees:** To receive credit, trees must be protected from direct and indirect root damage and trunk and crown disturbance. The following standards shall apply:

1) The protected area around trees shall include all land within the canopy drip line.

2) Construction site activities such as parking, material storage, soil stock piling and concrete washout shall not be permitted within tree protection areas.

3) Protective fencing shall be installed around tree protection areas prior to any land disturbance. Such fences shall be at least four (4) feet high and may consist of snow fence or polyethylene safety fencing. Fencing shall remain in place until construction is complete and other landscaping has been installed.

(c) **Dead or Unhealthy Trees:** No credit will be allowed for any dead tree, any tree in poor health or any tree subjected to grade alterations. The death of any tree used for preservation credit shall require the owner to plant new trees equal to the number of credited trees.

(d) **Rate of Credit:** Credits shall be allowed at the rate of one canopy tree for every three (3) inches of circumference measured at four and one-half (4.5) feet above grade. Credits shall be subtracted from the total number of canopy and understory trees required in the same planting yard where the tree is located. In every case, however, there shall be at least one canopy tree for every fifty (50) linear feet of street planting yard, existing or planted.

8. **TREE COVERAGE AND PROTECTION STANDARDS**

Standards concerning tree coverage and protection are intended primarily to preserve and maintain undisturbed tree cover and provide for replacement tree cover on development sites. Tree coverage serves to reduce glare, noise, air pollution, and soil erosion; to moderate temperatures; to reduce stormwater runoff; to provide habitat for native plants and wildlife; to provide a healthy living environment; and to make the town a more attractive place to live.

9. **TREE COVERAGE**

(a) After the effective date of this ordinance, new development shall include tree coverage areas on a portion of the development tract, the percentages of which are set forth in the sections following.

(b) Where practicable, tree coverage areas in new developments shall be located in conservation areas, common open space or buffers required by other provisions of this chapter. Where this is not practicable, tree coverage areas may be located on individual lots or parcels in a development, provided that the root zone protection areas can be adequately protected and that the trees can be reasonably expected to survive the construction process.

(c) The percentage of a tract that shall have tree coverage is as indicated in the following table. Tree coverage standards may be met either by preserving existing trees on the site or by planting replacement trees. Preserving existing trees on the site is preferable to a combination of preservation and planting and is reflected in the lower requirements. For the purposes of calculating tree coverage requirements, the water surface area of ponds, lakes and other water bodies (excluding stormwater control structures) shall be excluded from the total land area of the development tract.
TABLE 6.F.9.1 TREE COVERAGE STANDARDS FOR RESIDENTIAL DEVELOPMENT

<table>
<thead>
<tr>
<th>Preserved Tree Coverage Area</th>
<th>Replacement Tree Coverage Area</th>
<th>Total Tree Coverage Area Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>20%</td>
<td>Plus 0%</td>
<td>Equals 20%</td>
</tr>
<tr>
<td>15%</td>
<td>Plus 6%</td>
<td>Equals 21%</td>
</tr>
<tr>
<td>10%</td>
<td>Plus 12%</td>
<td>Equals 22%</td>
</tr>
<tr>
<td>5%</td>
<td>Plus 18%</td>
<td>Equals 23%</td>
</tr>
<tr>
<td>0%</td>
<td>Plus 24%</td>
<td>Equals 24%</td>
</tr>
</tbody>
</table>

TABLE 6.F.9.2 TREE COVERAGE STANDARDS FOR NON-RESIDENTIAL DEVELOPMENT

<table>
<thead>
<tr>
<th>Preserved Tree Coverage Area</th>
<th>Replacement Tree Coverage Area</th>
<th>Total Tree Coverage Area Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>10%</td>
<td>Plus 0%</td>
<td>Equals 10%</td>
</tr>
<tr>
<td>8%</td>
<td>Plus 3%</td>
<td>Equals 11%</td>
</tr>
<tr>
<td>6%</td>
<td>Plus 6%</td>
<td>Equals 12%</td>
</tr>
<tr>
<td>4%</td>
<td>Plus 9%</td>
<td>Equals 13%</td>
</tr>
<tr>
<td>0%</td>
<td>Plus 14%</td>
<td>Equals 14%</td>
</tr>
</tbody>
</table>

(d) A tree preservation sketch plan shall be submitted in conjunction with all new development. A landscape plan prepared in accordance with Section 6.E.5 and subsequent) or a preliminary subdivision plat shall be presumed to meet the requirements of the tree preservation sketch plan, provided it contains the following information (applicants may use current aerial photography and other photographs in conjunction with the sketch plan to indicate the location of existing vegetation):

(1) Location of wooded areas and specimen trees;
(2) Location of any wooded areas and specimen trees that will be removed or destroyed during development or construction;
(3) Location of wooded areas and specimen trees that will be retained after development or construction;
(4) Location of any required buffer strips, existing and proposed; and
(5) Location of any screening, existing and proposed.

(e) Tree preservation and tree replacement areas as indicated on the tree preservation sketch plan shall be shown on all preliminary plats, final plats, site plans, landscaping plans, development plans, and special use permits to clearly assign tree replacement responsibility during development. Tree preservation and tree replacement areas on any individual lot shall be clearly shown on all plot plans for the lot.
(f) Property owners in developments other than single-family and duplex residential developments shall be responsible for protecting tree preservation and tree replacement areas in accordance with standard horticultural practice and Section 6.E.7. Tree preservation areas located on single-family and duplex lots shall not be deemed to create an easement or enforceable obligation on owners who occupy a dwelling subsequent to issuance of a certificate of occupancy.

10. PRESERVED TREE COVERAGE.

Tree preservation to meet the tree coverage standards in Section 6.E.9. shall meet the following requirements:

(a) The tree coverage area for a group of trees is determined by the exterior boundary of the total canopy for all of the trees in the group. For parcels greater than one acre, no tree preservation area for a group of trees may be counted toward meeting the tree coverage standard unless it includes a minimum of one thousand (1,000) square feet and has no individual dimension of less than twenty-five (25) feet. For parcels one acre or less, no single tree preservation area for a group of trees may be counted toward meeting the tree coverage standard unless it includes a minimum of five hundred (500) square feet and has no individual dimension less than twenty (20) feet.

(b) The tree coverage area for an individual tree is determined by the tree’s canopy area. Individual trees may be counted toward tree coverage credit provided that the tree’s diameter is at least ten inches or greater measured at a point four and one-half feet above the ground. Where specimen trees of eighteen (18) inches or greater in diameter are preserved outside of other required buffers, tree coverage credit shall be granted at one and one-half times the canopy area.

(c) Tree preservation areas shall be located in floodway areas, floodway fringe areas, stream buffers, steep slope areas, and wetlands. Additional tree preservation areas may be located outside of these areas, in which case they should be located in order to preserve areas of predominantly hardwood forest, to preserve specimen trees and to preserve groupings of trees that add to the aesthetic quality of the development as viewed from the public right-of-way.

(d) At least seventy-five (75) percent of the tree coverage included within any tree preservation area must be created by trees of greater than two and one-half (2½) inch caliper.

11. REPLACEMENT TREE COVERAGE.

Tree replacement to meet the tree coverage standards in Section 6.E.9 shall meet the following requirements:

(a) For parcels greater than one acre, no tree replacement area may be counted toward meeting the tree coverage standard unless it includes a minimum of one thousand (1,000) square feet and has no individual dimension of less than twenty-five (25) feet. For parcels one acre or less, no tree replacement area may be counted toward meeting the tree coverage standard unless it includes a minimum of five hundred (500) square feet and has no individual dimension less than twenty (20) feet.

(b) When replacement trees are provided to satisfy the requirements of Section 6.E.9, coverage credit shall be accrued in accordance with the following table. In meeting this standard, at least fifty (50) percent of replacement trees shall be two and one-half (2½) inches or greater. A minimum of fifty (50) percent of replacement trees shall be large maturing hardwood species native to this region.
TABLE 6.E.11. REPLACEMENT TREE CREDIT

<table>
<thead>
<tr>
<th>Caliper of Tree</th>
<th>Amount of Credit (sq. ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 1/2 inch</td>
<td>200</td>
</tr>
<tr>
<td>2 inch</td>
<td>175</td>
</tr>
<tr>
<td>1 1/2 inch</td>
<td>150</td>
</tr>
<tr>
<td>1 inch</td>
<td>100</td>
</tr>
<tr>
<td>Less than 1 inch</td>
<td>No credit</td>
</tr>
</tbody>
</table>

(c) The Administrator shall have the authority to approve replacement trees of different sizes or species in order to address unique site conditions, allow design flexibility and to better meet the objectives of Section 6.E.9.

(d) For parcels without trees prior to the effective date of this ordinance, replacement trees shall be planted at a rate of four trees per building lot and of caliper greater than two and one-half inches.

(e) Replacement trees shall be planted before any certificate of occupancy is issued. However, for any lot other than an individual single-family or duplex residential lot, the planting may be postponed to the appropriate season in accordance with the requirements of Section 6.E.5.(b).

12. PENALTIES AND REMEDIATION FOR DESTRUCTION OF EXISTING VEGETATION.

Any trees preserved on a development tract to meet ordinance requirements or otherwise indicated to be preserved shall meet the standards of Section 6.E.11. Damaging or destroying any tree preservation area that is indicated on any site plan, development plan, preliminary plat, final plat, major special use permit or minor special use permit shall constitute a violation of this chapter. However, damage or destruction of trees by an act of God shall not be subject to the provisions of this section.

(a) Where any tree with a diameter greater than ten inches measured at a point four and one-half feet above the ground in an area indicated on approved plans to be preserved is damaged, destroyed or removed, such violation shall be penalized as follows:

(1) A civil penalty in an amount equal to one and one-half times the monetary value of the trees damaged, destroyed or removed. For purposes of such determination the planning director or director's designee shall apply the most current standards of the council of tree and landscape appraisers or a similar method in common use; and

(2) Trees shall be replaced by new trees of a similar species with at least a two and one-half-inch caliper and a cumulative total caliper at least greater than the original tree.

(b) Where tree preservation areas are damaged, destroyed or removed and no documentation exists about previous tree cover, such violation shall be penalized as follows:

(1) A civil penalty of two dollars ($2) per square foot of disturbed area, not to exceed forty thousand dollars ($40,000) per violation; and

(2) Replacement vegetation shall be provided in accordance with the buffer landscaping standards of the town.
Any civil penalty must be paid and required replacement trees planted before a certificate of occupancy is issued. Enumeration of these penalties shall not be construed to prohibit the use of any other remedy authorized by ordinance or law.

13. **RESTRICTION OF CLEAR CUTTING IN ANTICIPATION OF DEVELOPMENT.**

The Town may deny a building permit or refuse to approve a site or subdivision plan for either a period of up to:

(a) Three (3) years after the completion of a timber harvest if the harvest results in the removal of all or substantially all of the trees that were protected under town regulations governing development from the tract of land for which the permit or approval is sought.

(b) Five (5) years after the completion of a timber harvest if the harvest results in the removal of all or substantially all of the trees that were protected under town regulations governing development from the tract of land for which the permit or approval is sought and the harvest was a willful violation of the town regulations.

**G. FENCES AND WALLS**

1. **APPLICABILITY**

   The purpose of this section is to regulate the location, height, and appearance of fences and walls to maintain visual harmony within neighborhoods and throughout the Town, protect adjacent properties from the indiscriminate placement and unsightliness of fences and walls, and ensure the safety, security, and privacy of properties.

2. **APPLICABILITY**

   (a) The provisions of this section shall apply to all construction, substantial reconstruction, or replacement of fences or walls not required for support of a principal or accessory structure, or any other linear barrier intended to delineate different portions of a lot.

   (b) Temporary fences for construction sites or a similar purpose are exempted from these standards, but shall comply with the requirements of the building code and the standards of Section 4.J Temporary Use and Event Standards.

3. **REQUIREMENTS FOR FENCES AND WALLS**

   (a) General

      (1) Fences or walls shall be located outside of public right-of-way. No fence or wall shall be placed or retained in such a manner as to obstruct vision at any intersection of public or private streets or to obstruct vision from any driveway entrance or exit.

      (2) Fences and walls are permitted on the property line between two or more parcels of land held in private ownership.

      (3) Fences and walls may be located within any required yard.

   (b) In Easements or Around Fire Protection Facilities

       Fences which cannot easily be removed or that prevent access shall be prohibited within utility easements (including easements and accesses to off-site septic fields) or around fire protection facilities.
(c) **Blocking Natural Drainage Flow**

No fence or wall shall be installed so as to block or divert a natural drainage flow on to or off of any other land unless subject to an approved stormwater management plan. Nothing in this section shall be construed to prevent the installation of temporary fencing to protect existing trees, limit sedimentation, or control erosion.

(d) **Within Buffers**

Fences and walls shall be installed so as not to disturb or damage existing vegetation or installed plant material to the maximum extent practicable. The perimeter fencing or wall for a single development shall be of a uniform style that complies with the standards of this section.

(e) **Fences Around Swimming Pools**

A fence or wall shall be located around all in-ground swimming pools in accordance with the requirements of the State Building Code.

(f) **Historic Districts:** Fences in Historic Districts shall meet the guidelines for the particular Historic District in which it is located.

(g) **Obstruction of Access:** No fence or wall shall block access from doors or windows. Fences and (privacy) walls must have a clearance of at least two (2) feet from building walls, except where fences or walls project from or to a building wall.

(h) **Orientation of Barbed Wire:** On fences topped with barbed wire, the bottom strand must be at least six (6) feet above grade with vertical supports slanting inward away from the property line.

(i) **Location within Required Planting Yards:** The setback of fences within a required planting yard shall be subject to the approval of a landscaping plan.

4. **HEIGHT OF FENCES AND WALLS**

(a) **Residential Uses**

(1) **Before Front Setback:** No fence shall exceed four (4) feet in height forward of the front setback line or front face of the building, whichever is farther from the street.

(2) **Behind Front Setback:** No fence shall exceed eight (8) feet in height behind the front setback line or front face of the building, whichever is farther from the street.

(3) **Exceptions:**

   a. No fence shall exceed four (4) feet in height within fifteen (15) feet of any public or private street right-of-way line in a group housing development unless the sole purpose is to enclose a patio; a patio enclosure shall not exceed eight (8) feet in height

   b. On through lots where a front setback abuts a major or minor thoroughfare and there is no driveway access or sight distance interference, a fence may be eight (8) feet in height as long as such fence is no closer than fifteen (15) feet from the thoroughfare right-of-way.

(b) **Recreational Uses:** No fence shall exceed twelve (12) feet in height if the fence is within the required setback. Otherwise, no fence shall exceed eight (8) feet in height.

(c) **Commercial, Industrial, Institutional or Office Uses:** No fence shall exceed eight (8) feet in height.

(d) **Sight Triangle Visibility Clearance.** Fences and walls shall not exceed a maximum height of 30 inches when located within required sight triangles or areas needed for visibility.
(e) **Exemption for Safety.** Fence height limitations may be exceeded by electric or gas substations, utility facilities, sewer plants or facilities, radio and television masts, towers and similar structures, municipal water storage facilities, public correctional and mental institutions, or military facilities, or hazardous or radioactive waste, storage, and disposal facilities, if approved by the Town Manager.

(f) **Measurement of Height.**

1. Fence height shall be measured in the same manner as buildings. However, where fences are located on man–made berms, the height of the berm shall be considered as part of the overall height of the fence.

2. Fence height limitations do not apply to fences built in conjunction with electric or gas substations, utility facilities, sewer plants or facilities, radio and television masts, towers and similar structures, and municipal water storage facilities.

5. **PROHIBITED FENCE TYPES**

The following fence types are prohibited:

(a) Fences constructed primarily of barbed or razor wire, except for the purpose of enclosing livestock in agricultural zoning districts;

(b) Fences carrying electrical current, except for the purpose of enclosing livestock as permitted, or for underground fencing for domestic animal confinement;

(c) Fences constructed in whole or in part of readily flammable material such as paper, cloth or canvas;

(d) Fences topped with barbed wire or metal spikes in residential zoning districts, except those serving a public institution requiring a security fence for public safety purposes;

(e) Fences constructed of concertina wire.

(f) Fences or walls made of debris, junk, rolled plastic, sheet metal, plywood, or waste materials are prohibited in all zoning districts unless such materials have been recycled and reprocessed, for marketing to the general public, as building materials that resemble new building materials (e.g., picket fencing made from recycled plastic and fiber).

6. **MAINTENANCE REQUIRED**

Any fence which, through neglect, lack of repair, type or manner of construction, method of placement or otherwise, constitutes a hazard or endangers any person, animal or property is hereby deemed a nuisance. If such conditions exist, the Town Manager shall require the owner or occupant of the property upon which the fence is located to repair, replace or demolish the fence causing the nuisance.

7. **TEMPORARY FENCES**

Nothing in this Section shall preclude the installation of temporary fences around construction works, erected or maintained pursuant to the NC State Building Code or the Soil Erosion and Sedimentation Control regulations.
H. LIGHTING REGULATION

1. PURPOSE

The purpose of this section is to regulate light trespass to ensure the safety of motorists and pedestrians, to minimize any health and environmental impacts from high levels of artificial light at night, and to ensure lighting does not adversely affect land uses on adjacent properties or uses dependent upon dark skies. More specifically, this section is intended to:

(a) Regulate lighting to assure that excessive light spillage and glare are not directed at adjacent properties, neighboring areas, and motorists;

(b) Ensure that all site lighting is designed and installed to maintain adequate lighting levels on site while limiting negative lighting impacts on adjacent lands and upward reflection or visibility that reduces dark sky conditions; and

(c) Provide security for persons and land.

2. APPLICABILITY

(a) General

All outdoor artificial illuminating devices shall be installed in conformance with the provisions of this Section, and applicable provisions of the NC Building Code.

(b) Form of Application

Any person submitting a site plan or applying for a building, electrical or sign permit to install outdoor lighting fixtures except for single family detached residences shall as a part of said application submit evidence that the proposed work will comply with this Section. This evidence shall be in the form of a Lighting Plan and support documents prepared by an electrical engineer or lighting professional with Lighting Certified credentials. The Lighting Plan and supporting documents shall include all of the items found in Appendix 1: Map Standards.

3. ALTERNATIVE MATERIALS AND METHODS OF INSTALLATION

The provisions of this Section are not intended to prevent the use of any equipment, material or method of installation not specifically prescribed by this section provided the Town Manager Planning Board has approved the alternative. Any approved alternative must provide the approximate equivalence to the specific requirements of this Section.

4. SHIELDING

All outdoor light fixtures including decorative luminaries except those exempted by Section 6.G.7 shall be fully shielded. A fully shielded fixture must be a full cutoff luminaire and is defined as outdoor lighting that is shielded or constructed so that all light emitted is projected below a horizontal plane which is parallel to the ground, and runs through the lowest part of the fixtures.

5. LIGHT TRESPASS

The maximum illumination at five (5) feet inside an adjacent residential use or zone area or public right-of-way, or beyond, from light emitted from an artificial light source are 0.5 horizontal foot-candles and 0.5 vertical foot-candles. Said illumination at ten (10) feet inside an adjacent commercial or industrial use or zone area or public roadway or beyond, shall not exceed 0.5 horizontal foot-candles and 0.5 vertical foot-candles. No line of site to a bulb is permitted five (5) feet or more beyond a residential or public right-of-way property line by an observer viewing from a position that is level with or higher than the ground below the fixture. Compliance is achieved with fixture shielding, directional control designed into the fixture, fixture location, fixture height, fixture aim, or a combination of these factors.
6. GENERAL REQUIREMENTS FOR ALL ZONING DISTRICTS

(a) Public or Private Recreational Facilities: Where playing fields or other recreational areas are to be illuminated, lighting fixtures shall be specified in the Lighting Plan, mounted and aimed so that the illumination falls within the primary playing area and immediate surroundings. All playing fields except baseball fields shall have full cutoff fixtures and the light sources shall not be visible from other properties.

(b) Signage: All illuminated signs, must be lighted internally or lighted by top mounted lights pointed down. No sign may be illuminated by fixtures not shielded from upward transmission of light. Signs should be white or light-colored lettering on dark backgrounds. Lights that flash, pulse, rotate, move, or simulate motion are not permitted.

(c) Outdoor Lighting Fixtures: All outdoor lighting fixtures, including display lighting and signs, shall be turned off after the close of business. However, fixtures nearest building entryways may remain lighted at minimum levels necessary for safety and security.

(d) Aprons and Canopies: The lighting fixture bulbs shall be recessed into a canopy ceiling so that the bottom of the fixture is flush with the ceiling so that light is restrained to no more than eighty-five (85) degrees from vertical. As an alternative to recessed ceiling lights, indirect lighting may be used where the light is directed upward and then reflected down from the underside of the canopy. In this case, light fixtures shall be shielded so that direct illumination is focused exclusively on the underside of the canopy. The lighting for such facilities (pump islands and under canopies) shall have a maximum of fifteen (15) foot-candles average maintained illumination at grade.

(e) Parking Lots, Loading Areas, Display Areas, and Exterior Building Illumination: All Parking Lots, Loading Areas, Display Areas, and Exterior Building Illumination. This lighting requirement applies to townhouse and multi-family, educational, institutional, commercial, recreation, public, commercial business and retail, motor vehicle related, wholesaling, and limited and general industrial use categories identified within the Development Ordinance. Lighting for these areas shall not exceed an average horizontal illumination level of one (1) foot-candle at grade.

(f) Residential Construction: For new residential construction, fixtures must be fully shielded.

(g) Communication Tower Lighting: The nighttime use of white lighting or white strobe lighting is prohibited, unless required by the FAA.

(h) Compliance of Existing Fixtures: Whenever existing light fixtures are changed or upgraded, they must comply with the applicable provisions of this Ordinance.

7. EXEMPTIONS

(a) Otherwise Unregulated: Lighting which is not subject to this Ordinance by state or federal law.

(b) Specific Fixtures: Fixtures including the following: incandescent fixtures (other than floodlights or spotlights) less than one-hundred and sixty (160) watts, natural gas or liquid propane lights, and any light source of one-thousand eight hundred (1800) lumens or less.

(c) Security Lighting: Outdoor lighting on residential, agricultural, or commercial property that is controlled and activated by motion sensor devices for a duration of fifteen (15) minutes or less.

(d) Flags: Lighting of the United States of America or State of North Carolina flags except that they are limited to a maximum of four-thousand (4000) lumens.

(e) Temporary Uses: Temporary circus, fair, carnival, civic uses or holidays.

(f) Special Conditions: The Town Manager or Planning Board, as authorized, may grant an exemption to the requirements of Section 6.G.5 only upon a written finding that there are conditions warranting the exemption that there are no conforming fixtures that would suffice.
(g) **Construction and Emergency Lighting:** Lighting necessary for construction or emergencies is exempt from the provisions of this Section provided said lighting is temporary (one month or less) provided lighting does not create light trespass or hazardous glare.

(h) **Sports Lighting:** Sports lighting is exempt from the foot-candle limitations of this ordinance on the playing field only. Glare control fixture design is required, and light trespass requirements apply.

### 8. **AMENDMENT TO PERMIT FOR LIGHTING ON PRIVATE PROPERTY**

Should an applicant desire to substitute and install outdoor light fixtures or lamps on private property after a permit has been issued, the applicant shall submit all changes to the Town Manager for approval, with adequate information to assure compliance with this Section.

### 9. **APPEALS**

Except for street lighting within the right-of-way and for temporary exemptions as provided in Section 6.G.10, any applicant’s appeal of the Town Manager’s decision shall be made to the Board of Adjustment.

### 10. **REQUEST FOR TEMPORARY EXEMPTIONS**

(a) **Request:** Any person may submit a written request on a Town form (available from the Town Planning Department) for a temporary exemption to the requirements of this Section.

(b) **Required Information:** The request for Temporary Exemption shall contain the following information:

1. Specific exemptions requested.
2. Type and use of exterior light involved.
3. Duration of time for requested exemption.
4. Type of lamp and calculated lumens.
5. Total wattage of lamp or lamps.
6. Proposed location of exterior light.
7. Physical size of exterior light and type of shielding provided.
8. Previous temporary exemptions, if any.

(c) **Additional Information:** In addition to the above data, the Town Manager may request any additional information that would enable a reasonable evaluation of the Request for Temporary Exemption.

(d) **Appeals:** The Town Manager within ten (10) days from the date of the properly completed Request for Temporary Exemption, shall approve or reject in writing the Request. If rejected, the individual making the Request shall have the right to appeal to the Board of Adjustment.
I. COMMERCIAL, OFFICE AND MIXED USE DESIGN STANDARDS

1. PURPOSE AND INTENT

These design standards are intended to implement the Town’s Comprehensive Plan policies and actions for the design of commercial, office, and mixed-use development. The Town of Summerfield supports the view that well-designed, harmonious development is in the best economic interests of all residents and businesses. More specifically, the purposes of this section are to allow for appropriate commercial, office, and mixed-use development at suitable locations in the town, and to:

(a) avoid franchise style architecture
(b) require the use of building materials that are consistent with Summerfield’s early commercial properties in look and appearance (See Section H.4.(d))
(c) encourage commercial development to locate in village like clusters set back from major roadways
(d) require circulation connections between adjoining commercial properties
(e) encourage a pedestrian-friendly environment with attention to human-scale design and site features
(f) foster greater compatibility between adjacent residential and nonresidential development
(g) limit the impacts of automobile–oriented development in commercial, office, and mixed-use areas, and
(h) allow for greater predictability during the development review process.

2. APPLICABILITY

(a) General.

The standards of this section shall apply to all commercial, mixed-use and office development within the planning jurisdiction of the Town of Summerfield.

(b) Timing of Review

These standards shall apply during the review of Planned Developments (Section 3.B.4.), Site Plans (Section 3.B.5), Preliminary Plats (Section 3.B.6), or Building Permits (Section 3.B.11), as appropriate.

3. CONFLICTING REQUIREMENTS

Where these requirements conflict with each other or with another requirement of the Development Ordinance, the stricter, more visually compatible or more specific standards shall apply as determined by the Administrator. Any modifications necessary shall be made with the approval of the Administrator.

4. DESIGN STANDARDS

All commercial, office, and mixed-use development subject to this section shall comply with the following standards:

(a) Building Orientation

The front façade of all buildings, as defined by the primary entrance, shall front onto a street, except along major and minor thoroughfares. In the case of corner lots on lower level roads, the primary entrance shall face the street from which the building derives its street address. The Administrator may waive this standard through the administrative adjustment process (Section 3.B.16).
(b) Multi-Building Development

(1) Configuration. Development composed of multiple buildings shall be configured to apply the following principles

a. Break up the site into a series of smaller “blocks” defined by on-site streets, vehicle access ways, pedestrian walkways, or other circulation routes;

b. Frame the corner of an adjacent street intersection or entry point to the development;

c. Frame and enclose a “main street” pedestrian or vehicle access corridor within the development site;

d. Frame and enclose on at least three sides of parking areas, public spaces, or other site amenities; or

e. Frame and enclose outdoor dining or gathering spaces for pedestrians between buildings.

(2) Outparcel Development

a. To the maximum extent practicable, outparcels and their buildings shall be clustered to define street edges, entry points, and spaces for gathering or seating between buildings.

b. The even dispersal of outparcel sites in a widely-spaced, uniform pattern along streets is prohibited.

c. Spaces between buildings on outparcels shall be configured with small scale pedestrian amenities such as plazas, seating areas, pedestrian connections, and gathering spaces.

d. Parking areas between buildings on outparcels shall provide at least 25 percent more landscaping material than is required for other off-street surface parking areas as set forth in Section 6.E.4(e) Parking Lot Plantings.
(c) Façade Massing

(1) Offsets Required

Front building façades of 60 feet in width or wider shall incorporate wall offsets of at least one-foot in depth a minimum of every 40 feet. Each required offset shall have a minimum width of ten feet.

(2) Offset Alternatives

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

a. Facade color changes following the same dimensional standards as the offset requirements;

b. Pilasters having a minimum depth of eight inches, a minimum width of eight inches, and a minimum height of 80 percent of the façade’s height; or

c. Roofline changes when coupled with correspondingly aligned façade material changes, provided.
   i. Roof line changes include changes in roof planes or changes in the height of a parapet wall (such as extending the top of pilasters above the top of the parapet wall); or
   ii. Roof line changes are vertically aligned with the corresponding wall offset or material or color changes.

(3) Side Facades

Street-facing side facades shall:

a. be fully screened from off-site views through fences, walls, or landscaping eight (8) feet in height, or

b. be configured with the same façade details as provided on the front façade.

(5) Outbuildings

Outbuildings located in front of other buildings within the same development shall include a consistent level of architectural detail on all four sides of the building as well as exterior materials and colors that are compatible with the primary building in the development.

(d) Architecture and Building Materials

(1) New and redeveloped commercial properties shall avoid monolithic or standardized franchise style architecture, especially such that the building itself becomes a recognizable sign.

(2) Preferred building materials are brick, stone, wood or like and similar building materials consistent with Summerfield’s early commercial properties. Trim and accents that have the traditional appearance of wood may be made of composite or man-made materials to allow for low maintenance.

(e) Glazing (Windows and Doors)

(1) At least 30 percent of the width of street level frontage shall be occupied by windows or doorways.

(2) All street-level windows shall be visually permeable.
(f) Roofs

1. Structures with a flat roof, except for green roofs (See Article 11 Definition) shall include parapet walls with a decorative three dimensional cornice.

2. All rooftop equipment shall be screened from view from all streets.

(g) Off-Street Parking

1. **Location:** Single-story commercial, office, and mixed-use development shall be configured to locate all required surface off-street parking to the side or rear of the building, except buildings of two or more stories may locate up to two rows of off-street parking between the primary entrance and the street it faces.

2. **Design:** To prevent huge expanses of asphalt visible from streets, parking shall be separated into sections separated by landscaping and other features. Larger parking areas shall be split into sections on different sides of the building or enclosed in an interior space between buildings so as not to be easily visible from the street to emphasize the building and de-emphasize the parking lot.

(h) Loading, Storage, and Service Areas

1. Loading, service, and equipment areas shall be located and/or screened in a manner that minimizes their visibility from off-site areas, to the maximum extent practicable.

2. Loading, service, and equipment areas that are associated with an outparcel building shall be screened through the use of structural elements and similar materials attached to and integrated with the building.

3. Outdoor storage areas shall be fully screened from adjacent streets and single family development.

(i) 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 nearby streets and properties. 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.

(j) Auto-Oriented Uses

Corner lots on all streets except thoroughfares and collectors shall locate automobile-oriented uses or facilities, including but not limited to gas pumps, drive-throughs, pick-up windows, or other accessory uses intended for access while inside a vehicle, to the side or rear of the principal building. In no instance shall an auto-oriented feature or accessory uses be located between a building and the street it fronts.

(k) Environmental Resources

Developments shall minimize impacts on environmental resources in or near the property; such resources shall be identified on the Environmental Inventory requirement for specified development types. (see Section 3.B.). Resource examples include historic properties, significant woodland areas, specimen trees, wetlands, steep slopes, floodplains, etc. Impacts on environmental resources shall be minimized by use of design, height, massing, scale, building orientation, site layout, and other development techniques to integrate new development into the site while preserving and working in harmony with environmental resources.
J. SIGN REGULATIONS

1. GENERAL

All signs located in the Town, with the exception of those erected by State or Federal government, are subject to the provisions of this Section.

2. PROHIBITED SIGNS

Unless otherwise permitted under this Section, the following signs are prohibited in all zoning districts:

(a) Windblown devices such as, pennants, streamers, spinners, balloons, gas-filled figures and other similar devices, except as advertising for a temporary event or special promotion. (Permit required).

(b) Animated signs, including electronic changeable copy signs.

(c) Portable signs, but not including signs which cannot be read from the public right-of-way.

(d) Signs which project over a public right-of-way.

(e) Signs on vehicles that are parked in a location which is visible to the public and for a period of time which indicates that the principal use of the vehicle is for advertising rather than transport.

(f) Signs which are affixed to trees, rocks or other natural features.

(g) Signs of any type that imitate traffic control devices.

(h) Signs that extend vertically above the highest portion of the roof of any structure.

(i) Billboards

(j) Off-site signs, except those regulatory and direction signs placed by a a unit of government

3. SIGNS EXEMPT FROM REGULATION

The following signs are exempt from regulation under this Ordinance except that lighted signs require an electrical permit.

(a) Any sign erected by or on behalf of a government body to post a legal notice, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic.

(b) Works of art with no commercial message (for purposes of this section only, permit will be required for three dimensional art work)

(c) Lights and decorations with no commercial message temporarily displayed on traditionally adopted civic, patriotic or religious holidays.

(d) Hand carried signs.

(e) Signs located on the interior of buildings, courts, lobbies, stadiums, or other structures which are not intended to be seen from the exterior of such structures.

(f) 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.

(g) Signs affixed to windows of vehicles displaying information on the terms of sale for said vehicles.

(h) Signs not legible from a public or private street.

(i) Flags of the United States, North Carolina, local governmental jurisdictions, foreign nations having diplomatic relations with the United States, and any other flags adopted or sanctioned by the Town, subject to U.S. Congressional protocol.
4. **SIGNS THAT DO NOT REQUIRE A FEE FOR A PERMIT**

The following signs are permitted in all zoning districts and may be installed without paying a sign permit fee and provided that they conform to the specifications shown in Table 6.I.4.

(a) Directional, instructional or warning signs provided that such signs contain no commercial message except a business logo or name.

(d) Historical or memorial plaques, tablets or markers.

(e) Identification signs including:
   
   - Name and address plates, including those identifying home occupations and rural family occupations.
   - Directory Signs in developments with multiple occupants.
   - Building Markers (cornerstones or plaques).

(f) 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.

5. **SIGNS THAT DO NOT REQUIRE A PERMIT**

(a) Flags, emblems or insignia of corporate, political, professional, fraternal, civic, religious, or educational organizations.

(b) Certain temporary signs conforming to the provisions of Table 6.I.4. Other types of temporary signs may be allowed by permit following the provisions of Tables 6.I.5.1 and 6.I.5.2. Allowed without a permit are:

   - Temporary real estate and construction signs which are removed within seven (7) days of the completion of construction, or sale or lease of property.
   - Temporary yard sale signs which are posted for no longer than three (3) days per sale.
   - Temporary political signs located on private properties which are removed within seven (7) days after the election.
### Table 6.J.4 Specifications for Signs Not Requiring a Fee for a Permit

<table>
<thead>
<tr>
<th>Type</th>
<th>Number Permitted</th>
<th>Area (sq. ft.)</th>
<th>Setback (ft.)</th>
<th>Height (ft.)</th>
<th>Illumination</th>
</tr>
</thead>
<tbody>
<tr>
<td>Directional Signs (All Districts)</td>
<td>NA</td>
<td>4</td>
<td>R/W&lt;sup&gt;a&lt;/sup&gt;</td>
<td>6</td>
<td>indirect</td>
</tr>
<tr>
<td>Instructional and Warning Signs (All Districts)</td>
<td>NA</td>
<td>6</td>
<td>NA</td>
<td>6</td>
<td>direct</td>
</tr>
<tr>
<td>Window Signs (Non-residential Districts)</td>
<td>Max 25% of window area</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>direct</td>
</tr>
<tr>
<td>Historical, Memorial Markers (All Districts)</td>
<td>1 per lot</td>
<td>4</td>
<td>R/W&lt;sup&gt;a&lt;/sup&gt;</td>
<td>6</td>
<td>indirect</td>
</tr>
<tr>
<td>Flags, Emblems, Insignia (All Districts)</td>
<td>1 per lot</td>
<td>50</td>
<td>R/W&lt;sup&gt;a&lt;/sup&gt;</td>
<td>40</td>
<td>indirect</td>
</tr>
<tr>
<td>Temporary Real Estate, Yard Sale and Construction Signs (All Districts)</td>
<td>1 per lot frontage</td>
<td>6</td>
<td>R/W&lt;sup&gt;a&lt;/sup&gt;</td>
<td>6</td>
<td>none</td>
</tr>
<tr>
<td>Temporary Real Estate Signs (Non-residential Districts and Major Subdivisions In RS Districts)</td>
<td>1 per lot frontage</td>
<td>50</td>
<td>R/W&lt;sup&gt;a&lt;/sup&gt;</td>
<td>6</td>
<td>none</td>
</tr>
<tr>
<td>Temporary Political Signs (All Districts)</td>
<td>NA</td>
<td>6</td>
<td>R/W&lt;sup&gt;a&lt;/sup&gt;</td>
<td>6</td>
<td>none</td>
</tr>
<tr>
<td>Identification Signs?? (All Districts)</td>
<td>1 per building</td>
<td>4 per unit</td>
<td>R/W&lt;sup&gt;a&lt;/sup&gt;</td>
<td>6</td>
<td>indirect</td>
</tr>
<tr>
<td>Vending Machine Signs</td>
<td>NA</td>
<td>18</td>
<td>NA</td>
<td>6</td>
<td>direct</td>
</tr>
</tbody>
</table>

Footnotes:

- <sup>a</sup> Signs must be located outside public street right of way and outside any sight distance area.
- <sup>b</sup> Electrical permit required if sign is illuminated.
- <sup>c</sup> 1 per 200 linear feet of lot frontage or portion thereof.
6. **SIGNS REQUIRING A PERMIT**

All signs except those listed in Sections 6-1.3 and 6-1.4 above, shall not be installed until a permit has been obtained. The size, height and number of signs permitted are specified in Tables 6.I.5.1 and 6.I.5.2.

**TABLE 6.J.5.1 SPECIFICATIONS FOR ACCESSORY FREE-STANDING SIGNS REQUIRING A PERMIT**

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Number Permitted</th>
<th>Area (sq. ft.)</th>
<th>Area (sq. ft.)</th>
<th>Set-Back (ft.)</th>
<th>Height (ft.)</th>
<th>Area Computation</th>
</tr>
</thead>
<tbody>
<tr>
<td>PI, OD</td>
<td>1 per lot frontage</td>
<td>50</td>
<td>25</td>
<td>R/W^b</td>
<td>6</td>
<td>.25 square feet per linear feet of lot frontage</td>
</tr>
<tr>
<td>BD</td>
<td>1 per lot frontage</td>
<td>50</td>
<td>50</td>
<td>R/W^b</td>
<td>6</td>
<td>.50 square feet per linear feet of lot frontage</td>
</tr>
<tr>
<td>IND</td>
<td>1 per lot frontage</td>
<td>50</td>
<td>50</td>
<td>R/W^b</td>
<td>6^d</td>
<td>1.0 square feet per linear feet of lot frontage</td>
</tr>
<tr>
<td>SC Development Identification Sign</td>
<td>1 per street frontage</td>
<td>50</td>
<td>50</td>
<td>10</td>
<td>6</td>
<td># of businesses 4-15=200 sq. ft. 16+ = 300 sq. ft.</td>
</tr>
<tr>
<td>Outparcel Sign</td>
<td>1 per parcel</td>
<td>50</td>
<td>NA</td>
<td>R/W^b</td>
<td>6</td>
<td>NA</td>
</tr>
<tr>
<td>Playbill Sign</td>
<td>1 per theater complex</td>
<td>50</td>
<td>NA</td>
<td>10</td>
<td>6^d</td>
<td>NA</td>
</tr>
<tr>
<td>Development Entrance^c (All Zones)</td>
<td>1 pair per entrance</td>
<td>50 per sign</td>
<td>NA</td>
<td>R/W^b</td>
<td>6</td>
<td>NA</td>
</tr>
<tr>
<td>Banners (Non-residential Districts)</td>
<td>1 per 500 feet of frontage</td>
<td>20</td>
<td>12</td>
<td>R/W^b</td>
<td>6</td>
<td>Linear frontage 0-100=12 sq. ft. 101-201= + 4 sq. ft. 201-500= +4 sq. ft.</td>
</tr>
</tbody>
</table>

Notes:
1) Free-standing signs shall be allowed only as accessories to a principal use.
2) All signs may be directly illuminated.
3) Any sign greater than six (6) feet in height shall not be located within one hundred (100) feet of any residential zone.

Footnotes:

a. “Minimum” area refers to the minimum sign size allowed by right, regardless of the size which would be allowed by computation.

b. Signs must be located outside public street right of way and outside any sight distance area.

c. Permitted only in 1) major subdivisions, 2) developments over fifteen thousand (15,000) square feet of gross floor area, 3) multi-family developments with more than eight (8) dwellings units in a single buildings or 4) developments with more than forty thousand (40,000) square feet in open uses of land.

d. Within four hundred (400) feet of an Interstate Highway the maximum height is fifty (50) feet and the maximum size may be increased by seventy-five (75) square feet.

e. See Section 6.I.8.(C)4).
### TABLE 6.J.5.2 SPECIFICATIONS FOR ACCESSORY ATTACHED SIGNS REQUIRING A PERMIT

<table>
<thead>
<tr>
<th>Type</th>
<th>Number Permitted</th>
<th>Area (sq. ft.)</th>
<th>Height (ft.)</th>
<th>Area Computation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wall Signs By Zoning District PI, OD</td>
<td>NA</td>
<td>NA</td>
<td>25</td>
<td>Top of Wall</td>
</tr>
<tr>
<td></td>
<td></td>
<td>NA</td>
<td>Top of Wall</td>
<td>5% of Wall Area&lt;sup&gt;cd&lt;/sup&gt;</td>
</tr>
<tr>
<td>BD</td>
<td>NA</td>
<td>NA</td>
<td>50</td>
<td>Top of Wall</td>
</tr>
<tr>
<td></td>
<td></td>
<td>NA</td>
<td>Top of Wall</td>
<td>7.5% of Wall Area&lt;sup&gt;cd&lt;/sup&gt;</td>
</tr>
<tr>
<td>SC, and IND</td>
<td>NA</td>
<td>NA</td>
<td>50</td>
<td>Top of Wall</td>
</tr>
<tr>
<td></td>
<td></td>
<td>NA</td>
<td>Top of Wall</td>
<td>10% of Wall Area&lt;sup&gt;cd&lt;/sup&gt;</td>
</tr>
<tr>
<td>Awning, Canopy and Marquee signs (All Non-Residential Districts)</td>
<td>1 per face</td>
<td>NA</td>
<td>Top of Canopy&lt;sup&gt;e&lt;/sup&gt;</td>
<td>25% of the canopy, awning or marquee face&lt;sup&gt;e&lt;/sup&gt;</td>
</tr>
<tr>
<td>Suspended Signs (All Non-Residential Districts)</td>
<td>1 per entrance</td>
<td>6</td>
<td>NA</td>
<td>b</td>
</tr>
<tr>
<td>Banners (Non-Residential Districts)</td>
<td>1 per 500 feet of frontage</td>
<td>20</td>
<td>12</td>
<td>b</td>
</tr>
</tbody>
</table>

Note: All signs may be directly illuminated.

<sup>a</sup> “Minimum” sign size refers to the minimum area allowed by right, regardless of the size which would be allowed by computation.
<sup>b</sup> Nine (9) feet height to clear pedestrian walkways or fifteen (15) feet to clear vehicular drives.
<sup>c</sup> Based on the first thirty (30) feet of height of the wall on which the sign is located. Buildings over thirty (30) feet in height may have additional sign area based on five (5%) percent of the wall area above thirty (30) feet in height, provided the sign is located at or near the top of the building.
<sup>d</sup> In multi-tenant buildings, the area computation shall be based on the wall area of each separate occupancy.
<sup>e</sup> When the awning, canopy or marquee is attached to a multi-tenant building, the area computation for all attached signs shall be based on the area computation for the district. Any portion of this sign allocation may be affixed to the wall, awning, canopy or marquee provided that no part of the sign projects above the top of the wall.

### 7. COMPUTATION OF SIGN AREA

(a) **Area:** The area of a sign shall be computed by means of the smallest square, circle, rectangle, triangle or combination thereof which will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the background or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall.

(b) **Area or Multi-faced Signs:** For multi-faced signs, the sign area shall be computed by including all sign faces visible from any one point. When two identical sign faces are placed back to back so that both faces cannot be reviewed from any pint at the same time, and when such sign faces are part of the same sign structure and are not more than forty-two (42) inches apart, the sign area shall be computed by the measurement of one of the faces.
Figure 6.6  **MEASUREMENT OF SIGN AREA AND HEIGHT**

(c) **Height:** Sign height shall be computed as 1) the distance from the base of the sign at finished lot grade or 2) from the nearest adjacent street grade to which the sign is oriented and the lot has frontage, whichever is higher, to the top of the highest component of the sign. Finished grade shall be the grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.

(d) **Lots with Multi-frontage:** Lots fronting on two or more streets are allowed the permitted sign area for each street frontage. The total sign area that is oriented toward a particular street, however, may not exceed the portion of the lot’s total sign area that is derived from that street frontage.

8. **LOCATION, CONSTRUCTION AND MAINTENANCE SPECIFICATIONS**

All signs permitted by this Section shall be constructed and maintained in accordance with the following provisions:

(a) **Obstruction:** No sign shall be erected so as to obstruct any fire escape, required exit, window, door opening, or wall opening intended as a means of ingress or egress.

(b) **Ventilation Interference:** No signs shall be erected so as to interfere with any opening required for ventilation.

(c) **Above Ground Clearance:** All signs shall be located in such a way that they maintain horizontal and vertical clearance from all electrical power lines and communication lines in accordance with the applicable provisions of the N.C. Life Safety Code. Further, all signs shall be located so as to avoid obstruction of pedestrian and vehicular traffic and to maintain safe sight distances at the intersection of all streets, drives and sidewalks.

(d) **Ground Clearance:** All signs and their supporting structures shall maintain clearance from surface and underground utilities, conduits or easements for water, sewage, gas, electricity or communication
equipment. In addition, the placement of signs and their supporting structures shall not interfere with natural or artificial drainageways.

(e) **Interference to Warning or Instructional Sign:** No sign shall be erected so as to interfere with any existing warning or instructional sign.

(f) **Performance:** Except for banners, flags, temporary signs and window signs conforming with the requirements of this Ordinance, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building or another structure by direct attachment to a rigid wall, frame or structure. Banners and flags shall be constructed of a fire retardant material or treated to be fire retardant.

(g) **Maintenance:** All signs shall be maintained in good structural condition, in compliance with all building and electrical codes and in conformance with this Ordinance at all times.

(h) **Minimum Wind Loads:** All signs, except 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.

(i) **Other Codes:** All signs shall comply with applicable provisions of the Building and the Electrical Code.

9. **MASTER SIGNAGE PLAN**

No permit shall be issued for an sign requiring a permit unless and until a Master Signage Plan for the development on which the signs will be erected has been approved. A Master Signage Plan shall be prepared for developments containing more that one sign, more than one building or more than one lot.

(a) **Information Required for a Master Signage Plan:**

   (1) A Site Layout Plan in accordance with Appendix 1 (Map Standards).

   (2) Specifications for each sign in sufficient detail to determine that the height and area requirements of this Ordinance have been met.

   (3) Accurate location(s) on the Site Layout Plan for each existing and proposed sign.

(c) **Other Provisions**

   (1) A Master Signage Plan shall be a part of any development plan, site plan, planned unit development or other plan required for development and may be processed simultaneously with such plan(s) and shall be approved prior to the issuance of any sign permit.

   (2) A Master Signage Plan may be amended by filing a new plan which conforms with all requirements of this Ordinance. Minor changes may be approved and noted by the Enforcement Officer on the existing plan.

   (3) After approval of a Master Signage Plan, no sign shall be erected, placed, painted or maintained except in conformance with such plan and such plan may be enforced in the same way as any other provision of this Ordinance. In case of any conflict between the provisions of such a plan and any other provision of this Ordinance, the Ordinance shall control.

   (4) An additional freestanding sign (See Figure 6.1.8.) in excess of the general limitation of one per frontage as shown in Table 6.1.5.1 will be approved provided:

      a. The lot frontage exceeds two hundred and fifty (250) linear feet.

      b. There is sufficient excess frontage to support the request for an additional sign based on the rates in Table 6.1.5.1. Note that if more than one sign is requested, there is no minimum area by right, and in no case shall the maximum area for a sign exceed two hundred (200) square feet.
c. Each sign shall be a minimum of one hundred (100) feet from any other freestanding sign on the same zone lot and one hundred (100) feet from any other freestanding sign on an adjacent zone lot that contains more than one (1) freestanding sign.

FIGURE 6.I.8. CRITERIA FOR ADDITIONAL FREESTANDING SIGNS

10. PERMITS TO CONSTRUCT OR MODIFY SIGNS

Signs shown as requiring a permit on Tables 6.I.5.1. and Tables 6.I.5.2. and billboards, shall be erected, installed or created only in accordance with a duly-issued and valid sign permit. Such permits shall be issued in accordance with the requirements and procedures of Article 3 Permits and Procedures.

11. SIGN CERTIFICATES

The owner of a lot containing signs requiring a permit under this Ordinance shall maintain a Sign Certificate or Nonconforming Sign Certificate for such sign(s). Sign Certificates and Nonconforming Sign Certificates shall be issued by the Enforcement Officer for individual signs on each zone lot.

(a) Signs Existing on Effective Date

(1) A Nonconforming Sign Certificate shall allow the sign to remain in place and be maintained indefinitely as a legal nonconforming sign subject to compliance with the following:

a. Normal maintenance of such sign shall be allowed including changing of copy, nonstructural repairs such as repainting or electrical repairs, and incidental alterations which do not increase the degree or extent of the nonconformity.

b. No structural alteration, enlargement or extension of such sign shall be allowed.

c. No relocation of such sign upon the premises shall be allowed.

d. If damage to such sign from any cause is less than fifty (50%) percent of either the original or replacement value, whichever is less, the sign may be rebuilt or repaired to its original condition in its original location and may continue to be displayed.

(2) The application for a Nonconforming Sign Certificate may include multiple signs on the same zone lot and shall contain the following:
Article 6: General Development Standards

a. A color print showing the entire sign(s) including any supporting framework;
b. Dimensions of the sign(s) including length, width, height, and area in square feet;
c. An elevation drawing with dimensions of the façade or wall area showing the location of any attached sign(s) in approximate scale; and
d. A site plan showing the location of all signs on the same zone lot including any setback or spacing measurements, if appropriate.

This information shall be certified as to its accuracy and completeness by the owner and/or occupant, whoever is in control of the sign(s).

(a) Signs Erected after Effective Date: For signs erected after the effective date of this Ordinance, a Sign Certificate shall be issued after approval of all inspections.

(b) Lapse of Sign Certificate or Nonconforming Sign Certificate: A Nonconforming Sign Certificate shall lapse automatically and the nonconforming sign shall be brought into compliance with this Section or removed if one of the following occurs:

(1) If such sign is damaged from any cause to an extent of fifty (50%) or more of either the original or replacement value, whichever is less;
(2) If there is a change in the sign such that a sign or electrical permit is required; or
(3) If the business activity on the premises is discontinued for a period of ninety (90) days or more.

(d) Assignment of Sign Certificate: A current and valid Sign Certificate or Non-conforming Sign Certificate shall be freely assignable to a successor as owner of the property or holder of a business license for the same premises, subject only to filing such application as the Enforcement Officer may require. The assignment shall be accomplished by filing and shall not require approval.

(e) Map Amendment or Text Amendment: Any sign that is made nonconforming by reason of zoning map amendment or any subsequent amendment to the text of this Section, shall be removed or brought into compliance as provided in Section 6.I.10.(a) Signs Existing on the Effective Date.

12. COMPLIANCE WITH THE ORDINANCE

(a) Removal of Signs: A sign for which a Certificate has lapsed, or has been revoked, or for which the time allowed for the continuance of a nonconforming sign has expired, shall be removed.

(b) Signs in Right-of-Way: Any sign installed or placed on public property or rights-of-way, except in compliance with this Sections or under an encroachment agreement with the North Carolina Department of Transportation, shall be forfeited to the public and be subject to confiscation.

(c) Obsolete Signs: Any sign which advertises a business no longer conducted on the premises shall be removed within ninety (90) days of cessation of such business.

(d) Unsafe Signs: Any sign which is unsafe or insecure, or is a menace to the public shall be removed after due notice by the Enforcement Officer has been given.

(e) Deteriorated or Abandoned Signs: Any sign which has been abandoned or which has not been properly maintained, to include cleaning and painting of painted surfaces and replacement of damaged parts, shall be removed after due notice by the Enforcement Officer has been given.

(f) Signs Installed without Permit: Any sign which has been installed in violation of the NC Building Code or in violation of this Ordinance shall be removed after due notice by the Enforcement Officer has been given.
13. **SUBDIVISION SIGNS**

(a) **Naming of the Development:** Development names shall not duplicate or closely approximate phonetically the names of existing subdivision, apartment complex, mobile home park, road, lanes, drives or street name, (whether said name is located on a private or public road, lane, drive or street) within the County, any cities within the County, or within 1 mile of an adjacent County. The use of a subdivision name with a numeral (example: Jones Subdivision I and Jones Subdivision II) shall be allowed only where the subdivisions are contiguous. Separate names shall be provided for non-contiguous subdivision under the same ownership. Naming of a Development shall be subject to approval by the Planning Board.

(b) **Traffic Control Signs:** The developer shall be required to provide traffic control signs as required by NC DOT. Traffic control devices may differ in material, but not in size, shape, color, or any other way from the requirements of uniform devices in the Manual of Uniform Traffic Control Devices as defined in North Carolina General Statutes Section 136-30(d). Non-standard street signs

(c) **Non-Standard Street Signs:** Approval of non-standard street signs internal to a neighborhood shall require approval by the Town and NC DOT. Maintenance and replacement of all non-standard signs shall be the responsibility of the owners association.

(d) **Maintenance:** Maintenance of signs on private drives or lanes shall be the responsibility of the owner or owner’s association, as appropriate.

(e) **Development Identification Signs (Subdivision Name Markers per NC DOT)**

1. The NC DOT Division of Highways reviews requests to erect development name markers on an individual basis.

2. Development identification signs may be allowed to be located within the State Highway System Secondary Road rights-of-way at the beginning of a development entry road provided the location of such is outside the line of sight and the normal maintenance limits.

3. The name markers may be approved only at locations which will not sacrifice safety to the general traveling public.

4. Approval to erect development name markers will be with the following understanding:
   a. All costs will be the responsibility of the requester.
   b. The NC DOT Division of Highways will not maintain the marker or the area around the marker.
   c. The markers may be removed if not properly maintained.
   d. The NC DOT Division Engineer may allow the development name markers on secondary road rights-of-way after review on an individual basis.
   e. If non-breakaway design, a 30-foot set back from the edge of pavement of the existing state maintained road is required.

14. **OTHER SIGNS**

No signs shall be allowed in a road right-of-way or safe sight distances; except those approved by the NCDOT and the Town of Summerfield. No billboards or other off-site signs shall be permitted.

(a) **911 Address Number Required To Be Posted**
Each lot shall be clearly numbered with a permanent monument or marker at the intersection of the front lot line and the road right-of-way and must be clearly visible from the road at all times. The house number shall be readily identifiable by emergency personnel and inspectors. The number shall be at least 4 inches in height and the use of script in lieu of numeric characters is specifically prohibited.

1) A temporary sign may be used during construction, provided said sign can not be rendered unreadable by the weather and must be visible at all times from the road. The developer shall be responsible for maintaining the numbering on the lot until final occupancy is granted.

2) Each structure within a subdivision shall be clearly numbered on the structure.

3) No structure within a subdivision may be occupied until Section 423.1 and 423.3 have been met.

4) The owner shall be responsible for maintaining the numbering on the structure and the monument or marker at all times.

5) For the purposes of mail delivery, all mail receptacles shall be have the structure or dwelling number posted in numerals at least two inches in height and the use of script in lieu of numeric characters is specifically prohibited. The owner shall be responsible for maintaining the numbering at all times.

K. OUTDOOR SALES, DISPLAY, AND STORAGE

1. PURPOSE:

The intent of this Section is to provide for the appropriate location and design of outdoor sales, display, and storage areas and to mitigate any adverse impacts that such uses may have on adjacent properties and rights-of-way.

(a) Outdoor Sales and Display. Outdoor sales and display shall be permitted only when the following requirements of this Section are met:

(1) Outdoor sales and display shall only be permitted within an area not greater than eight hundred (800) square feet or ten (10) percent of the gross floor area of the ground floor of the building, whichever is greater, and shall be located at least twenty-five (25) feet from any residentially used or zoned property.

(2) When outdoor sales and display occurs within twenty-five (25) feet of a public right-of-way, item(s) shall not exceed five (5) feet in height and shall be completely screened from view from the public right-of-way.

(3) Stacked items located less than 50 feet from a public right-of-way shall not exceed 5 feet in height. Any material within 3 feet of any building entry shall not exceed 3.5 feet in height.

(4) Vending and ice machines shall be permitted outside of the building when located against and parallel to the building facade. Vending machines shall include newspaper, beverage, food, or snack dispensers.

(5) Outdoor sales and display of items shall be located on a hard and durable surface.

(6) Any area proposed to be used for outdoor sales and display in accordance with this Section shall be accurately delineated on applicable site or development plans.
(7) No outdoor sales and display shall be allowed in areas set aside, required, or designated for driving aisles, driveways, maneuvering areas, emergency access ways, off-street parking, or unloading/loading.

(8) Outdoor sales and display items, including newspaper boxes, shall not be located on sidewalks in the public right-of-way. Such items shall be permitted on privately owned walks or other areas intended for pedestrian movement provided an unobstructed, continuous path with a four (4) foot minimum width is maintained.

(9) Items for outdoor sale and display shall be completely screened from view from any abutting residentially zoned or used property.

(10) No outdoor sales, storage or display areas shall be located in any the sight distance triangle or located in any manner that would restrict or limit adequate sight distances for interior vehicular traffic movement.

(11) One additional parking space shall be required for each 500 square feet of outdoor sales and display area.

(12) Any outdoor display or sale item located outdoors in a manner constituting a sign must conform to the appropriate sign ordinance or regulations.

(13) Outdoor sales and display shall only be accessory to a principal nonresidential use that conducts most of its activities within a completely enclosed building or group of buildings, shall be conducted by employees of the principal use, and shall be owned by the owner of the principal use and not a consignment operation or arrangement.

(b) Outdoor Storage All outdoor storage shall be permitted only when with the following requirements: have been met:

(1) Outdoor storage shall be limited to those areas designated for employees only and made inaccessible to the general public by means of a fence, wall or other permanent, secured enclosure or in areas that are set back a distance of not less than 50 feet from any public building entry, parking lot, pedestrian facility or similar publicly used area.

(2) Outdoor storage shall not occur within 25 feet of any public right-of-way.

(3) Outdoor storage shall be screened from view from any abutting property.

(4) Outdoor storage of new or used tires shall meet the following standards:

   (a) Tires shall be stored in compliance with applicable public health regulations.

   (b) Outdoor tire storage shall not occupy an area greater than 300 square feet.

   (c) Tires stored outside shall be neatly stacked; no stack shall be higher than 8 feet.

(5) All items stored outside shall be placed on a hard and durable surface.
(6) Outdoor storage may be located on privately owned walks or other areas intended for pedestrian movement provided an unobstructed, continuous path with a four (4) foot minimum width is maintained.

(7) No outdoor storage shall be located in the sight distance triangle or located in any manner that would restrict or limit adequate sight distances for interior vehicular traffic movement.

(8) Any storage item located outdoors in a manner constituting a sign must conform to the appropriate sign ordinance or regulations.

(c) Exemptions. The following uses are exempt from the requirements set forth in Section A and B of this Part:

(1) Areas designated for the outdoor sale, display or storage of plant material including live plants, fruits and vegetables and seasonal holiday related plant materials such as Christmas trees and pumpkins. This exemption does not include rock, mulch, pavers, building and landscape materials, and lumberyards.

(2) Sale or display for automobile, boat and similar passenger and recreational vehicles, farm equipment, or truck/trailer rentals which have met applicable requirements as set forth in these Regulations and all other applicable laws, rules, and regulations.

(3) Retail operations that occur under a permanent canopy structure attached to the principal structure on the lot.

2. OUTDOOR STORAGE IN IND

A. Outdoor Storage All outdoor storage shall be permitted only when with the following requirements: have been met:

(1) Outdoor storage shall be limited to those areas designated for employees only and made inaccessible to the general public by means of a fence, wall or other permanent, secured enclosure or in areas that are set back a distance of not less than 50 feet from any public building entry, parking lot, pedestrian facility or similar publicly used area.

(2) Outdoor storage shall not occur within 25 feet of any public right-of-way.

(3) Outdoor storage shall be screened from view from any abutting property.

(4) Outdoor storage of new or used tires shall meet the following standards:

(a) Tires shall be stored in compliance with applicable public health regulations.

(b) Outdoor tire storage shall not occupy an area greater than 300 square feet.

(c) Tires stored outside shall be neatly stacked; no stack shall be higher than 8 feet.

(5) All items stored outside shall be placed on a hard and durable surface.

(6) No outdoor storage shall be located in the sight distance triangle or located in any manner that would restrict or limit adequate sight distances for interior vehicular traffic movement.
(7) Any storage item located outdoors in a manner constituting a sign must conform to the appropriate sign ordinance or regulations.

L. PERFORMANCE AND MAINTENANCE GUARANTEES

1. PERFORMANCE GUARANTEES (CONSTRUCTION ASSURANCES)

(a) General

A performance guarantee in accordance with the standards in this section shall be required in the following circumstances, provided it is determined that the property may be safely occupied and used pending the completion of the required improvements.

(1) To ensure the completion of required infrastructure and site improvements that have not been determined to be complete and approvals have not been received prior to the submittal of the Final Plat;

(2) To ensure completion of infrastructure and site improvements (other than landscaping) that are required as part of an approved Site Plan (e.g., sidewalks, exterior lighting), but are not installed before application for a Certificate of Occupancy (Section 3.B.13)—provided that the property may be safely occupied and used pending the delayed installation of the improvements; and

(3) To ensure completion of required landscaping that has not been determined to be complete and approvals have not been received prior to a request for a Certificate of Occupancy

(b) Form of Performance Guarantee

(1) Where required, the developer shall guarantee the completion of the required improvements by means of a bond with surety or other guarantees satisfactory to the Town Attorney and Town Manager, as listed below, (to be held by the Town Manager) in an amount equal to one hundred and fifty (150) percent of the estimated cost of the required improvements

a. Cash deposit with the Town;

b. Certified check from a North Carolina lender based upon a cash deposit, in a form acceptable to the Town Attorney;

c. Irrevocable letter of credit from a North Carolina banking institution in a form acceptable to the Town Attorney; or

d. Surety bond from a North Carolina surety bonding company in a form acceptable to the Town Attorney.

(2) The performance guarantee shall be conditioned on the performance of all work necessary to complete the installation of the required improvements within the term of the performance guarantee. Said term shall be proposed by the developer and subject to the approval of the Town Manager. Performance guarantees shall provide that in case of the owner’s or developer’s failure to complete the guaranteed improvements, the Town shall be able to immediately obtain the funds necessary to complete installation of the improvements.

(c) Amount of Performance Guarantee

(1) Performance guarantees for required improvements shall be in an amount equal to 150 percent of the estimated full cost of completing the installation of the required improvements, including the costs of materials, labor, and project management

(2) Estimated costs for completing installation of required infrastructure and site improvements shall be itemized by improvement type and certified by the owner’s or developer’s licensed design professional, and are subject to approval by the Town Manager.
(d) **Requirements for Release or Reduction**

The Town Manager shall release or reduce a performance guarantee only after:

a. Submittal of certification by the owner's or developer's licensed design professional, that installation of the guaranteed improvements has been completed in accordance with approved plans and specifications;

b. All installations have been completed, inspected and approved, and as-built drawings and approvals have been received and submitted to the Town.

c. The owner or developer has reimbursed the Town for all costs associated with conducting any inspection that finds the guaranteed improvements have not been installed in accordance with approved plans and specifications;

d. The owner or developer has provided lien releases from all contractors, and

e. The owner or developer has provided the Town Manager any required maintenance guarantee for the same public infrastructure improvements.

(2) **Releases Shall Be Documented**

The Town shall provide written notice of the Town's final acceptance of the required infrastructure and/or site improvements.

(e) **Term of Performance Guarantees**

The term of a performance guarantee shall reflect any time limit for completing installation of required improvements but in any case, the term shall not exceed one year. The developer may request an extension of time to complete the improvements where good cause is shown for the delay in completion and where substantial progress has been shown. Such requests are subject to the approval of the Town Manager and subject to the approval of the assurance provider of the term extension and provided such extension is approved prior to default. The Town Manager may require the amount of the performance guarantee be updated to reflect cost increases over time.

(f) **Default and Forfeiture of Performance Guarantee**

(1) **Improvements to be Completed 45 Days Before Guarantee Expires**

All developments whose improvements are not completed and accepted 45 days prior to the expiration of the financial guarantee shall be considered in default.

(2) **Notice of Failure to Install or Complete Improvements**

The Town Manager shall give the owner or developer a written notice of the default by certified mail. Failure of the developer to respond within 30 days to either complete the improvements or to submit a request for an extension will result in forfeiture of the surety or bond.

(3) **Town Completion of Improvements**

After the 30-day notice period expires, the Town may draw on the security and use the funds to perform work necessary to complete installation of the guaranteed improvements. After completing such work, the Town shall provide a complete accounting of the expenditures to the owner or developer and, as applicable, refund all unused security deposited, without interest.

2. **MAINTENANCE GUARANTEES**

(a) **General**
A maintenance guarantee in accordance with the standards in this section is required in the following circumstances:

1. To ensure against defects in workmanship or materials in required public infrastructure improvements or Site Plan (Section 3.B.5.(e); and

2. To ensure the survival and health of replacement trees and other landscape materials required in accordance with Section 6.E.4.(r) Maintenance, during an establishment period.

(b) Term of Maintenance Guarantees

1. The term of a maintenance agreement for required infrastructure and site improvements shall be one year from the date of acceptance.

2. The term of a maintenance guarantee for replacement trees and other landscape materials, as required, shall be one year from the date of acceptance.

(c) Form of Maintenance Guarantees

1. Where required, the owner or developer shall furnish a maintenance guarantee for the provision of required landscaping in any of the following forms, or other form acceptable to the Town Attorney:
   a. Cash deposit with the Town;
   b. Certified check from a North Carolina lender based upon a cash deposit, in a form acceptable to the Town Attorney;
   c. Irrevocable letter of credit from a North Carolina banking institution in a form acceptable to the Town Attorney; or
   d. Surety bond from a North Carolina surety bonding company in a form acceptable to the Town Attorney.

2. The maintenance guarantee shall be conditioned on the performance of all work necessary to maintain required infrastructure and site improvements, and required trees and landscaping during the term of the maintenance guarantee, including work needed to replace dead, diseased, or significantly damaged trees and landscape materials. Maintenance guarantees shall provide that in case of the owner’s or developer’s failure to maintain and repair or replace required trees and landscaping during the term of the maintenance guarantee, the Town shall be able to immediately obtain the funds necessary to make necessary repairs or replacements.

(d) Amount of Maintenance Guarantees

1. Maintenance guarantees shall be in an amount up to 10 percent of the full actual cost, including the costs of materials and labor, of installing the required infrastructure and site improvements and required trees and landscaping.

2. Actual costs for installing required infrastructure and site improvements shall be itemized by improvement type and certified by the owner’s or developer’s licensed design professional. Actual costs for installing required trees and landscaping shall be itemized and certified by the owner’s or developer’s design professional or landscape contractor.

(e) Release of Maintenance Guarantees

The Town Manager shall release a maintenance guarantee at the end of the term of the maintenance guarantee only after Town staff has performed an inspection of the infrastructure, site improvements or required landscaping and certified in writing that the guaranteed infrastructure improvements have been maintained in accordance with approved plans and specifications or that the guaranteed landscape...
improvements have been maintained in a healthy state or replaced with new trees and landscaping meeting required standards.

(f) Default and Forfeiture of Guarantee

(1) Improvements to be Completed 45 Days Before Guarantee Expires

All developments whose improvements have not been maintained and/or replaced and approved by the Town Manager 45 days prior to the expiration of the performance guarantee shall be considered in default.

(2) Notice of Failure to Maintain Improvements or Replacement Trees

If the owner or developer fails to maintain the guaranteed infrastructure improvements or required trees and landscaping during the term of the performance guarantee, the Town Manager shall give the owner or developer 30 days written notice of the default by certified mail.

(2) Town Correction of Defects or Replacement of Trees

After the 30-day notice period expires, the Town shall draw on the security and use the funds to perform work necessary to ensure the guaranteed infrastructure improvements comply with approved plans and specifications. Such funds may also be used to replace any dead, diseased, or significantly damaged trees or landscaping—as determined by a landscape architect or landscape contractor of the Town’s choosing. After completing such work, the Town shall provide a complete accounting of the expenditures to the owner or developer and, as applicable, refund all unused security deposited, without interest.
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ARTICLE 7: SUBDIVISION STANDARDS

A. GENERALLY

1. PURPOSE
The purpose of this Ordinance is to establish procedures and standards for the development and subdivision of land within the Town of Summerfield. It will provide orderly growth and development by regulating and guiding the establishment of County subdivisions. It will provide for the coordination of proposed subdivision roads with existing or planned roads, highways, and with other public facilities; for the dedication of or reservation of right-of-way easements for roadway and utility purposes including the dedication of right-of-way pursuant to N.C.G.S. 136.66.10 or N.C.G.S. 136.66.11; and for the distribution of population and traffic in a manner that will avoid congestion and overcrowding and will create conditions essential to public health, safety and welfare. It is to protect the environment and to promote the development of an economically sound and stable community.

2. JURISDICTION
These regulations shall govern the establishment of each and every new Subdivision and the alteration or expansion of existing Subdivisions lying within the jurisdiction of the Town of Summerfield.

3. AUTHORITY
The Town of Summerfield hereby exercises its authority to adopt and enforce a Subdivision Ordinance under the provision granted by the provisions of the General Statutes of North Carolina, Chapter 160A - 371.

4. APPLICABILITY
(a) General
All proposed subdivisions, including group developments, shall comply with these standards, shall be designed to promote beneficial development of the community, and shall bear a reasonable relationship to the approved plans of the Town.

(b) 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.

(c) Development Name
In no case shall the name of a proposed development duplicate or closely approximate phonetically the name of an existing development in Guilford County.

B. GENERAL PROVISIONS

1. DEFINITION OF SUBDIVISION AND EXEMPTIONS
(a) “Subdivision” defined
For purposes of this ordinance, the term subdivision shall mean the division of a tract or parcel of land into (2) or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future), and includes all division of land involving the dedication of a new street or a change in existing streets; however, the following are not included within this definition of a subdivision and are not subject to any subdivision approval regulations in this ordinance:
(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; and no non-conformities are created.

(2) The division of land into parcels greater than ten (10) 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 streets; and

(4) The division of a tract in single ownership, the entire area of which is not greater than two (2) acres into not more than three (3) lots, if no street right-of-way dedication is involved, and if the resultant lots are equal to or exceed the standards of this Ordinance.

(b) Certification of Exemption

In accord with State law, no map or plat showing a division of land within the Town of Summerfield's planning jurisdiction may be recorded with the Register of Deeds unless and until the Subdivision Administrator has certified that the map or plat is a subdivision approved in accord with this Ordinance or is exempt from this Ordinance's subdivision approval regulations.

Persons who contemplate divisions of land, which are exempt from this Ordinance are urged to consult with the Town Manager to confirm that the proposed division is indeed exempt from the subdivision approval regulations of this ordinance. The purpose is to protect the interests of future owners, the public, and to ensure that any lots or building sites that are created can be used or developed under other applicable State and local laws.

If the Town Manager determines that such a map or plat intended to be presented to the Register of Deeds for recording does not fall within this Section's definition of "subdivision," and thus is not subject to the subdivision approval regulations of this Ordinance, he shall affix the following certificate to the map or plat:

I, __________________________________________ Town Manager for the Town of Summerfield, certify that this plat does not create a subdivision subject to the subdivision approval regulations of the Town of Summerfield.

Town Manager ______________________________ Date ___________________

(c) Exemption Ruling of the Town Manager Appeal

If the owner of the property does not agree with any exemption ruling of the Subdivision Administrator, he may appeal the decision to the Board of Adjustment. The appeal shall be submitted to the Planning Department and shall be scheduled, subject to filing deadlines, to be reviewed at the next regular meeting of the Board of Adjustment.

(d) Prohibited Acts

(1) After the effective date of this ordinance, no person shall create a subdivision or transfer or sell land by reference to, exhibition of, or any other use of a plat showing a subdivision unless the subdivision has been approved, created, and recorded as provided herein. The description of 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 ordinance.
(2) From the effective date of this ordinance, the Register of Deeds shall not record a plat of any subdivision or division of land unless the final plat has been approved as provided herein and until this approval is entered in writing on the face of the plat by the authorized representative of the Town or the Town Manager has certified that the division is exempt from the subdivision approval regulations.

(3) The Review officer, pursuant to G.S. 47-30.2, shall not certify a plat of a subdivision of land located within the territorial jurisdiction of the county that has not been approved in accordance with these provisions and until this approval is entered in writing on the face of the plat by the authorized representative of the county or until the Subdivision Administrator has certified that the division is exempt from the subdivision approval regulations. The clerk of superior court may not order or direct the recording of a plat if the recording would be in conflict with this section. No officer or agency of the County may issue permits for the construction of any building or structure until the subdivision has been approved, created, and recorded as provided herein.

(e) Compliance
Prerequisite to Plat Recordation after the effective date of this ordinance, each subdivision plat of land within the Town’s jurisdiction shall be developed, submitted, reviewed and approved in accordance with this Ordinance by the Town of Summerfield County Planning Board, or shall be certified as exempt by the Subdivision Administrator in accordance with Section 201.10, prior to recording in the Register of Deeds office.

(f) Interpretation.
In the interpretation and application of this ordinance all provisions shall be considered as minimum requirements and deemed neither to limit nor repeal any other powers granted under state statutes.

(g) Warning and disclaimer of liability.
The degree of regulation required by this ordinance is considered reasonable for regulatory purposes and is based on many considerations. This ordinance shall not create liability on the part of the Town of Summerfield or by any officer or employee thereof for any damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

(h) Abrogation and greater restrictions.

(1) This adoption and implementation of 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 or other Town of Summerfield Ordinances. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(2) The following may impose additional regulations for land and structures located in the Town of Summerfield and are hereby adopted and incorporated into this ordinance by reference as though it was copied herein fully. However, where this ordinance and another regulation conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

i. The North Carolina State Building Code, as adopted by the Building Code Council and enforced by State and local code enforcement officials, and including all volumes.

ii. The National Manufactured Home Construction and Safety Standards.

iii. The National Flood Insurance Program

iv. The Water Supply Watershed Protection Programs
The following agencies may impose additional regulations for land and structures located in the Town of Summerfield and are hereby referenced. However, where this ordinance and another regulation conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

i. The North Carolina Department of Transportation.
ii. The North Carolina Department of Human Resources, Environmental Health Division and the Guilford County Department of Public and Environmental Health.
iv. Other Federal or State Agencies

Other approval required.

The granting of an approval under the provisions of this Ordinance shall in no way affect any other type of approval required by any other statute or ordinance of the State or any political subdivision of the State, or of the United States, but shall be construed as an added requirement.

Nothing in this ordinance shall be deemed to require any change in the plans, construction or designated use of a building or structure where a building permit was secured prior to the adoption of this ordinance, so long as said building permit remains valid.

Waivers

Where in its opinion a waiver will result in equal or better performance in furtherance of the purposes of this Ordinance, or where strict adherence to the provisions of this Ordinance would cause an unnecessary hardship due to topographical or other conditions peculiar to the site, or where through an unintentional error by the applicant, his agent, or the reviewing staff, there is a minor violation of a standard in this Article, where such violation is not prejudicial to the value or development potential of the subdivision or adjoining properties, the Board of Adjustment may approve waivers to standards in this Ordinance, if such waiver can be made without destroying the intent of the ordinance. In granting waivers, the approval authority may require such conditions as will secure, insofar as practicable, the purposes of the standards or requirements waived.

Zoned Areas and Other Plans

Development shall be permitted only in conformance with the regulations of the zoned district in which it is located, and any other Town of Summerfield plans.

Existing Subdivision

The standards within this ordinance that apply to the development of new subdivisions shall not apply to any existing lots in a subdivision for which a building permit has been issued or prior to the effective date of this ordinance and has not expired; or for which an occupancy permit has been issued provided the subdivision plat has been recorded with the Guilford County Register of Deeds prior to the effective date of this ordinance. Changes to such a lot after the effective date of this ordinance including, but not limited to, lot size, lot location, lot configuration or lot lines shall be in conformance with this ordinance.

The standards within this ordinance that apply to the development of new subdivisions shall not apply to any lots forming a part of a subdivision which has recorded a subdivision plat with the Guilford County Register
of Deeds prior to the effective date of this ordinance; except changes to such lots after the effective date of this ordinance including, but not limited to, lot size, lot location, lot configuration or lot lines shall be in conformance with this ordinance.

The adoption of this Ordinance shall not be interpreted as permission to continue or initiate any unsafe or unhealthy practices, nor shall it be interpreted to relieve the owner of any responsibility to comply with other existing ordinances or regulations of any regulatory authority. Any legal action pending as a result of non-compliance with any existing ordinance or regulation shall not be interpreted to be affected by the adoption of this Ordinance.

If the plat of a subdivisions has been recorded with the Guilford County Register of Deeds, but has not been developed it may be necessary to revise or re-plat the subdivision or portions of the subdivision where State law, State regulation or public health laws have changed since the time of recording.

Subdivisions which have not been recorded with the Guilford County Register of Deeds Office or phases of a subdivision which have not been recorded with the Guilford County Register of Deeds Office at the time of the adoption of this Ordinance shall not be recorded unless the subdivision or phase of a subdivision meets fully the requirements set forth in this Ordinance and any amendments thereof;

(M) SCHOOL SITES ON LAND USE PLAN (RESERVED)

(N) PENALTIES FOR VIOLATION

After the effective date of this ordinance, any person who, being the owner or agent of the owner of any land located within the territorial jurisdiction of this ordinance, thereafter subdivides his 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 the terms of this ordinance and recorded in the office of the Guilford County Register of Deeds, shall be guilty of a Class 1 misdemeanor. The description by metes and bounds in the instrument of transfer or the document used in the process of selling or transferring land shall not exempt the transaction from this penalty. The Town through its attorney or other official designated by the Town of Summerfield Town Council may bring an 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 this ordinance.

Each day such violation continues shall be considered a separate and distinct offense. Nothing herein contained shall prevent the Town of Summerfield from taking such other lawful action as is necessary to prevent or remedy any violation.

(O) Authorization to Proceed Required

An Authorization to Proceed shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities. An Authorization to Proceed shall be construed as permission to proceed with work and not as authority to violate, cancel, alter, or set aside any of the provisions of this ordinance or any regulations included by reference. Issuance of an Authorization to Proceed shall not prevent the Planning Department or Inspection Department from thereafter requiring correction of errors in plans, construction or violations of this ordinance.
C. REQUIRED PUBLIC IMPROVEMENTS

1. INSTALLATION OF REQUIRED PUBLIC IMPROVEMENTS

All required public improvements shall be installed prior to the approval of a Final Plat in accordance with the standards in this Ordinance. The developer may request permission to post a performance guarantee where improvements have not been completed with good cause. The following requirements for improvements shall be fulfilled before a final plat shall be reviewed or approved.

(a) Monuments

Permanent monuments shall be installed at all points of intersection, points of curvature and points of tangency of all outside boundary lines of the plat and along all street lines, including the intersection of boundary lines with street lines and at such other points and to such specifications as may be required by North Carolina General Statutes Section 47-30 as amended in accordance with good engineering practice.

(b) Streets

Whenever a tract to be subdivided includes or adjoins any part of a thoroughfare or collector street as designated by the Thoroughfare Plan or Collector Street Plan, the part of such proposed public right-of-way shall be dedicated to public right-of-way with the subdivision plat in the location and to the width recommended by the plans or this Article.

All streets in the subdivision shall be constructed by the developer to the full width and to the cross section and profile as prescribed in Section 6.A, Street Standards.

(c) Sidewalks

(1) In any subdivision located within the jurisdiction of the town, sidewalks shall be constructed of concrete or other approved surface in accordance with the standards for sidewalks in Section 6.B Sidewalks and Trails.

(2) The developer is required to pay the entire cost of sidewalks within the development. Payment in-lieu of sidewalk construction may be considered in accordance with Section 6.B.6.(c) Payment in Lieu for Trails and Sidewalks.

(d) Trail Facilities

(1) In any subdivision located within the jurisdiction of the town, trail facilities shall be installed in accordance with the standards set forth in Section 6.B Sidewalks and Trails.

(2) The developer is required to pay the entire cost of trail facilities as part of road improvements within the development. Payment in-lieu of trail construction may be considered in accordance with Section 6.B.6.(c) Payment in Lieu for Trails and Sidewalks.

(e) Storm Sewers and Stormwater Management Features

Storm sewers, drains and stormwater management structures shall be installed by the developer and shall be installed of a size and type and in locations so as to provide for the disposal of surface water, in order of preference: (1) as recharge to the groundwater table or (2) into a natural watercourse. Standards for such facilities are set forth in Article 9, Sections A. through E.
(f) No Construction of Improvements until Plan Approval

Street, sidewalk, utility and other required improvements may not be installed until construction plans for such improvements have been reviewed and approved. Construction plans for all required improvements shall be submitted to the Town Manager following Preliminary Plat approval. For each subdivision section, where the subdivision is to be built in phases, construction plans shall include all improvements lying within or adjacent to that phase as well as related improvements lying outside that phase that and being required to serve that phase.

(g) Inspection of Required Improvements

Work performed pursuant to Construction plans for required improvements shall be inspected and approved by the Town Manager, or an authorized representative, before the Final Plat may be approved, or a performance guarantee for their construction has been approved.

D. SUBDIVISION LOT STANDARDS

1. SUBDIVISION LOTS GENERAL

(a) Every lot created shall be capable of meeting the standards of this ordinance. Every lot created shall be usable by virtue of size, soil type, topography, access to public roads, water, sewage and solid waste disposal.

(b) Every lot created shall have an assured water supply and shall either have access to a public sewer or shall have the ability to sustain a septic tank system including its drainage fields and replacement drainage fields.

(c) Every lot created shall have permanent direct access to a public road. No lot shall be created that is landlocked or that does not have permanent ingress or egress to the property.

(d) All lots in new subdivisions shall conform to the zoning requirements of the district in which the subdivision is located.

(e) Where two or more existing contiguous lots in one ownership form a buildable lot, where individually they do not, the lots shall be combined or recombined into one lot prior to the issuance of any permits.

(f) Lots shall meet all applicable Guilford County Health Department requirements.

(g) Double frontage lots may be allowed where a permanent access restriction along the entire length of the second road frontage shall be recorded on the final plat. Grading and or landscaping shall be such that casual access on the second frontage is discouraged.

(h) Every lot shall be appropriately sized for the use proposed.

(i) No lot shall be created which contains a private access easement to another lot or adjoining property.

(j) Corner lots shall be of sufficient size to allow front yard setbacks on both sides adjacent to roads; except corner lots where one side is adjacent to an exterior street.

(k) For the purposes of determining the size of a lot, the net area will be used. The net area calculations shall not include road right-of-ways, private roads, access easement and other similar uses or easements which do not allow use of the land for other purposes (such as the location of a house or a drainage field for example).
(l) Lots shall not contain peculiarly shaped elongations or protrusions, solely to provide necessary square footage of area which would be unsuitable for normal purposes.

2. **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 existing ordinances of the Town and other requirements of this Ordinance;

3. **OVERSIZED LOTS / LARGE LOT CONFIGURATIONS TO SUPPORT FUTURE DEVELOPMENT**

   Whenever a subdivision includes one or more lots of such size that they may eventually be re-subdivided into smaller lots, the developer may be required to dedicate right-of-ways for future roads to provide access to areas of potential re-subdivision. The Planning Board may allow such dedication to be waived where irreversible deed restrictions prohibiting such re-subdivision have been or will be recorded with the final plat.

   (a) **Minimum Building Area:** Every lot shall have at least forty (40%) percent of its total area contiguous buildable area of a shape sufficient to hold a principal building. Said area shall lie at an elevation at least two (2) feet above the one-hundred-year flood elevation.

   (b) **Lot Depth to Width Ratio:** No lot shall have a depth greater than four (4) times the width at the minimum building line. Width shall be based on the average width of the lot.

   (c) **Side Lot Line Configuration:** Insofar as practical, side lot lines shall be at right angles to straight street lines or radial to curved street lines; except where natural topography would dictate otherwise.

   (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 or water courses.

4. **SUBDIVISION OF EXISTING LOTS OR REDUCTION IN LOT SIZE:**

   (a) No subdivision of an existing lot or lots shall be allowed where a well, septic tank, drainage field or replacement drainage field would be separated from the structure it serves.

   (b) No existing lot shall be reduced in size such that compliance with respect to any development, health or safety requirements cannot be met. Nor shall any nonconformity or violation be increased.

   Note: For lots with existing septic tanks - Evaluations of lots for septic tank installation are based on the size, configuration and soil types of the existing lot. Changes to this lot size or configuration could render the evaluation and subsequent permit invalid.

   (c) Where two or more existing contiguous lots in one ownership form a buildable lot, that buildable lot shall not be reduced in size such that compliance with respect to any development, health or safety requirements cannot be met. Nor shall any nonconformity or violation be increased.

   (d) Exemption to b) and c) of this subsection. These prohibitions shall not apply if the lot size is reduced as a direct result of an acquisition or condemnation proceeding by the county, the city or the state.

   (e) No subdivision of an existing lot or lots shall be allowed where an existing structure would lie on parts of two or more lots.
5. **LOTS ON THOROUGHFARES:**
Major subdivisions shall not be approved that permit individual residential lots to access thoroughfares, as shown on the adopted thoroughfare plan.

6. **DETERMINING BUILDING SETBACKS.**
Conventions for determining the location of front, side, and rear yard building setbacks are described in Article 11 Definitions.

7. **ACCESS TO LOTS AND DRIVEWAYS**
   (a) All driveways and driveway entrances shall conform to the NCDOT “Policy on Street and Driveway access to NC Highways for that portion within the public right-of-way. Driveways and driveway entrances onto approved private roads shall require Town of Summerfield approval.
   (b) No building permit shall be issued for a principal non-residential structure within a subdivision until evidence of an approved driveway permit has been submitted.
   (c) No certificate of occupancy shall be issued for a principal non-residential structure within a subdivision until evidence of approved driveway construction has been submitted.
   (d) No lot shall be created that is landlocked or that does not have permanent ingress or egress to the property.
   (e) Adequate access shall be provided to each lot, with a minimum driveway width of twenty (20) feet unless more is deemed necessary because of topographical conditions or street curvature. There shall be a minimum of 20 feet between driveways; except that two properties may share a driveway centered on the shared property line.
   (f) All driveways crossing known special flood hazard areas shall be elevated at or above the base flood elevation to permit access to property during times of flooding. Lots where driveways are located within a Special Flood Hazard Area shall make provisions for access to the property during times of flooding prior to obtaining any development permits.
   (g) The size of driveway culverts allowed in a right-of-way shall be based on calculation regarding the amount and velocity of flow of storm water in the channel. The minimum size driveway culvert shall be fifteen inches in diameter. The ponding of additional storm water in a right-of-way, on individual property or the diversion of additional storm water to an adjoining property is expressly prohibited.

8. **ACCESS REQUIREMENTS FOR LOTS, INCLUDING EXEMPTIONS**
All lots must have public street access and frontage meeting the requirements set forth in Article 4, Zoning. Access and frontage exceptions may be approved only in accordance with the following.
Figure 7.D.8. (a) Flag Lot.

Flag lots may be approved in accordance with the following requirements:

1. A Flag Lot shall serve only one single-family dwelling and its approved accessory structures; No flag lot shall be further subdivided at any time.
2. No more than one flag lot can be created from the parent tract of land.
3. The minimum separation between the access for a flag lot and any other platted access or right-of-way shall be one-hundred and fifty (150) feet;
4. The maximum flagpole length shall be three hundred (300) feet;
5. The minimum flagpole width shall be twenty-five (25) feet;
6. The maximum lot size in areas with public sewer shall be one (1) acre;
7. The maximum lot size without public sewer shall be three (3) acres. For lots located in the Watershed Critical Area Tier 2 without public sewer, the minimum lot size shall be five (5) acres and the maximum shall be ten (10) acres.

Option to maximum - allow larger size, but must meet the following conditions

1. The flag width shall be increased to sixty feet
2. The flag portion shall have common ownership with parent tract and new owner.

6. The flagpole portion of lot shall not be used to calculate area, width, depth, coverage and setbacks of the lot or to provide off-street parking;
a. Where public water is available, any building on the flag lot must be within five hundred (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;

b. Where public sewer is available, occupied buildings on the flag lot shall have a gravity service line, or the sewer pump requirement shall be noted on the plat; and

c. 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

(b) Lots served by Exclusive Access Easements: Figure 7.D.8.(b)

Lots served by an exclusive access easement may be approved in accordance with the following requirements:

1. An Exclusive Access Easement shall serve only one single-family dwelling and its uninhabited accessory structures;

2. Lots to be served by an Exclusive Access Easement shall not be created in an area served by public water or sewer or within any extraterritorial jurisdiction;

3. The minimum lot size shall be three (3) acres; for lots located in the Watershed Critical Area Tier 2 without public sewer, the minimum lot size shall be five (5) acres.

4. The minimum easement width shall be twenty-five (25) feet;

5. The minimum easement length shall be three hundred (300) feet;

6. The minimum separation between easement and any other platted access or right-of-way shall be one-hundred and fifty (150) feet;

7. The location of the easement must be recorded on a plat; and

8. The Exclusive Access Easement shall permit ingress, egress, and regress and necessary utilities required to serve the lot.

9. No private access easement shall be approved within a special flood hazard area unless the easement is constructed at or above base flood elevation.

10. No flag lot can be further subdivided at any time.

11. One exclusive access easement per parent tract may be approved. Subsequent lot creation will comply with all subdivision regulations.
Article 7: Subdivision Standards

Town of Summerfield, NC
March 2014 Draft
Development Ordinance

E. UTILITIES

1. GENERAL
Water, sewer, electrical, gas, television and telephone utilities must be approved in accordance with Article 5, Use-Specific Development Standards for Minor Utilities. Community wells and sewage treatment systems are permitted and encouraged as a means of promoting compact development within surrounding open space. Community wells and sewage treatment systems must be approved, installed and maintained in accordance with State and/or County requirements. The areas designated for community wells and sewage treatment systems shall be indicated on the Preliminary Plat and Final Plat.

2. WATER AND SEWER CONNECTIONS
(a) Connection of each lot to public water and sewer utilities shall be required if the proposed subdivision is within three hundred (300) feet of the nearest adequate lines of a public system, provided that no geographic or topographic factors would make such connection infeasible.

(c) Other Exceptions to Lot Access Requirements
Other situations in which direct access from a lot to a street is not required are:

(1) Lots and units located in developments with Owner’s Associations or group developments in which permanent access is guaranteed by means of approved private street and/or drives.

(2) Lots located on approved private lanes which are platted and recorded pursuant to the provisions of this Ordinance.

(3) Lots of record provided there is recorded access and the use is limited to only one single-family dwelling and its uninhabitable accessory structures.
Article 7: Subdivision Standards

(b) Where public sewer is not available, lots shall be evaluated in accordance with Laws and Rules for Sewage Treatment and Disposal Systems, Article 11 of NCGS Chapter 130 A.

(c) Approval of the Environmental Health Division, the North Carolina Department of Environment and Natural Resources, or a Soil Scientist shall be obtained before Preliminary Plat approval or the Preliminary Plat approval shall be conditional pending approval of septic systems for each lot.

3. UNDERGROUND UTILITIES

Electrical, television cable, and telephone utility lines shall be installed underground unless there are physical restraints preventing such installation.

4. UTILITY EASEMENTS

(a) Major Subdivisions: The preliminary plat shall be distributed to the appropriate utilities for review. Utility easements shall be provided for electric, telephone, gas and community antenna television services conduits, and sewer or water lines as required by the utility. All utility easements shall be located along lot lines.

(b) Minor Subdivisions: The proposed plat shall be distributed to the appropriate utilities for review. Utility easements shall be provided for electric, telephone, gas and community antenna television services conduits, and sewer or water lines as required by the utility. All utility easements shall be located along lot lots. All large above ground equipment shall be located at side or rear lot lines.

(c) No Buildings or Improvements: Utility easements shall be kept free and clear of any buildings or other improvements that would interfere with the proper maintenance or replacement of utilities. The Town shall not be liable for damages to any improvement located within the utility easement area caused by maintenance or replacement of utilities located therein.

F. OWNER’S ASSOCIATIONS

1. ESTABLISHMENT OF OWNER’S ASSOCIATION

(a) Creation: An Owner’s 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 or facilities serving more than one (1) dwelling unit, these areas shall be conveyed to the Owner’s Association in which all owners of lots in the development shall be members. All areas other than public street rights-of-way, other areas dedicated to the Town, and lots shall be shown and designated as common areas. The fee-simple title of the common area shall be conveyed by the subdivider or developer to the Owner’s Association.

(c) Subdivision or Conveyance of Common Area: Common areas shall not be subsequently subdivided or conveyed by the Owner’s Association, unless a revised Preliminary Plat and a revised Final Plat showing such subdivision or conveyance have been submitted and approved.

(d) Owner’s Association Not Required: Developments involving only two (2) units attached by a party wall shall not be required to have common areas or an Owner’s Association. Developments with only two units attached and not having an Owner’s Association shall have an agreement between owners concerning maintenance of party walls.

2. SUBMISSION OF OWNER’S ASSOCIATION DECLARATION

Prior to or concurrently with the submission of the Preliminary Plat for review and approval, the subdivider or developer shall submit a copy of the proposed Bylaws of the Owner’s Association containing covenants and restraints governing the Association, plats, and common areas. The restrictions shall include, but not be limited to, provisions for the following:
(a) **Existence before Any Conveyance:** The Owner’s 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 Owner’s 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) **Owner’s Association Declaration:** The Owner’s Association Declaration shall contain the following items:

1. **Responsibilities of Owner’s Association:** The Owner’s Association declaration shall state that association is responsible for:
   a. the payment of premiums for liability insurance and local taxes;
   b. the inspection, maintenance and repairs 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 Owner’s Association:** Upon default by the Owner’s Association in the payment to the Town of any assessments for public improvements or ad valorem taxes levied against the common areas, which default shall continue for a period of six (6) months, each owner of a lot in the development shall become personally obligated to pay to the Town a portion of the taxes or assessments in an amount determined by dividing the total taxes and/or assessments due to the Town by the total number of lots in the development. If the sum is not paid by the owner within thirty (30) 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 Town 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 Owner’s 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 Owner’s 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 inspection, maintenance of and restoration in the event of destruction or damage shall be established.

### 3. REQUIREMENTS FOR UNIT OWNERSHIP AND CONDOMINIUM DEVELOPMENT

(a) **Approval of Declaration Establishing Unit Ownership and Condominium Development.**

Before a declaration establishing a unit ownership or condominium development shall be recorded in the office of the Guilford County Register of Deeds as prescribed in the North Carolina Unit Ownership Act, (N.C.G.S. 47A-1 et seq.), or the North Carolina Condominium Act (N.C.G.S. 47C-1 et seq.), the declaration and plan shall be submitted to the Town Manager, who shall forward it to the Town Attorney for review prior to Final Plat approval. Such declaration and plan shall conform to applicable subdivision requirements as set forth in this article and to other requirements as set forth in this Ordinance. No Building Permit or Certificate of Occupancy shall be granted until the declaration and plan has been approved by the Town Manager and recorded in the office of the Guilford County Register of Deeds.
(b) Nonresidential Condominium Parking Allocations to Be Specified.

If the condominium is a nonresidential condominium, the declaration shall contain the following provision:

“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. The Owner’s 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 Summerfield Planning Board upon request. The Owner’s 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.”
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ARTICLE 8: NONCONFORMITIES

A. GENERAL APPLICABILITY

1. PURPOSE AND SCOPE

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

2. AUTHORITY TO CONTINUE A NONCONFORMITY

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

3. DETERMINATION OF NONCONFORMITY STATUS

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

4. REPAIRS AND MAINTENANCE TO NONCONFORMITIES

(a) Repairs and normal maintenance that are required to keep nonconforming uses, structures, lots of record, and other properties in a safe condition are permitted, provided the repair or maintenance does not extend, expand, or enlarge the nonconforming aspect. For the purposes of this section, “repair or normal maintenance” shall mean:

   (1) Maintenance of Safe Condition
   Repairs that are necessary to maintain a nonconforming use, structure, lot of record, or sign in a safe condition; and

   (2) Maintenance of Land for Safety
   Maintenance of land areas to protect against health hazards and promote the safety of surrounding uses.

5. CHANGE OF TENANCY OR OWNERSHIP OF NONCONFORMING PROPERTY

No change of title or possession or right to possession of property involved shall be construed to prevent the continuance of such nonconforming use.

B. NONCONFORMING LOTS OF RECORD

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

1. STATUS OF STRUCTURES ON NONCONFORMING LOTS

(a) Conforming structures legally established on a nonconforming lot prior to the effective date of this Ordinance (or any amendment thereto) may be continued, enlarged, extended, reconstructed, or structurally altered in any way that is in conformance with the standards of this Ordinance.

(b) Nonconforming structures legally established on a nonconforming lot prior to the effective date of this Ordinance (or any amendment thereto) may be continued, enlarged, or redeveloped only in accordance with the standards in Section 8.D, Nonconforming Structures.

2. DEVELOPMENT OF UNIMPROVED NONCONFORMING LOTS IN RESIDENTIAL DISTRICTS
In the residential zoning districts, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family detached dwelling and customary accessory structures may be developed on any single lot of record existing prior to the effective date of this Ordinance. This provision applies even if the lot of record fails to comply with the district’s dimensional standards for area or width. Development of a single-family detached dwelling on the lot of record shall comply with the other standards district dimensional standards, to the maximum extent practicable. This provision does not exempt a lot from meeting the applicable provisions of the Guilford County Board of Health regulations.

3. LOTS WITH CONTIGUOUS FRONTAGE IN ONE OWNERSHIP

(a) When two (2) or more adjoining and vacant lots with contiguous frontage are in one ownership and said lots individually have area or width which does not conform to the dimensional requirements of the district where located, but such lots were of record at the time of adoption of this Ordinance or any subsequent amendment which renders such lots nonconforming, such lots shall be considered as a single buildable lot or several buildable lots for any use permitted in the district where located provided the setback and all other requirements, not involving area or width, are complied with.

(b) Nothing contained herein exempts the contiguous lots considered as a single buildable lot or lots from meeting the applicable provisions of the Guilford County Board of Health regulations.

4. DEVELOPMENT OF IMPROVED NONCONFORMING LOTS IN RESIDENTIAL DISTRICTS AFTER CASUALTY

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

C. NONCONFORMING USES

1. CONTINUANCE OF NONCONFORMING USE

Any nonconforming use legally existing at the time of adoption or amendment of this Ordinance, or any nonconforming use created by the extension of the jurisdiction, may be continued so long as it remains otherwise lawful subject to conditions provided in Section 8.C.2 below.

2. CONDITIONS FOR CONTINUANCE

Such nonconforming use of land shall be subject to the following conditions:

(a) 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 Town Manager shall consider each of the following:

1. predicted vehicle trips per day generated by each use;
2. parking requirements of each use;
3. probable number of persons on the premises of each use at a time of peak demand;
4. off-site impacts of each use, such as noise, glare, dust, vibration or smoke; and
5. that the proposed use does not materially endanger public health or safety.

(b) No such nonconforming use shall be enlarged, increased, or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance. The number of dwelling units in a nonconforming residential use shall not be increased.
(c) 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.

(d) No additional structure(s) not conforming to the requirements of this Ordinance shall be erected in connection with such nonconforming use of land.

(e) The value of any reconstruction or renovation associated with the use change does not exceed fifty (50%) percent of the structure’s tax value prior to the reconstruction or renovation. (In cases where the reconstruction or renovation value exceeds fifty (50%) percent of the structure’s tax value, then the use and structure must conform to the requirements of the district where located.)

3. DISCONTINUANCE, ABANDONMENT OR CHANGE IN USE

(a) If any nonconforming use of land ceases for any reason for a continuous period of more than one (1) year, any subsequent use of such land shall be a permitted use in the district in which such land is located.

(b) Once a nonconforming use is superseded by a permitted use for any period of time, resumption of a nonconforming use of land shall not be permitted.

(c) Suspension of use for renovations or repairs of a nonconforming use are not considered a vacancy, abandonment, or discontinuance, provided all of the following:

1. all appropriate development approvals are obtained
2. the renovation or repair is completed within 365 days from commencement or repair or renovation, and
3. the use is re-established (i.e. a certificate of occupancy is issued) within 30 days from the time the renovation or repairs are completed.

4. USES ACCESSORY TO A NONCONFORMING USE

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

5. RECONSTRUCTION OF DAMAGED STRUCTURE HOUSING A NONCONFORMING USE

(a) Destruction or Casualty Damage Beyond 50 Percent of Value

1. In the event a structure housing a nonconforming use is damaged or destroyed, by any means, to an extent more than 50 percent of the structure’s tax value at the time of damage or destruction, the structure shall only be restored in a manner that conforms to the provisions of this Ordinance.

2. New construction (including the establishment of off-street parking, landscaping, signage, and other site features) shall be in accordance with the requirements of this Ordinance.

(b) Damage of 50 Percent or Less of Value

1. In the event a structure housing a nonconforming use is damaged or destroyed, by any means, to an extent of 50 percent or less of the structure’s tax value at the time of damage or destruction, the structure may be re-built to its previous form if a Building Permit for such repair or restoration is obtained and repair or restoration is begun within one year after the date of such partial damage or destruction and is diligently pursued to completion.
(2) In no event shall repair or restoration increase, expand, or enlarge the degree of nonconformity.

D. NONCONFORMING STRUCTURES

1. RELATIONSHIP WITH NONCONFORMING USES
A nonconforming principal structure containing a conforming use may only continue in accordance with the provisions of this subsection. Nonconforming structures housing nonconforming uses may only continue in accordance with the standards in Section 8.C, Nonconforming Uses.

2. CONTINUANCE OF NONCONFORMING STRUCTURE
Any nonconforming structure legally existing at the time of adoption or amendment of this Ordinance or any nonconforming structure created by extension of jurisdiction may be continued so long as it remains otherwise lawful, subject to the conditions contained in Section 8.C.2 above.

3. CONDITIONS FOR CONTINUANCE
Such nonconforming structures shall be subject to the following conditions:

(a) 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 the structure’s dimensional deficiencies. Any enlargement of the structure shall conform to the current dimensional requirement.

(b) In the event of damage by fire or other causes to the extent exceeding fifty (50%) percent of the structure’s tax value prior to such damage as established by the Guilford County Tax Department, reconstruction of a nonconforming structure shall be permitted only in compliance with the dimensional provision of this Ordinance.

(c) In the event of damage by fire or other causes to the extent causing less than fifty (50%) percent of its tax value prior to such damage as established by the Guilford County Tax Department, reconstruction of a nonconforming structure shall be permitted provided it is constructed:

(1) in the same manner in which it originally existed; or

(2) in compliance with the dimensional requirements.

(d) Nonconforming structures more than 50 years old or with significant historical value as of the effective date of this ordinance may apply for a variance from the Board of Adjustment in accordance with Article 3 for reconstruction regardless of the extent of damage provided that:

(1) the structure is rebuilt in the same manner in which it originally existed; and

(2) the reconstruction does not represent a threat to the public health, safety and welfare of the community.

(e) 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.

4. 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 duty authorized official.

E. NONCONFORMING SITES
Nonconforming sites are those that have off-street parking, landscaping, perimeter buffer, screening, and/or signage that do not meet current standards. Change of use, interior or exterior remodeling, or expansion of uses or structures
on a lot or site that does not comply with the standards of this Ordinance shall be subject to the following requirements:

1. **INTERIOR AND EXTERIOR REMODELING OF BUILDINGS OR STRUCTURES**

   If a Building Permit is required for interior or exterior remodeling of the building or structure, the remodeling or redevelopment shall require correction of existing on-site nonconforming off-street parking, landscaping, perimeter buffer, screening, and signage in accordance with this section.

   (a) Off-Street Parking, Landscaping, Perimeter Buffers, Signage and Screening

      (1) **50 Percent or Less of Structure Tax Value**

         Remodeling in any continuous 12-month period that costs 50 percent or less of the tax value of the structure (prior to improvement) as established by the County Tax Department shall not require any correction to nonconforming site aspects.

      (2) **More Than 50 Percent but Less Than 75 Percent of Structure Tax Value**

         Remodeling in any continuous 12-month period that costs more than 50 percent but less than 75 percent of the tax value of the structure (prior to improvement) as established by the County Tax Department shall require that a corresponding percentage of the off-street parking, landscaping, perimeter buffer, and screening standards of this Ordinance be installed or upgraded on the site, until the site achieves 100 percent compliance. (For example, if a site has 15 of 30 required parking spaces (50 percent of the required parking) and the cost of the remodeling is 70 percent of the tax value of the building, then 70 percent of the total amount of required off-street parking shall be provided, or six additional spaces.

      (3) **75 Percent or More of Structure Tax Value**

         Remodeling projects that cost 75 percent or more of the tax value of the structure (prior to improvement) as established by the County Tax Department shall require 100 percent compliance with the off-street parking, landscaping, perimeter buffer, screening, and signage standards of this Ordinance.

      (4) **Five or Fewer Additional Parking Spaces**

         When five or fewer additional off-street parking spaces are required under this subsection as a result of a remodeling project, such additional off-street parking is not required to be installed.

(b) **Physically Constrained Properties- Comply to Maximum Extent Practicable**

   (1) Lands that are physically constrained (due to limited size, topography, or other environmental considerations) from complying with these provisions shall comply to the maximum extent practicable, as determined by the Town Manager.

   (2) For purposes of determining when a correction is required, the cost of the remodeling shall be as shown on the approved Building Permit application. Tax value shall be based upon Guilford County Tax Assessor information.

2. **ADDITIONS AND EXPANSIONS TO STRUCTURES ON NONCONFORMING SITES**

   Additions and expansions to structures on nonconforming sites shall require correction of existing on-site nonconforming off-street parking, landscaping, perimeter buffer, screening, and signage standards in accordance with this section.

   (a) Off-Street Parking, Landscaping, Perimeter Buffers, Signage and Screening

      (1) **Expansion of 50 Percent or Less of Gross Square Footage Over 5 Years**
Expansions in any continuous five-year period, which result in a 50 percent or less increase in the gross square footage of the existing structure (measured at the beginning of the five-year period), require that a corresponding percentage of the off-street parking, landscaping, perimeter buffer, and screening standards of this Ordinance be installed or upgraded on the site, until the site achieves 100 percent compliance. (For example, if the addition is 25 percent of the area of the existing structure and the site contains only 50 percent of the required landscaping, 25 percent of the required landscaping for the entire site must be provided, thereby bringing the landscaping on the site to 75 percent of the total required.) Existing landscaping on the site shall be retained or replaced but shall not count toward the required percentage of new landscaping.

(2) Expansion of Greater Than 50 Percent of Gross Square Footage Over 5 Years

Expansions over any continuous five-year period, which result in a greater than 50 percent increase of the gross square footage of the existing structure (measured at the beginning of the five-year period), require the entire property to meet all of the off-street parking, landscaping, perimeter buffer, screening, and signage standards of this Ordinance.

(b) Physically Constrained Properties- Comply to Maximum Extent Practicable

Lands that are physically constrained (due to limited size, topography, or other environmental considerations) from complying with these provisions shall comply, to the maximum extent practicable, as determined by the Town Manager.

(c) Addition of Outdoor Storage Area Only

When only outdoor operations/storage/display areas are being added or increased on a site, the percentage increase in outdoor operations area shall require a corresponding percentage increase in perimeter buffers and screening. Perimeter buffer and screening augmentation shall be located so as to achieve the performance objectives in Section 6.E Landscaping Requirements, with priority given to screening the impacts of outdoor operations.

3. CHANGE IN USE OF A NONCONFORMING SITE

Any change in use shall require the entire property to meet all of the off-street parking, landscaping, perimeter buffer, screening, and signage standards of this Ordinance.

F. NONCONFORMING SITUATION CAUSED BY GOVERNMENTAL ACTION

Any lot reduced in size by municipal, county or state condemnation or purchase of land shall obtain from the Town Manager written evidence of nonconforming lot or building status to the extent that said condemnation or purchase causes noncompliance with any provision of this Ordinance.
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ARTICLE 9 ENVIRONMENTAL REGULATIONS

A. STORMWATER MANAGEMENT/ WATERSHED PROTECTION DISTRICTS

1. DISTRICT DESCRIPTIONS

Two overlay districts cover designated water supply watersheds in the Town of Summerfield. They are the Watershed Critical Area (WCA) and the General Watershed Area (GWA). The WCA covers the portion of the watershed adjacent to a water supply intake or reservoir. The GWA covers the rest of the watershed draining to the reservoir or intake.

2. INCORPORATION OF DESIGNATED WATER SUPPLY WATERSHED MAP

This Section incorporates by reference the Town of Summerfield Designated Water Supply Watershed Map, dated _____________________ as amended, showing Watershed Critical Areas, General Watershed Areas, and watershed classifications.

The Designated Water Supply Watershed Map shall be kept on file by the Town Manager and shall be updated to take into account changes in the land area covered by this ordinance and the geographic location of all structural BMPs 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 maps and the Town of Summerfield Development Ordinance.

3. APPLICABILITY

(a) Coverage

(1) Article 9 applies to all sites in the Town of Summerfield unless specifically exempted by this ordinance.

(2) The construction of new streets by local government shall comply with best management practices developed in response to the City of Greensboro’s EPA-NPDES Stormwater Management Program which is incorporated herein by reference.

(3) Widening of existing streets and the installation of sidewalks shall comply with the provisions of this ordinance to the extent practicable. When determined by the Town Manager that the provisions of these sections cannot be met, the widening of existing streets and the installation of sidewalks shall comply with best management practices developed in response to the City of Greensboro’s EPA-NPDES Stormwater Management Program which is incorporated herein by reference.

(b) Exempt Activities

The following activities are exempt from the plan submission and approval requirements of this Section. However, any restrictions upon building location, drainageways, pavement or other built-upon area, or any other matter appearing on any previously approved watershed development (watershed control) plan covering the subject property shall be complied with unless and until replaced by an approved revised plan.

(1) Construction of a single family dwelling and its accessory structures on a zone lot that was recorded prior to January 1, 1994 and is located outside WCA Tiers 1 and 2. This exemption does not apply to the Jordan Lake Watershed with regard to riparian buffer protection.

(2) Replacement of existing built-upon area with a like or lesser amount of new built-upon area at the same location, or at a different location on the same zone lot if the Town Manager has
determined that equal or improved water quality will result. Redevelopment requires submittal of a site plan documenting removal/relocation of built upon area.

(3) Placement of small accessory buildings or structures or small amounts of other built-upon area provided that the total additional built-upon area is no greater than four hundred (400) square feet. This exemption shall apply to an individual property for one time only after January 1, 1994. Requires submittal of site plan documenting location of four hundred (400) square feet built-upon area. This provision shall not allow any development to circumvent the standards as set forth by the State and shall not be construed to allow development in Jordan Lake Riparian Areas.

(4) Existing development until such time that additional new development is initiated on the site.

4. PARTICIPATION IN A PUBLIC REGIONAL WATER QUALITY LAKE PROGRAM

(a) Where Permitted: Where a regional water quality lake program has been established by one or more local governments, or by an authority operating on behalf of one or more local governments, and approved by the N.C. Environmental Management Commission, a development may participate in said program in lieu of any certification of runoff control required by this Article, provided that:

1. The development is within an area covered by a public regional water quality lake program;
2. Runoff from the development drains to an existing or funded public regional water quality lake which is part of said program;
3. Participation is in the form of contribution of funds, contribution of land, contribution of lake construction work, or a combination of these, the total value of which shall be in accordance with a fee schedule adopted by the Town Council; and
4. The Town Manager finds that the Stormwater Management/Watershed Development Plan is in compliance with all other applicable requirements of this Article.

(b) Use of Contributions: Each contribution from a development participating in a public regional water quality lake program shall be used for acquisition, design, or construction of one or more such lakes in the same water supply watershed that the development lies in.

5. STORMWATER MANAGEMENT/WATERSHED DEVELOPMENT PLAN

(a) Plan Required: A Stormwater Management/Watershed Development Plan in accordance with the performance standards specified in Table 9.B.1.(c) and the other requirements of this Article shall be submitted to the Town Manager and shall include all applicable information listed in Appendix 2 (Map Standards).

(b) Plan Approval: The Town Manager is authorized to approve any Stormwater Management/Watershed Development Plan which is in conformance with the performance standards specified in Table 9.B.1.(c) and with all other requirements of this Article.

(c) Approved Plan a Prerequisite: The Town Manager is not authorized to issue any permits, except as provided in Article 3 for development on any land unless and until a Stormwater Management/Watershed Development Plan in compliance with the requirements of this Section has been approved.

(d) Permanent Runoff Control Structures: When a permanent runoff control structure is required for a development to meet the requirements of this Article, a North Carolina registered professional engineer or registered landscape architect shall prepare the plan with the Design Professional's Statement of Runoff Control affixed, signed, sealed, and dated (see Exhibit 9.A.6.(b)). The engineer or landscape architect shall be qualified in the design of water quality or stormwater management devices.
(e) **Appeals:** Appeals of the Town Manager decision on a Stormwater Management/Watershed Development Plan shall be made in writing to the Board of Adjustment.

6. **IMPROVEMENTS**

(a) **Design of Improvements**

(1) Design of improvements shall:

   a. Be performed by a qualified North Carolina registered professional engineer or landscape architect;

   b. Be subject to approval of the Summerfield Town Manager; and


(2) The construction plans for required runoff control structures shall be approved prior to issuance of any building permit on a site. For subdivisions, construction plans shall be submitted in accordance with Article 7: Subdivision Standards.

(b) **Design Professional's Statement of Runoff Control:** The certification required on Stormwater Management/Watershed Development Plans and construction plan drawings shall be of the following form:

```
DESIGN PROFESSIONAL’S STATEMENT OF RUNOFF CONTROL

I state that, the runoff control measure(s) shown on this plan have been designed to control and treat stormwater runoff from the first one inch of rain from all built-upon areas over the total drainage area and the discharge of the storage volume is at a rate equal to or less than the predevelopment discharge rate for the one-year, 24-hour storm and that the runoff control measures shown on this plan meet or exceed the guidelines in the latest edition of the Stormwater Best Management Practices Manual, issued by the North Carolina Division of Water Quality.

SIGNATURE _______________________________

P.E. or R.L.A. SEAL _______________________________

DATE _______________________________
```

**Exhibit 9.A.6.(b) Design Professional’s Statement of Runoff Control**

(c) **Construction of Improvements:**

(1) The construction of all improvements designed for watershed protection and shown on an approved Stormwater Management/Watershed Development Plan shall be substantially completed prior to any plat recordation or issuance of any building certificate of occupancy (compliance).

(2) Final approval of installed runoff control structures will be required at finalization of the grading permit or at issuance of the final building certificate of occupancy (compliance), whichever comes later. If neither a building permit nor a grading permit is required for a site, then any required runoff control structure shall be substantially completed prior to installation of any built-upon area on the site. A Design Professional's Statement of Completion (Exhibit 9.A.6.(e)) shall be required prior to final approval by the Town Manager.
(d) **Recordation of Permanent Improvements:** All permanent runoff control structures and associated access/maintenance easement(s) (specific or general, at the owner's option) shall be recorded on a final plat; and a Best Management Practice Operation and Maintenance Agreement, as outlined in the latest edition of the Stormwater Best Management Practices Manual, issued by the North Carolina Division of Water Quality, shall be submitted to the Town Manager for review and approval.

(e) **Design Professional's Statement of Completion:** The owner or registered design professional in responsible charge acting as the owner's agent shall employ one or more design professionals to provide inspections during construction. Upon the completion of final inspection, the design professional shall provide the design professional's statement of completion. The Record of Construction (supplied by the Town Manager) and the Design Professional's Statement required upon completion of permanent runoff control structures shall be of the following form:

```
DESIGN PROFESSIONAL'S STATEMENT OF COMPLETION

I state that, to the best of my knowledge and belief, the permanent runoff control structure for (name of plat) is duly recorded in the Office of the Guilford County Register of Deeds and has been completed in conformance with the approved plans and specifications dated (approval date).

SIGNATURE ________________________
P.E. or R.L.A. SEAL ___________________________
DATE ________________________
```

Exhibit 9.A.6.(e) Design Professional’s Certification of Completion

(f) **Maintenance Responsibility:**

1. When runoff control structures serve more than one lot, an owner’s association or binding contract for the purpose of maintenance shall be required. See Section 7.F.1. (Owner's Associations).

2. Maintenance of runoff control structures shall be performed in compliance with recommendations specified in NCDENR’s Stormwater BMP Manual. The Town Manager shall have the responsibility to verify inspection of runoff control structures annually, to keep the recorded results on file, and to notify the responsible property owner or owner's association if additional maintenance or repairs are required. All required repairs and maintenance shall be performed within ninety (90) days after such notice. In case of failure by the responsible party to perform the required maintenance or repairs within the stated period, the Town may impose a civil penalty in accordance with Article 10 of this ordinance.

7. **CLUSTERING**

(a) **Clustering Encouraged:** Clustering of residential development is encouraged where practicable. Clustering of single family detached development is allowed under the open space development provisions of this ordinance.

(b) **Performance Requirements:** Clustering is allowed if the overall density of the project meets the applicable density and stormwater runoff control requirements, the built-upon areas are designed and sited to minimize stormwater runoff impact to the receiving waters and minimize concentrated stormwater flow, the remainder of the tract remains in a vegetated or natural state, and the riparian buffering requirements of Section 9.D are met.
8. DRAINAGE.

The design of storm drainage systems and plans, including calculations, shall clearly indicate the easements or dedicated areas required for the construction and maintenance of the drainage system.

(a) General Drainage Requirement:

(1) All watercourses which carry concentrated drainage from a public road or have a two acre or larger drainage basin shall be treated in one or more of the four ways listed in Section 9.A.8.(b), (c), (d) and (e) which follow. The Town Manager shall approve the treatments to be used when deemed compliant with the requirements of the subsections which follow. Open drainage channel requirements shall be based upon a minimum of one hundred-year storm, and enclosed systems shall be based upon a minimum of ten-year storm. If the channel is a perennial or intermittent stream, or drains a one hundred twenty (120) acre or larger basin, the determination of drainage treatment shall be made by a registered professional engineer acting on behalf of the Town Manager. In making this determination the following factors shall be considered before selecting the appropriate method(s) listed in the subsections which follow:

a. The type of development;

b. The treatment employed by nearby developments;

c. The probability of creation of drainageway and open space;

d. The probability of the creation of future maintenance problems;

e. The probability of erosion or flooding problems; and

f. Stream buffer requirements and channelization limitations for the WCA and GWA, as described in this article.

(2) If the channel is not a perennial or intermittent stream, and drains less than a one hundred twenty (120) acre drainage basin, the determination of drainage treatment shall be made in a manner consistent with this Section.

(b) Enclosed Subsurface Drainage and requirement for a Drainage or Drainage Maintenance and Utility Easement:

(1) This Section applies to enclosed subsurface drains. Profiles and enclosure standards shall be in accordance with the Guilford County Storm Sewer Design Manual.

(2) A drainage maintenance and utility easement (DMUE) or drainage easement designed to accommodate stormwater shall be placed on a recorded plat when determined necessary by the Town. The required easement shall be centered on the enclosure when practical, but in no case shall the outside wall of the enclosure be located less than five (5) feet from the edge of the easement. The easement shall be of a width determined necessary for maintenance purposes by the Town based upon enclosure depth, topography and location of existing and proposed improvements, but no less than fifteen (15) feet.

(3) The DMUE or drainage easement shall be kept free and clear of any buildings or other improvements which would interfere with the proper maintenance of the underground enclosures. The Town shall not be liable for damages to any improvement located within DMUE area caused by maintenance of utilities located therein. Furthermore, DMUE may be used for future installations of any underground utility, provided that:

a. Any underground utility to be installed by any utility provider other than the Town shall be subject to approval.
b. Any government agency, public utility, or private company installing additional underground lines after development has been completed by the owner of the property shall be responsible for the replacement of all fencing, pavement and grassed area disturbed by such installation.

c. The Town shall not be responsible for damages caused by installation of additional lines by any public or private utility company.

(c) Open Channel Drainage in Dedicated Drainageway and Open Space Area (Public Open Space):

(1) This Section applies to an open channel in a dedicated drainageway and open space area. The drainageway and open space area shall be dedicated by a recorded plat and shall be labeled "Dedicated to the Town of Summerfield and the public for Drainageway and Open Space". This is a voluntary option available in lieu of Section 9.A.8.(d) which enables one to utilize cluster options and reduce lot sizes when abutting public open space. The ownership of the dedicated land remains with the deeded owner, but the use is restricted. Dedication does not transfer title. The dedicated area can also be deeded to any individual or group, such as a homeowners association or to the Town of Summerfield (with Town Council acceptance).

(2) The voluntarily dedicated drainageway and open space area along any stream that drains a 120 acre or larger drainage basin shall include the land between the natural one hundred (100) year flood contour lines as determined by FEMA or by calculations approved by the US Army Corps of Engineers. (Caution: Other Environmental Regulations or federal wetland regulations will prohibit or restrict fill placement in certain locations.) An area within the floodway fringe can be developed as permitted in Section 9.F.8 with a Floodplain Development Permit. The remainder shall be dedicated as indicated in subsection 1) above.

(3) In case of severe topography, additional width may be needed to assure reasonable ease of maintenance.

(4) Adequate access to the public open space shall be provided by means of the dedicated area abutting public right-of-way or by appropriately spaced access easements no less than twenty (20) feet in width. If existing access from adjacent areas is deemed sufficient, no new access shall be required.

(5) The centerline of the drainage channel that drains a one hundred twenty (120) acre or larger drainage basin shall be located no less than fifty (50) feet from any street or property line provided that the dimensions of the drainage way and open space area conform to all other requirements of this Section.

(6) Public open space shall be left in its natural condition or graded to a section approved by the Town which will allow economical and efficient maintenance and shall be stabilized with permanent vegetative cover.
(d) Open Channel Drainage and Requirement for Drainageway and Open Space Easement (Private Open Space)

(1) This Section applies requirements to an open channel meeting one or more of the descriptions in listed in Section 9.A.8. At the time of plat recordation an easement for the drainageway and open space shall be provided and shall be labeled "Drainageway and Open Space Easement". The drainageway and open space easement shall include the drainage channel and the one-hundred-year regulatory floodplain contour as shown on the effective Flood Insurance Rate Maps or by calculations approved by the US Army Corps of Engineers.

(2) Drainageway and open space shall be left in its natural condition or graded to a section approved by the Town which will allow economical and efficient maintenance and shall be stabilized with permanent vegetative cover.

(e) Open Channel Drainage and requirement for a Drainage or Drainage Maintenance and Utility Easement:

(1) This Section applies to open channels on private property within a drainage or drainage maintenance and utility easement.

(2) The drainage or drainage maintenance and utility easement shall be a minimum total width of no less than specified below.

<table>
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<th>Required Distance from Stream Centerline</th>
<th>Minimum Total Easement Width</th>
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<tr>
<td>2 to 6 acres</td>
<td>15 ft.</td>
<td>30 ft.</td>
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<tr>
<td>6.01 to 25 acres</td>
<td>30 ft.</td>
<td>60 ft.</td>
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<tr>
<td>25.01 or more acres</td>
<td>55 ft.</td>
<td>110 ft.</td>
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(3) The easement width shall be centered on the drainage channel, unless the Town Manager approves other easement alignments because of topographic conditions. Cases in which the drainage channel flows into an impoundment, the easement shall extend over and twenty (20) feet beyond the normal water level of the impoundment or meet the minimum width as specified above, whichever is greater. Concentrated drainage from less than a two (2) acre drainage basin, exiting a public right-of-way, shall be as conveyed into a drainage easement as specified below:

a. Thirty (30) feet wide for the length of channel for concentrated flow exiting public right-of-way into a defined channel.

b. Minimum thirty (30) feet wide by fifty (50) feet in length for concentrated flow exiting public right-of-way onto terrain with no pronounced drainage features

(3) In case of severe topography, additional width may be required to assure reasonable ease of maintenance.

(4) The easement topography may be modified if permitted under other applicable local and state regulations (stream buffer, NC Division of Water Quality 401/U.S. Army Corps of Engineers 404, etc.). In such cases, the approved typical required drainage channel section shall include the necessary channel to accommodate a one hundred (100) year flood event and be in accordance with the Guilford County Storm Sewer Design Manual. The area outside of the required drainage channel may be filled; but any resulting slope shall be no steeper than two (2) feet horizontal to one (1) foot vertical, unless the slope is protected by masonry paving, rip-rap, or other material
which meets the Town’s specifications. If the channel has been altered such that the design flow cannot be contained within the recorded easement, a corrected easement shall be recorded to show the altered location and width.

(5) If the Town Manager determines suitable access to the easement is not otherwise provided, access shall be guaranteed by a suitably located access easement which shall be no less than twenty (20) feet in width.

(6) It shall be the responsibility of the owner to maintain all drainageways located on the property. If the Town Council determines that it is in the public interest to alter the typical required channel section and/or profile of the stream to improve flow, the Town may enter the property within the indicated access or drainage maintenance and utility easement and carry out the necessary work without liability for any damage to the property, or improvements thereon, located within the easement.

(7) Drainage maintenance and utility easements may be utilized for any underground utility provided that:
   a. Underground utility lines to be installed by any utility provider other than the Town shall be subject to approval by the Town Manager.
   b. The government agency, public utility, or private company installing underground lines after development has been completed by the owner of the property shall be responsible for the replacement of all fencing, pavement and grassed areas disturbed by such installation.
   c. The Town shall not be responsible for damage caused by the installation of additional lines by any public or private utility company.
   d. The Town shall not be liable for damages to any improvements located within the drainage maintenance and utility easement area caused by maintenance of utilities located therein.

(8) No buildings or structures except for water-related improvements shall be placed or constructed within the access or drainage maintenance and utility easement. All drives, parking areas, or other improvements, shall be constructed no closer than two (2) feet horizontally from the top of any back slope along any open watercourse.

(f) Modifications to Drainage or Drainage Maintenance and Utility Easement:

(1) This section applies to all recorded drainage or drainage maintenance and utility easements. This shall include other recorded easements identified by an assortment of varying names in which one of the principal functions is to convey runoff from stormwater.

(2) Unless strictly prohibited under other applicable sections, easements may be modified, altered, or relocated with prior approval by the Town Manager based upon review of certification with supporting technical data by a registered design professional. Supporting data shall be in accordance with the Guilford County Storm Sewer Design Manual and must clearly demonstrate that such modifications will not result in any increase in flood levels or create any adverse impacts during the occurrence of the design flow discharge. Approval criteria shall include but not be limited to: system capacity to adequately convey design flow discharge, location of outlet/discharge, resistance to erosive forces, potential to adversely impact neighboring properties, system maintenance requirements, existing utilities, other applicable local, state, and federal regulations.

(3) Any alteration of a drainage or drainage maintenance and utility easement without prior approval may be deemed a violation and subject to enforcement actions. Nothing in this section shall prohibit the installation of utilities as allowed by other sections.
9. **STREAM, LAKE, AND WETLAND BUFFERS REQUIRED**

Section 9.D. sets forth the requirements and standards for riparian buffers along all streams, lakes and certain wetlands as related to the Jordan Lake Reservoir watershed area, an area that encompasses the entire Town.

10. **STREAM CHANNELIZATION**

Perennial Streams in a water supply district shall not be channelized without prior approval by the Town Manager.

11. **ACTIVITIES REGULATED BY OTHER GOVERNMENTAL AGENCIES**

   (a) Designated Agencies: The following are the designated agencies responsible for implementing the requirements of the Water Supply Watershed Protection Rules as adopted by the N.C. Environmental Management Commission for the specified activity:

   (1) Agriculture: Guilford Soil and Water Conservation District

   (2) Silviculture: N.C. Division of Forest Resources

   (b) Transportation: The North Carolina Department of Transportation shall comply with the practices outlined in its document entitled “Best Management Practices for the Protection of Surface Waters,” which is incorporated by reference.

   (c) Hazardous Materials:

   (1) The Guilford County Fire Marshall and the Greensboro Emergency Management Assistance Agency are the designated management agencies responsible for implementing the provisions of this Subsection pertaining to hazardous materials.

   (2) An inventory of all hazardous materials used and stored in the watershed shall be maintained. A spill/failure containment plan and appropriate safeguards against contamination are required. Waste minimization and appropriate recycling of materials is encouraged.

   (3) Properties in the WCA or GWA shall comply with the requirements of the following hazardous substances regulations if materials listed in the Superfund Amendments and Reauthorization Act (SARA) Section 302 Extremely Hazardous Substances (42 USC 11000 et seq.), or Section 311 of the Clean Water Act, as amended (CWA) (33USC 1251 et seq.; oil and hazardous substances) are stored or used on the site.

12. **MODIFICATIONS TO WATERSHED PROTECTION STANDARDS**

   (a) General:

   (1) Requests for watershed protection modifications shall be submitted in writing on forms supplied by the Town Manager and with a completed stormwater management/watershed development plan showing all pertinent information relative to the site in question. Information not shown on the stormwater management/watershed development plan or not presented in writing shall not be considered pertinent to the variance request.

   (2) For each request for a minor or major watershed modification, the Town Manager shall notify all other local governments having jurisdiction within the same water supply watershed or using the affected water supply for consumption. A comment period of at least thirty (30) days shall be allowed before the required hearing before the Board of Adjustment.

   (3) In granting modifications the Board of Adjustment may require such conditions as will secure, insofar as practicable, the objectives of the requirements being modified.
(b) Minor Watershed Modifications:

The Board of Adjustment is designated to approve minor watershed modifications in the General Watershed Areas (GWA) and Watershed Critical Areas (WCA). Before the Board of Adjustment may approve a minor watershed modification, it shall make the following three findings, and shall include the factual reasons on which they are based.

1. There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the watershed requirements, and all of the following conditions exist:
   a. If the applicant complies with the provisions of the watershed requirements, the applicant can secure no reasonable return from, nor make reasonable use of the subject property. The modification granted must be the minimum possible deviation from the terms of the Ordinance that will allow the reasonable use of property.
   b. The hardship results from the application of the Ordinance to the property rather than from other factors such as deed restrictions or other hardships.
   c. The hardship is due to the physical nature of the applicant's property, such as size, shape, or topography, which is different from that of neighboring properties.
   d. The hardship is not the result of the actions of an applicant who knowingly or unknowingly violates the Ordinance, or who purchases the property after the effective date of the Ordinance, and then comes to the Town Council for relief.
   e. The hardship is peculiar to the applicant's property, rather than the result of conditions that are widespread.

2. The modification is in harmony with the general purpose and intent of the Ordinance and preserves its spirit.

3. In the granting of the modification the public safety and welfare have been assured and substantial justice has been done.

(c) Major Watershed Modifications:

1. The North Carolina Environmental Management Commission (EMC) is designated to approve major watershed modifications. The review process shall be the same as in subsection (b) above, except that the Board of Adjustment shall make recommendations to the EMC. The modification application, hearing notices, and minutes from any public meetings held to review the requested modification shall be forwarded to the EMC, which shall approve or deny the modification.

2. Before the Board of Adjustment may recommend to EMC an approval on a major watershed modification, it shall make the following three findings, and shall include the factual reasons on which they are based.

3. There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the watershed requirements, and all of the following conditions exist:
   a. If the applicant complies with the provisions of the watershed requirements, the applicant can secure no reasonable return from, nor make reasonable use of the subject property. The modification granted must be the minimum possible deviation from the terms of the ordinance that will allow the reasonable use of property.
   b. The hardship results from the application of the ordinance to the property rather than from other factors such as deed restrictions or other hardships.
Article 9: Environmental Regulations

13. WATERSHED REPORTING

(a) 10/70 Provision-Watershed Reporting: The Town Manager shall keep records on the Town’s use of the provisions that a maximum of ten (10) percent of the non-critical area of WS-III watersheds may be developed with new development at a maximum of seventy (70) percent built-upon surface area. Records for each watershed shall include the total area of non-critical watershed area, total acres eligible to be developed under this option, total acres approved for this development option, and individual records for each project with the following information: location, number of developed acres, type of land use and stormwater management plan (if applicable—the 10/70 provision is not available for use in the Town of Summerfield, but is included here for completeness).

(b) Stormwater Management/Watershed Variances: The Town Manager shall keep a record of all stormwater management/watershed variances. This record shall be submitted for each calendar year to the Division of Water Quality Management on or before January 1st of the following year and shall provide a description of each project receiving a minor or major variance and the reasons for granting the variance.

B. GENERAL WATERSHED AREAS (GWA)

1. GENERAL PROVISIONS

(a) Boundary of the GWA: The GWA extends from the outer boundary of the WCA to the outer boundary of the watershed of a designated water supply reservoir or intake.

(b) Minimum Lot Size: The minimum lot size for all developments not utilizing public sewer shall be sixty thousand (60,000) square feet. The minimum required lot size shall not include the area in a Special Purpose Lot used for Off-site Sewage Treatment Systems.

(c) Performance Standards: The Stormwater Management/Watershed Development Plan for any development covered by this Section shall be prepared and submitted in accordance with the performance standards found in Table 9.B.1.(c). The owner, developer, or person submitting the Stormwater Management/Watershed Development Plan shall indicate which performance standard they have chosen for review and approval.
Article 9: Environmental Regulations

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Development Ordinance

Town of Summerfield, NC  March 2014 Draft

Table 9.B.1.(c) General Watershed Area Performance Standards

<table>
<thead>
<tr>
<th>Watershed</th>
<th>Low Density Option</th>
<th>High Density Option^a</th>
</tr>
</thead>
<tbody>
<tr>
<td>WS—III</td>
<td>2 DU/1 AC; 0—24% BUA</td>
<td>greater than 2 DU/1 AC; 24.01%-50% BUA^b</td>
</tr>
</tbody>
</table>

^a Development under the High Density Option shall require a Design Professional’s Statement by a registered professional engineer or registered landscape architect, with seal (Exhibit 9.A.6(B)) certifying the control and treatment of the run-off from a one (1) inch rain and the discharge of the storage volume shall be equal to or less than the predevelopment discharge rate for the one-year, 24-hour storm.

^b Development cannot exceed fifty (50) percent built-upon unless it is non-residential development and has received an additional allocation option in compliance with Section 9.B.1.(f)(2)

NOTES:
1. DU = Dwelling Unit(s); AC=Acre; Percentage (%) refers to built-upon area of the zone lot, parcel, or tract.
2. Single-family detached residential developments will be evaluated on the basis of dwelling units per acre.
3. All other residential and all non-residential developments will be evaluated on the basis of built-upon area percentage.

(d) Runoff Control:

(1) When runoff control is required for development using the high density option [see definition in Section 9.H] the runoff control structure(s) may be by use of a best management practice meeting the performance standards of the following:
   a. Control and treat the runoff from the first one inch of rain.
   b. Discharge the storage volume at a rate equal to or less than the predevelopment discharge rate for the one-year, 24-hour storm.
   c. Remove an eighty-five (85%) percent average annual amount of Total Suspended Solids and meeting the guidelines in the latest edition of the Stormwater Best Management Practices Manual, issued by the North Carolina Division of Water Quality.
   d. Drawdown of treatment volume shall be no faster than forty-eight (48) hours but no slower than one hundred twenty (120) hours.

(e) GWA-Watershed Classification WS-III:

(1) Built-Upon Area Limit: Development shall not exceed fifty (50) percent built-upon area.

(2) Ten/Seventy (10/70) Option for Non-Residential:
   a. Ten (10) percent of the Town’s portion of a WS-III GWA, as delineated on July 1, 1993 may be developed with new non-residential development at up to seventy (70) percent built-upon area.
   b. Allocation shall be made on a first come-first served basis. When a building permit for the site is issued or the subdivision plat for a development is recorded, an allocation shall be assigned. Expiration of a building permit shall terminate the allocation under this Section. Developments using this option shall provide an design professional’s statement of runoff control for control and treatment of the runoff from the first one inch of rain and the discharge is at a rate equal to or less than the predevelopment discharge rate for the one-year, 24-hour storm.

(3) Prohibited Uses: No new discharging landfills.
C. WATERSHED CRITICAL AREAS (WCA)

1. GENERAL

The Watershed Critical Area is a district covering the portion of the watershed adjacent to a designated existing or proposed water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed.

2. DISTRICT DESCRIPTION

(a) WCA Boundary: The Guilford County Stormwater Map shows the defined Watershed Critical Area boundaries. The WCA boundary shall not be less than one-half (1/2) mile from the normal pool elevation and draining to existing or proposed designated reservoirs.

(b) Divisions within the Watershed Critical Area: The WCA consists of four divisions as follows:

1. Tier 1
   a. Tier 1 consists of those lands within two hundred (200) feet of the existing or proposed normal pool elevation and those lands within one-half (1/2) mile (Lake Brandt) or one mile (Lake Townsend) upstream of water intake structure(s).
   b. Tier 1 areas are intended for public purpose and should remain undisturbed.

2. Tier 2
   a. Tier 2 consists of those lands lying within an area bounded by Tier 1 and a line parallel to and seven hundred and fifty (750) feet in distance from the normal pool elevation.
   b. Tier 2 areas are intended primarily for public purpose.

3. Tier 3
   a. Tier 3 consists of those lands lying within an area bounded by Tier 2 and a line parallel to and three thousand (3000) feet from the normal pool elevation.
   b. Tier 3 areas shall not exceed the WCA Boundary.

4. Tier 4
   Tier 4 consists of those lands lying in the area between the outer boundary of Tier 3 and the WCA Boundary.

3. RUNOFF MINIMIZATION

The density and built-upon area coverage limits defined in Table 9.C.3 shall apply within the WCA; however if the limits provided in Table 9.B.1.(c) are more restrictive, then those standards shall apply.

<table>
<thead>
<tr>
<th>TABLE 9.C.3</th>
<th>WCA DENSITY AND BUILT-UPON AREA COVERAGE LIMITS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Density Limits</td>
<td>(expressed as dwelling units/gross acre or % maximum)</td>
</tr>
<tr>
<td>Tier 1</td>
<td>Tier 2</td>
</tr>
<tr>
<td>No Public Sewer</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>0 to 2.5%</td>
</tr>
<tr>
<td>Public Sewer</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>2.5%</td>
</tr>
</tbody>
</table>

NOTES:
1. DU= Dwelling Unit(s); AC = Acre; Percentage (%) refers to built-upon area of the zone lot, parcel, or tract.
2. Single-family detached residential developments will be evaluated on the basis of dwelling units per acre.
3. All other residential and all non-residential developments will be evaluated on the basis of built-upon area percentage.
4. **LAND DISTURBANCE MINIMIZATION**

   (a) **Erosion Control Plan**: See Section 9.E.1 (General Requirements) to determine when an erosion control plan is required.

   (b) **Street Standards**: Refer to Section 6.A. for the minimum street standards. To the extent practicable, the construction of new roads in the WCA should be avoided.

   (c) **Land Disturbance**

      a. No land disturbing activity is allowed within stream buffers, open channel drainageways carrying runoff from a 6.01 acre or more drainage basin, greater than fifteen (15) percent slopes adjacent to drainageways, or Water Quality Conservation Easements, except for utilities, watershed devices, and road crossings.

      b. The transfer of stormwater from a drainage area of five (5) acres or greater by piping or channeling between sub-basins within the Watershed Critical Area (WCA) is not permitted, unless approved by the Town Manager. The piping or channeling of stormwater from the watershed critical area to a General Watershed Area (GWA) or to a non-watershed basin is allowed.

      c. **Land Disturbance Limits**:

         
         | Maximum Land Disturbance | Tier 1  | Tier 2 | Tier 3 | Tier 4 |
         |--------------------------|--------|--------|--------|--------|
         | Usable Property          | NA     | 10% of usable property | 60% of usable property | 75% of usable property |

         Usable Property = (Total Site Area) - (Area in stream buffers, open channel drainageways carrying runoff from a 6.01 acre basin or greater, 15 percent slopes adjacent to drainageways, Water Quality Conservation Easements, floodplains, or natural wetlands)

5. **PROTECTION OF FRAGILE AREAS**:

   (a) **Slopes Greater than Fifteen Percent and Wetlands**.

      1. Slopes greater than fifteen (15) percent lying adjacent and parallel to natural drainageways or streams, and wetlands shall remain in a natural and undisturbed condition except for road crossings, utilities, erosion control devices and runoff control devices.

      2. Recordation of these areas as Drainageway and Open Space Easements may be required wherever authorized by Section 6.D.10 or any other provision in local ordinances.

      3. If not included in a Drainageway and Open Space Easement, a water quality conservation easement shall be recorded over such wetlands and slopes.

      4. Where a water quality conservation easement serves to bring two (2) or more properties into compliance with WCA requirements, the Town Manager may require that the wetlands and slopes covered by such easements be held as common area by an owners’ association.

   (b) **Drainage**

      1. Drainage shall be provided by means of open channels. Piping of drainage to cross roadways is allowed.
(2) All open channel drainageways carrying runoff from a 6.01 acre or greater drainage basin shall have protected channels or remain in a natural and undisturbed state, except for road crossings, utilities, erosion control devices and runoff control devices.

(3) The undisturbed area width shall be the width as specified in Section 9.A.8.(Drainage).

(c) Best Soils: Development on the best soils and terrain of any site is encouraged.

6. SPILL RISK REDUCTION

(a) Prohibited Uses: The following uses shall be prohibited in a WCA district:

<table>
<thead>
<tr>
<th>TABLE 9.C.6 PROHIBITED USES IN WATERSHED CRITICAL AREA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Description</td>
</tr>
<tr>
<td>---------------------------------------------------------</td>
</tr>
<tr>
<td>a) Agricultural Uses</td>
</tr>
<tr>
<td>Animal Feeder/Breeder</td>
</tr>
<tr>
<td>b) Agricultural Services</td>
</tr>
<tr>
<td>Chemical Treatment and Fertilizer Application for Crops, Weed Control for Crop Operations, including Aerial Crop Dusting</td>
</tr>
<tr>
<td>c) Mining Uses</td>
</tr>
<tr>
<td>Mining and Quarrying</td>
</tr>
<tr>
<td>d) Business, Professional and Personal Services</td>
</tr>
<tr>
<td>Agricultural Equipment Repair, Boiler Cleaning and Repair, Cesspool Cleaning, Engine Repair, except automotive, Farm Machinery Repair, Industrial Truck Repair, Machinery Cleaning, Motorcycle Repair Service, Rabbiting, Repair of Service Station Equipment, Sewer Cleaning and Rodding, Tank and Boiler Cleaning Service, Tank Truck Cleaning Service, Tractor repair, and Welding Repair Shops</td>
</tr>
<tr>
<td>Equipment Repair, Heavy</td>
</tr>
<tr>
<td>Heavy Construction Equipment Rental and Leasing</td>
</tr>
<tr>
<td>Lawn Care, Lawn Fertilizing Services, Lawn Spraying Services, Ornamental Shrub and Tree Services with Spraying</td>
</tr>
<tr>
<td>Laundry or Dry-cleaning Plant</td>
</tr>
<tr>
<td>Service Type</td>
</tr>
<tr>
<td>----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Laundromats, Coin-operated</td>
</tr>
<tr>
<td>Pest or Termite Control Services</td>
</tr>
<tr>
<td>Septic Tank Services</td>
</tr>
<tr>
<td>Truck Driving Schools</td>
</tr>
<tr>
<td>Truck and Utility Trailer Rental and Leasing, Light</td>
</tr>
<tr>
<td>Truck Tractor and Semi Rental and Leasing, Heavy</td>
</tr>
<tr>
<td>Truck Washing</td>
</tr>
<tr>
<td>e) Retail Trade</td>
</tr>
<tr>
<td>Fuel Oil Sales</td>
</tr>
<tr>
<td>Convenience Stores with fuel pumps</td>
</tr>
<tr>
<td>Motor Vehicle Sales (new and used)</td>
</tr>
<tr>
<td>Motorcycle Sales</td>
</tr>
<tr>
<td>Recreational Vehicle Sales</td>
</tr>
<tr>
<td>Service Stations, gasoline</td>
</tr>
<tr>
<td>Truck Stops</td>
</tr>
<tr>
<td>f) Wholesale Trade</td>
</tr>
<tr>
<td>Agricultural Chemicals, Pesticides, Fertilizers</td>
</tr>
<tr>
<td>Chemical and Allied Products</td>
</tr>
<tr>
<td>Motor Vehicles</td>
</tr>
<tr>
<td>Nursery Stock, Plants Potted</td>
</tr>
<tr>
<td>Paints and Varnishes</td>
</tr>
<tr>
<td>Petroleum and Petroleum Products</td>
</tr>
<tr>
<td>Scrap and Waste Materials</td>
</tr>
<tr>
<td>g) Transportation, Warehousing, and Utilities</td>
</tr>
<tr>
<td>Air Transportation Facilities</td>
</tr>
<tr>
<td>Bus Terminal and Service Facilities</td>
</tr>
<tr>
<td>Hazardous and Radioactive Waste (transportation, Storage, Disposal.)</td>
</tr>
<tr>
<td>Inert Debris Landfills, Major</td>
</tr>
<tr>
<td>Landfills of any character, minor or major in Lower Randleman Lake Watershed—WCA</td>
</tr>
<tr>
<td>Petroleum Contaminated Soil Remediation Disposal Sites</td>
</tr>
<tr>
<td>Pipelines, except Natural Gas</td>
</tr>
<tr>
<td>Railroad Terminal or Yard</td>
</tr>
<tr>
<td>Recycling Processing Centers</td>
</tr>
<tr>
<td>Refuse and Raw Material Hauling</td>
</tr>
<tr>
<td>Sanitary Sewer and Water Treatment Plant Sludge Application Sites</td>
</tr>
<tr>
<td>Sewage Treatment Plants</td>
</tr>
<tr>
<td>Industry Type</td>
</tr>
<tr>
<td>---------------</td>
</tr>
<tr>
<td>Solid Waste Disposal (nonhazardous)</td>
</tr>
<tr>
<td>Trucking or Freight Terminals</td>
</tr>
<tr>
<td><strong>h) Manufacturing and Industrial Uses</strong></td>
</tr>
<tr>
<td>Animal Slaughter or Rendering</td>
</tr>
<tr>
<td>Arms and Weapons</td>
</tr>
<tr>
<td>Asbestos, Abrasive, and Related Products</td>
</tr>
<tr>
<td>Asphalt Plant</td>
</tr>
<tr>
<td>Batteries</td>
</tr>
<tr>
<td>Chemicals, Paints and Allied Products</td>
</tr>
<tr>
<td>Concrete, Cut Stone and Clay Products</td>
</tr>
<tr>
<td>Cement, Hydraulic</td>
</tr>
<tr>
<td>Contractors, Heavy construction</td>
</tr>
<tr>
<td>Contractors, Special Trade</td>
</tr>
<tr>
<td>Dairy Products</td>
</tr>
<tr>
<td>Fats and Oils, Animal</td>
</tr>
<tr>
<td>Fats and Oils, Plant</td>
</tr>
<tr>
<td>Fish, Canned, Cured or Frozen</td>
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<tr>
<td>Leather and Leather Products (tanning)</td>
</tr>
<tr>
<td>Magnetic and Optical Recording Media</td>
</tr>
<tr>
<td>Meat and Poultry, Packing and Processing (no rendering)</td>
</tr>
<tr>
<td>Metal Coating and Engraving</td>
</tr>
<tr>
<td>Paper Products (no coating or laminating)</td>
</tr>
<tr>
<td>Paper Products (coating or laminating)</td>
</tr>
<tr>
<td>Petroleum and Related Products</td>
</tr>
<tr>
<td>Primary Metal Products and Foundries</td>
</tr>
<tr>
<td>Pulp and Paper Mills</td>
</tr>
<tr>
<td>Rubber and Plastics, Misc.</td>
</tr>
<tr>
<td>Rubber and Plastics, Raw</td>
</tr>
<tr>
<td>Salvage Yards, Auto Parts</td>
</tr>
<tr>
<td>Salvage Yard, Scrap Processing</td>
</tr>
<tr>
<td>Solvent Recovery</td>
</tr>
<tr>
<td>Surface Active Agents</td>
</tr>
<tr>
<td>Textile Products, (no Dyeing and Finishing)</td>
</tr>
<tr>
<td>Textile Products, (with Dyeing and Finishing)</td>
</tr>
</tbody>
</table>
(b) Containment Structures

(1) Storage tanks for fuels and chemicals and associated pumping and piping shall be provided a spill containment system.

(2) Such containment systems shall be of sufficient volume to contain one hundred (100%) percent of all the tank(s) contents stored in the area and shall have a leak detection system installed.

(3) The containment system shall be approved by the Town Manager and the Fire Marshall.

(4) Such tanks and containment structures shall not be placed closer than one thousand (1,000) feet to the normal pool elevation of the existing or proposed reservoir.

(c) Underground Storage Tanks: Underground storage tanks for fuels and chemicals shall not be permitted except as approved by the Town Council.

(d) Point Source Discharges

(1) No expansion of any existing private wastewater facilities or establishment of any new public or private wastewater treatment plants of any kind shall be permitted. On-site individual residential septic systems approved by the Guilford County Health Department are permitted. Off-site individual residential septic systems approved by the Guilford County Health Department are permitted.

(2) Industrial pre-treatment facilities which prepare wastewater for discharge into a public sewer system shall be permitted in WCA districts.

7. STORM WATER MANAGEMENT

(a) Control of Run-off: Run-off from built-upon areas shall be controlled as follows:

If the built-upon area is greater than twelve (12) percent, the runoff control shall be by use of a best management practice designed to meet standards and specifications found in NCDENR’s BMP Manual.

D. Riparian Buffer Protection for Lands within the Jordan Lake Watershed.

1. AUTHORITY


2. PURPOSE

The purpose of the Town of Summerfield in adopting Section 9.D. 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 ordinance will help protect the water supply uses of Jordan Reservoir and of designated water supplies throughout the Jordan watershed.

3. PUBLIC BENEFITS

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.
4. JURISDICTION

Section 9.D shall be applied to all land in the planning jurisdiction of the Town of Summerfield that is located within the Jordan Reservoir Watershed. (Currently, the entire Town of Summerfield is located within the Jordan Reservoir Watershed.) Some areas in the Town of Summerfield also fall within the General Watershed Area of the City of Greensboro, North Carolina where additional rules apply.

5. APPLICABILITY

Section 9.D applies to all landowners and other persons conducting activities in the planning jurisdiction of the Town of Summerfield, with the exception of activities conducted under the authority of the State, the United States, multiple jurisdictions, or local units of government. Forest harvesting and agricultural activities are also exempt. 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.

6. RELATION TO OTHER REQUIREMENTS, REGULATIONS AND STANDARDS

These stream buffer requirements 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 these standards otherwise conflict with the provisions of any other validly enforceable ordinance(s) or laws, the most stringent provisions shall control. These stream buffer requirements are not intended to interfere with, abrogate, or annul any other ordinance, rule, regulation, or other provision of law.

7. RIPARIAN AREA PROTECTION WITHIN THE JORDAN RESERVOIR WATERSHED

(a) Buffers Protected

The following minimum criteria shall be used for identifying regulated buffers:

(1) Section 9.D shall apply to activities conducted within, or outside of with hydrologic impacts in violation of the diffuse flow requirements set out in Section 9.D.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.

(2) 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.

(3) For the purpose of this Section, only one of the following types of maps shall be used for purposes of identifying a water body subject to the requirements of this ordinance:

a. The most recent version of the soil survey map prepared by the Natural Resources Conservation Service of the United States Department of Agriculture.

b. The most recent version of the 1:24,000 scale (7.5 minute) quadrangle topographic maps prepared by the United States Geologic Survey (USGS).

c. 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 9.D.7.(c).

(4) 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 Town of Summerfield shall make an on-site determination. A Town of Summerfield 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 Town of Summerfield 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.

(5) Riparian buffers protected by this ordinance shall be measured pursuant to Section 9.D.7.(d).

(6) Parties subject to these stream buffer requirements 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.

(7) No new clearing, grading, or development shall take place nor shall any new building permits be issued in violation of these stream buffer requirements.

(b) 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 Town of Summerfield. Upon request, a Town of Summerfield 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 Town of Summerfield 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:

(1) 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.)

(2) Ephemeral streams.

(3) The absence on the ground of a corresponding intermittent or perennial stream, lake, reservoir, or pond.

(4) Ditches or other man-made water conveyances, other than modified natural streams.

(c) Exemption when Existing Uses are Present and Ongoing

These stream buffer requirements shall not apply to uses that are existing and ongoing; however, these requirements 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:

(1) 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.

(2) Projects or proposed developments that are determined by the Town of Summerfield to meet at least one of the following criteria:

a. 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.

b. 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;

c. 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

d. 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 Town of Summerfield prior to the effective date of this ordinance.

(d) Zones of the Riparian Buffer

The protected riparian buffer shall have two zones as follows:

(1) Zone One shall consist of a vegetated area that is undisturbed except for uses provided for in Table 9.D.8.(b) (Table of Uses Permitted in a Riparian Buffer). The location of Zone One shall be as follows:

a. 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.

b. 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.

(2) Zone Two shall consist of a stable, vegetated area that is undisturbed except for uses provided for in Table 9.D.8.(b). Grading and re-vegetating 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.
(e) 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

3. As set forth in Section 9.D.7(d) and Table 9.D.8(b), the Zones of the Riparian Buffer and Table of Permitted Uses respectively, no new stormwater conveyances are allowed through the buffers except for those specified in the Table 9.D.8(b), addressing stormwater management ponds, drainage ditches, roadside ditches, and stormwater conveyances.

8. POTENTIAL USES AND ASSOCIATED REQUIREMENTS

(a) Approval for New Development

The Town of Summerfield shall issue an approval for new development only if the development application proposes to avoid impacts to riparian buffers defined in Section 9.D.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:

1. Determined that the activity is exempt from requirements of this ordinance;

2. Received an Authorization Certificate from the Town of Summerfield pursuant to Section 9.D.9.(a);

3. For uses designated as Allowable with Mitigation in Table 9.D.8(b) received approval of mitigation plan pursuant to 9.D.9(c); and

4. Received a variance pursuant to Section 9.D.9.(b).

(b) Uses Permitted Within the Riparian Buffer

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.D.9(b), Variances. The requirements for each category are given in Section 9.D.8(c) following the Table of Uses.
<table>
<thead>
<tr>
<th>Use</th>
<th>Exempt*</th>
<th>Allowable*</th>
<th>Allowable w Mitigation*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Access trails: Pedestrian access trails leading to the surface water, docks, fishing piers, boat ramps and other water dependent activities:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• 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</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• 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</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Airport facilities:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Airport facilities that impact equal to or less than 150 linear feet or one-third of an acre of riparian buffer</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Airport facilities that impact greater than 150 linear feet or one-third of an acre of riparian buffer</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>• Activities necessary to comply with FAA requirements (e.g. radar uses or landing strips)</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Archaeological activities</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bridges</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>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.</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dam maintenance activities:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• 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</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• 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</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Drainage ditches, roadside ditches and stormwater conveyances through riparian buffers:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• New stormwater flows to existing drainage ditches, roadside ditches, and stormwater conveyances provided flows do not alter or result in the need to alter the conveyance and are managed to minimize the sediment, nutrients and other pollution that convey to water bodies.</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Realignment of existing roadside drainage ditches retaining the design dimensions, provided that no additional travel lanes are added and the</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td><strong>Article 9: Environmental Regulations</strong></td>
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<td>----------------------------------------</td>
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<tr>
<td><strong>Page 9-29</strong></td>
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<tr>
<td><strong>Town of Summerfield, NC</strong></td>
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<tr>
<td><strong>March 2014 Draft</strong></td>
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<tr>
<td><strong>Development Ordinance</strong></td>
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</tr>
</tbody>
</table>

- The minimum required roadway typical section is used based on traffic and safety considerations.

- 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.

- 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.

<table>
<thead>
<tr>
<th><strong>Driveway crossings of streams and other surface waters subject to this Ordinance:</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>×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</td>
<td>X</td>
</tr>
<tr>
<td>×Driveway crossings on single-family residential lots that disturb greater than 25 linear feet or 2,500 square feet of riparian buffer</td>
<td>X</td>
</tr>
<tr>
<td>×In a subdivision that cumulatively disturb equal to or less than 150 linear feet or one-third of an acre of riparian buffer</td>
<td>X</td>
</tr>
<tr>
<td>×In a subdivision that cumulatively disturb greater than 150 linear feet or one-third of an acre of riparian buffer</td>
<td>X</td>
</tr>
</tbody>
</table>

- Driveway impacts other than crossing of a stream or other surface waters subject to this Ordinance:

<table>
<thead>
<tr>
<th><strong>Fences:</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>×Fences provided that disturbance is minimized and installation does not result in removal of trees as defined in this Ordinance</td>
<td>X</td>
</tr>
<tr>
<td>×Fences provided that disturbance is minimized and installation results in removal of trees as defined in this Ordinance</td>
<td>X</td>
</tr>
</tbody>
</table>

- Fertilizer application: One-time application to establish vegetation

<table>
<thead>
<tr>
<th><strong>Grading and revegetation in Zone Two:</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>×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.</td>
<td>X</td>
</tr>
</tbody>
</table>

- 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.

<table>
<thead>
<tr>
<th><strong>Historic preservation</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>×Historic preservation</td>
<td>X</td>
</tr>
</tbody>
</table>
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.

<table>
<thead>
<tr>
<th>Mining activities:</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Mining activities that are covered by the Mining Act provided that new riparian buffers that meet the requirements of Sections 9.D.7.(d) and 9.D.7.(e) are established adjacent to the relocated channels</td>
</tr>
<tr>
<td>• Mining activities that are not covered by the Mining Act OR where new riparian buffers that meet the requirements of Sections 9.D.7.(d) and 9.D.7.(e) are not established adjacent to the relocated channels</td>
</tr>
<tr>
<td>• Wastewater or mining dewatering wells with approved NPDES permit</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Playground equipment:</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Playground equipment on single-family lots provided that installation and use does not result in removal of vegetation</td>
</tr>
<tr>
<td>• Playground equipment installed on lands other than single-family lots or that requires removal of vegetation</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Ponds created by impounding streams and not used as stormwater BMPs:</th>
</tr>
</thead>
<tbody>
<tr>
<td>• New ponds provided that a riparian buffer that meets the requirements of Sections 9.D.7.(d) and 9.D.7.(e) is established adjacent to the pond</td>
</tr>
<tr>
<td>• New ponds where a riparian buffer that meets the requirements of Sections 9.D.7.(d) and 9.D.7.(e) is NOT established adjacent to the pond</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Protection of existing structures, facilities and stream banks when this requires additional disturbance of the riparian buffer or the stream channel</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Railroad impacts other than crossings of streams and other surface waters subject to this Ordinance.</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Railroad crossings of streams and other surface waters subject to this Ordinance:</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Railroad crossings that impact equal to or less than 40 linear feet of riparian buffer</td>
</tr>
<tr>
<td>• 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</td>
</tr>
<tr>
<td>• Railroad crossings that impact greater than 150 linear feet or one-third of an acre of riparian buffer</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Recreational and accessory structures in Zone Two:</th>
</tr>
</thead>
</table>
- **Sheds and gazebos in Zone Two, provided they are not prohibited under local water supply ordinance:**
  - Total footprint less than or equal to 150 square feet per lot. | X |
  - Total footprint greater than 150 square feet per lot. | X |
- **Wooden slatted decks and associated steps, provided the use meets the requirements of Sections 9.D.7.(d) and 9.D.7.(e):**
  - Deck at least 8 feet tall and no vegetation removed from Zone 1. | X |
  - Deck less than 8 feet tall or vegetation removed from Zone 1. | 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 |
- **Road crossings of streams and other surface waters subject to this Ordinance:**
  - Road crossings that impact equal to or less than 40 linear feet of riparian buffer | X |
  - 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 | X |
  - Road crossings that impact greater than 150 linear feet or one-third of an acre of riparian buffer | X |
- **Road relocation: Relocation of existing private access roads associated with public road projects where necessary for public safety:**
  - Less than or equal to 2,500 square feet of buffer impact | X |
  - Greater than 2,500 square feet of buffer impact | X |
- **Stormwater BMPs:**
  - Wet detention, bioretention, and constructed wetlands in Zone Two if diffuse flow of discharge is provided into Zone One | X |
  - Wet detention, bioretention, and constructed wetlands in Zone One | X |
- **Scientific studies and stream gauging** | X |
- **Streambank or shoreline stabilization** | X |
- **Temporary roads, provided that the disturbed area is restored to pre-construction topographic and hydrologic conditions immediately after construction is complete and replanted immediately with comparable vegetation, except that tree planting may occur during the dormant season. A one-time application of fertilizer may be used to establish vegetation: At the end of five years the restored buffer shall comply with** |
the restoration criteria in Section 9.D.9.(c)(6):c:

<table>
<thead>
<tr>
<th>Buffer Disturbance</th>
<th>X</th>
<th>X</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than or equal to 2,500 square feet of buffer disturbance</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Greater than 2,500 square feet of buffer disturbance</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Associated with culvert installation or bridge construction or replacement</td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

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.D.9.(c)(6):c:

<table>
<thead>
<tr>
<th>Zone One and Two</th>
<th>X</th>
</tr>
</thead>
<tbody>
<tr>
<td>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 9.D.7.(e).</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Zones One and Two</th>
<th>X</th>
</tr>
</thead>
<tbody>
<tr>
<td>In Zones One and Two to control impacts associated with uses approved by Guilford County 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.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Stream Channel</th>
<th>X</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Stream Channel</th>
<th>X</th>
</tr>
</thead>
<tbody>
<tr>
<td>In-stream temporary erosion and sediment control measures for work within a stream channel.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Water Subject</th>
<th>2, 3, 5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Utility, electric, aerial, perpendicular crossings of stream and other surface waters subject to this Ordinance</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Buffer Disturbance</th>
<th>X</th>
</tr>
</thead>
<tbody>
<tr>
<td>Disturb equal to or less than 150 linear feet of riparian buffer</td>
<td></td>
</tr>
<tr>
<td>Disturb greater than 150 linear feet of riparian buffer</td>
<td>X</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Water Subject</th>
<th>2, 3, 5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Utility, electric, aerial, other than perpendicular crossings</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Zone Two</th>
<th>X</th>
</tr>
</thead>
<tbody>
<tr>
<td>Impacts in Zone Two</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Zone One</th>
<th>2, 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Utility, electric, underground, perpendicular crossings</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Buffer Disturbance</th>
<th>X</th>
</tr>
</thead>
<tbody>
<tr>
<td>Disturb less than or equal to 40 linear feet of riparian buffer</td>
<td></td>
</tr>
<tr>
<td>Disturb greater than 40 linear feet of riparian buffer</td>
<td>X</td>
</tr>
</tbody>
</table>
### Article 9: Environmental Regulations

#### Town of Summerfield, NC

**March 2014 Draft**

**Development Ordinance**

<table>
<thead>
<tr>
<th>Impacts in Zone Two</th>
<th>X</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Impacts in Zone One</strong>1</td>
<td>X</td>
</tr>
<tr>
<td>Utility, non-electric, perpendicular crossings of streams and other surface waters subject to this Ordinance3, 5:</td>
<td></td>
</tr>
<tr>
<td>- 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</td>
<td>X</td>
</tr>
<tr>
<td>- Disturb equal to or less than 40 linear feet of riparian buffer with a maintenance corridor greater than 10 feet in width</td>
<td>X</td>
</tr>
<tr>
<td>- 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</td>
<td>X</td>
</tr>
<tr>
<td>- 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</td>
<td>X</td>
</tr>
<tr>
<td>- Disturb greater than 150 linear feet of riparian buffer</td>
<td>X</td>
</tr>
</tbody>
</table>

**Utility, non-electric, other than perpendicular crossings4, 5:**

<table>
<thead>
<tr>
<th>Impacts in Zone Two</th>
<th>X</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Impacts in Zone One</strong></td>
<td>X</td>
</tr>
</tbody>
</table>

**Vegetation management:**

| Emergency fire control measures provided that topography is restored | X |
| Mowing or harvesting of plant products in Zone Two | X |
| Planting vegetation to enhance the riparian buffer | X |
| Pruning forest vegetation provided that the health and function of the forest vegetation is not compromised | X |
| Removal of individual trees that are in danger of causing damage to dwellings, other structures or human life, or are imminently endangering stability of the streambank. | X |
| Removal of individual trees which are dead, diseased or damaged. | X |
| Removal of poison ivy | 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.

Water supply reservoirs:

• New reservoirs where a riparian buffer that meets the requirements of Sections 9.D.7.(d) and 9.D.7.(e) is established adjacent to the reservoir X

• New reservoirs where a riparian buffer that meets the requirements of Sections 9.D.7.(d) and 9.D.7.(e) is not established adjacent to the reservoir X

Water wells

• Single-family residential water wells X

• All other water wells 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 X

• Wetland, stream and buffer restoration that does not require Division of Water Quality approval for the use of a 401 Water Quality Certification X

Wildlife passage structures 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 9.D.8(c).

1 Provided 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 Section 9.D.7.(d) and Section 9.D.7.(e)

2 Provided 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 Town of Summerfield, as defined in Section 9.D.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.
3 Provided that poles or aerial infrastructure shall not be installed within 10 feet of a water body unless the Town of Summerfield completes a no practical alternative evaluation as defined in Section 9.D.9.(a).

4 Provided 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 Town of Summerfield, as defined in Section 9.D.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.

5 Perpendicular crossings are those that intersect the surface water at an angle between 75 degrees and 105 degrees.

(c) Requirements for Categories of Uses

Uses designated in Section 9.D.8.(b) as exempt, allowable, and allowable with mitigation within a riparian buffer shall have the following requirements:

(1) Exempt.

Uses designated as exempt are permissible without authorization by the Town of Summerfield provided that they adhere to the limitations of the activity as defined in Section 9.D.8.(b), 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.

(2) Allowable.

Uses designated as allowable may proceed provided that there are no practical alternatives to the requested use pursuant to Section 9.D.9.(a). This includes construction, monitoring, and maintenance activities. These uses require written authorization from the Town of Summerfield.

(3) 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.D.9.(a) and an appropriate mitigation strategy has been approved pursuant to Section 9.D.9(c). These uses require written authorization from the Town of Summerfield.

9. PERMITS PROCEDURES, REQUIREMENTS, AND APPROVALS

(a) Determination of No Practical Alternatives / Request for Authorization Certificate

(1) 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 Town of Summerfield Board of Adjustment. The applicant shall certify that the project meets all the following criteria for finding “no practical alternatives”:
   a. 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;
(2) The applicant shall also submit at least the following information in support of their assertion of “no practical alternatives”:
   a. The name, address and phone number of the applicant;
   b. The nature of the activity to be conducted by the applicant;
   c. The location of the activity, including the jurisdiction;
   d. 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;
   e. 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
   f. Plans for any best management practices proposed to be used to control the impacts associated with the activity.

(3) Within 60 days of a submission that addresses Section 9.D.9(a)(2), the Town of Summerfield Board of Adjustment shall review the entire project and make a finding of fact as to whether the criteria in Section 9.D.9(a)(1) 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:
   a. The applicant agrees, in writing, to a longer period;
   b. The Town of Summerfield determines that the applicant has failed to furnish requested information necessary to the Town of Summerfield decision;
   c. The final decision is to be made pursuant to a public hearing; or
   d. The applicant refuses access to its records or premises for the purpose of gathering information necessary to the Town of Summerfield’s decision.

(4) The Town of Summerfield Board of Adjustment may attach conditions to the Authorization Certificate that support the purpose, spirit and intent of this ordinance.

(5) 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.

(b) Variances from Riparian Buffer Requirements

Variances issued for all watershed variances shall follow all procedures, except as herein noted, found in Section 3.B.14 of this Ordinance.

(1) Requirements for Variances.

Persons who wish to undertake prohibited uses may pursue a variance. The Town of Summerfield Board of Adjustment may grant minor variances. For major variances, the Town of Summerfield Board of Adjustment shall prepare preliminary findings and submit them to the Division of Water Quality, 401 Oversight Express Permitting Unit, or its successor for approval by
Article 9: Environmental Regulations

the Environmental Management Commission. The variance request procedure shall be as follows:

a. For any variance request, the Board of Adjustment 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 (NOTE: The variance findings found in Section 3.B.14 of this Ordinance shall not apply to any major or minor watershed variance coming before the Board of Adjustment):

i. 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 Board of Adjustment 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;

ii. The hardship results from application of this ordinance to the property rather than from other factors such as deed restrictions or other hardship;

iii. 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;

iv. The applicant did not cause the hardship by knowingly or unknowingly violating this ordinance;

v. The applicant did not purchase the property after the effective date of this ordinance, and then request a variance; and

vi. The hardship is rare or unique to the applicant’s property.

b. 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

c. In granting the variance, the public safety and welfare have been assured, water quality has been protected, and substantial justice has been done.

(2) 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.D.9.(b)(1) through Section 9.D.9(b)(3) by the Board of Adjustment pursuant to G.S. 153A- Article 18, or G.S. 160A-Article 19. The Town of Summerfield 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 Board of Adjustment 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.

(3) 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 Board of Adjustment has
determined that a major variance request meets the requirements in Section 9.D.9(b)(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 Town of Summerfield, 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.

(c) Mitigation

(1) This item shall apply to persons who wish to impact a riparian buffer in the Jordan watershed when one of the following applies:

a. A person has received an Authorization Certificate pursuant to Section 9.D.9(a) of this ordinance for a proposed use that is designated as “allowable with mitigation;” or

b. A person has received a variance pursuant to Section 9.D.9(b) of this ordinance and is required to perform mitigation as a condition of a variance approval.

(2) Issuance of the Mitigation Approval

The Town of Summerfield 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.

(3) Options for Meeting the Mitigation Requirement

The mitigation requirement may be met through one of the following options:

a. 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;

b. Donation of real property or of an interest in real property pursuant to Section 9.D.9(c)(6) of this ordinance; or

c. Restoration or enhancement of a non-forested riparian buffer pursuant to the requirements of Section 9.D.9(c)(7).

(4) The Area of Mitigation

The Town of Summerfield Town Manager shall determine the required area of mitigation, which shall apply to all mitigation options identified in Section 9.D.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:

a. The impacts in square feet to each zone of the riparian buffer shall be determined by the Town of Summerfield by adding the following:

i. The area of the footprint of the use causing the impact to the riparian buffer;
ii. The area of the boundary of any clearing and grading activities within the riparian buffer necessary to accommodate the use; and

iii. The area of any ongoing maintenance corridors within the riparian buffer associated with the use.

b. The required area of mitigation shall be determined by applying the following multipliers to the impacts determined in Section 9.D.9.(c)(4)a. of this ordinance to each zone of the riparian buffer:

i. Impacts to Zone One of the riparian buffer shall be multiplied by three;

ii. Impacts to Zone Two of the riparian buffer shall be multiplied by one and one-half; and

iii. 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.

(5) 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.D.9.(c)(6)c.i.

(6) 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:

a. 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.D.9(c)(6)d.iv. 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.

b. The donation of conservation easements to satisfy compensatory mitigation requirements shall be accepted only if the conservation easement is granted in perpetuity.

c. Donation of real property interests to satisfy the mitigation determination shall be accepted only if such property meets all of the following requirements:

i. In addition to the location requirements of Section 9.D.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;
ii. 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.D.9(7)(d) of this ordinance;

iii. 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;

iv. 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.D.9(c)(4) of this ordinance;

v. Restoration shall not require removal of man-made structures or infrastructure;

vi. The property shall be suitable to be successfully restored, based on existing hydrology, soils, and vegetation;

vii. The estimated cost of restoring and maintaining the property shall not exceed the value of the property minus site identification and transaction costs;

viii. 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;

ix. The property shall not contain any hazardous substance or solid waste;

x. 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;

xi. 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

xii. The property shall not have any encumbrances or conditions on the transfer of the property interests.

d. At the expense of the applicant or donor, the following information shall be submitted to the Town of Summerfield with any proposal for donations or dedications of interest in real property:

i. Documentation that the property meets the requirements laid out in Section 9.D.9(c)(6)c. of this ordinance;

ii. 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;

iii. 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;

iv. 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

v. A title certificate.

(7) Riparian Buffer Restoration or Enhancement

Persons who choose to meet their mitigation requirement through riparian buffer restoration or enhancement shall meet the following requirements:

a. The applicant may restore or enhance a non-forested riparian buffer if either of the following applies:
   
i. The area of riparian buffer restoration is equal to the required area of mitigation determined pursuant to Section 9.D.9.(c)(4) of this ordinance; or
   
ii. The area of riparian buffer enhancement is three times larger than the required area of mitigation determined pursuant to Section 9.D.9(c)(4) of this ordinance;

b. The location of the riparian buffer restoration or enhancement shall comply with the requirements in Section 9.D.9(c)(5) of this ordinance;

c. 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;

d. 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;

e. The applicant shall first receive an Authorization Certificate for the proposed use according to the requirements of Section 9.D.9.(a). After receiving this determination, the applicant shall submit a restoration or enhancement plan for approval by the Town of Summerfield. The restoration or enhancement plan shall contain the following:
   
i. A map of the proposed restoration or enhancement site;
   
ii. 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;
   
iii. A grading plan. The site shall be graded in a manner to ensure diffuse flow through the riparian buffer;
   
iv. A fertilization plan; and
   
v. A schedule for implementation;
f. Within one year after the Town of Summerfield Town Manager has approved the restoration or enhancement plan, the applicant shall present proof to the Town of Summerfield 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 Town of Summerfield riparian buffer protection program;

g. The mitigation area shall be placed under a perpetual conservation easement that will provide for protection of the property's nutrient removal functions; and

h. 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.

10. COMPLIANCE AND ENFORCEMENT

(a) Site Inspections and Enforcement

(1) Agents, officials, or other qualified persons authorized by the Town of Summerfield may periodically inspect riparian buffers to ensure compliance with this ordinance.

(2) Notice of the right to inspect shall be included in the letter of approval of each variance and buffer authorization.

(3) 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 Town of Summerfield, 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 Town of Summerfield shall have the power to conduct such investigations as deemed reasonably necessary to carry out the duties as prescribed in this ordinance.

(4) Any person engaged in new activities as defined by this Section who fails to meet the buffering requirements of this Section shall be deemed in violation of this ordinance and subject to enforcement actions under Article 8.
E. SOIL EROSION AND SEDIMENTATION CONTROL

1. GENERAL REQUIREMENTS
   (a) Plan Required: No person shall initiate any land-disturbing activity without an erosion control plan approved by the Town, if the land-disturbing activity:
      (1) Exceeds one (1) acre;
      (2) Will take place on highly erodible soils with a "k" factor greater than .36 in a watershed critical area;
      (3) Includes a permanent runoff control structure in a watershed critical area; or
      (4) Will take place in Tier 1 or Tier 2 of a watershed critical area.
   (b) Protection of Property: Persons conducting land-disturbing activity shall take all reasonable measures to protect all public and private property from damage caused by such activity.
   (c) More Restrictive Rules Shall Apply: Whenever conflicts exist between federal, state, or local laws, ordinances, or rules, the more restrictive provision shall apply.

2. BASIC CONTROL OBJECTIVES
   A soil erosion and sedimentation control plan may be disapproved in accordance with the provisions of Section 9.E.12.(m) if the plan fails to address the following control objectives:
   (a) Identify Critical Areas: On-site areas which are subject to severe erosion, and off-site areas which are especially vulnerable to damage from erosion and/or sedimentation, are to be identified and receive special attention;
   (b) Limit Time of Exposure: All land-disturbing activity is to be planned and conducted to limit exposure to the shortest feasible time;
   (c) Limit Exposed Areas: All land-disturbing activity is to be planned and conducted to minimize the size of the area to be exposed at any one time;
   (d) Control Surface Water: Surface water runoff originating upgrade of exposed areas should be controlled to reduce erosion and sediment loss during the period of exposure;
   (e) Control Sedimentation: All land-disturbing activity is to be planned and conducted so as to prevent off-site sedimentation damage; and
   (f) Manage Storm Water Runoff: When the increase in the velocity of storm water runoff resulting from a land-disturbing activity is sufficient to cause accelerated erosion of the receiving watercourse, plans are to include measures to control the velocity at the point of discharge so as to minimize accelerated erosion of the site and increased sedimentation of the stream.

3. MANDATORY STANDARDS FOR LAND-DISTURBING ACTIVITY
   No land-disturbing activity subject to the control of this ordinance shall be undertaken except in accordance with the following mandatory standards:
   (a) Riparian Buffer: No land-disturbing activity shall be permitted in proximity to a lake or natural watercourse except in accordance with the riparian buffer standards of Section 9D. Riparian Buffer Protection for Lands within the Jordan Lake Watershed.
   (b) Graded Slopes and Fills: The angle for graded slopes and fills shall be no steeper than two (2) to one (1) slope if they are to be stabilized with vegetative cover. Slopes or fills steeper than two (2) to one (1) slope must be protected by structures. In any event, slopes left exposed will, within thirty (30) days of
completion of any phase of grading, be planted or otherwise provided with ground cover, devices, or structures sufficient to restrain erosion;

(c) Ground Cover: Whenever land-disturbing activity is undertaken on a tract comprising more than one (1) acre, if more than one acre is uncovered, the person conducting the land-disturbing activity shall install such sedimentation and erosion control devices and practices as are sufficient to retain the sediment generated by the land-disturbing activity within the boundaries of the tract during construction upon and development of said tract, and shall plant or otherwise provide a permanent ground cover sufficient to restrain erosion after completion of construction or development. Except as provided in Section 9.E.4.(b)(5), provisions for a ground cover sufficient to restrain erosion must be accomplished within thirty (30) working days or one hundred and twenty (120) calendar days following completion, whichever period is shorter; and

(d) Prior Plan Approval: No person shall initiate any land-disturbing activity on a tract more than one acre is to be uncovered unless, thirty (30) or more days prior to initiating the activity, an erosion and sedimentation control plan for such activity is filed with and approved by the Town.

4. DESIGN AND PERFORMANCE STANDARDS

(a) Design for Ten-year Storm: Except as provided in Section 9.E.4.(b)(2) of this ordinance, soil erosion and sedimentation control measures, structures, and devices shall be so planned, designed, and constructed as to provide protection from the calculated maximum peak rate of runoff from the ten (10)-year storm. Runoff rates shall be calculated using the procedures in the USDA, Soil Conservation Service’s “National Engineering Field Manual for Conservation Practices,” or other acceptable calculation procedures.

(b) High Quality Water Zones: In High Quality Water (HQW) zones the following design standards shall apply:

(1) Uncovered areas in HQW zones shall be limited at any time to a maximum total area within the boundaries of the tract to twenty (20) acres. Only the portion of the land-disturbing activity within a HQW zone shall be governed by this subsection. Larger areas may be uncovered within the boundaries of the tract with the written approval of the Director (NC Department of Environmental and Natural Resources).

(2) Soil erosion and sedimentation control measures, structures and devices within HQW zones shall be so planned, designed and constructed to provide protection from the runoff of the twenty-five-year storm which produces the maximum peak rate of runoff as calculated according to procedures in the United States Department of Agricultural Soil Conservation Service’s “National Engineering Field Manual for Conservation Practices” or according to procedures adopted by any other agency of this state or the United States or any generally recognized organization or association.

(3) Sediment basins within HQW zones shall be designed and constructed such that the basin will have a settling efficiency of at least seventy (70%) percent for the forty (40) micron size soil particle transported into the basin by the runoff of that two-year storm which produces the maximum peak rate of runoff as calculated according to procedures in the United States Department of Agricultural Soil Conservation Service’s “National Engineering Field Manual for Conservation Practices” or according to procedures adopted by any other agency of this State or the United States or any generally reorganized organization or association.

(4) Newly constructed open channels in HQW zones shall be designed and constructed with side slopes no steeper than two (2) horizontal to one (1) vertical if a vegetative cover is used for stabilization unless soil conditions permit a steeper slope or where the slopes are stabilized by
using mechanical devices, structural devices, or other acceptable ditch liners. In any event, the angle for side slopes shall be sufficient to restrain accelerated erosion.

(5) Ground cover sufficient to restrain erosion must be provided for any portion of a land-disturbing activity in a HQW zone within fifteen (15) working days or sixty (60) calendar days following completion of construction or development, whichever period is shorter.

5. STORM WATER OUTLET PROTECTION

(a) Intent: Stream banks and channels downstream from any land-disturbing activity shall be protected from increased degradation by accelerated erosion caused by increased velocity of runoff from the land-disturbing activity.

(b) Performance Standard: Any land-disturbing activity shall be conducted so that the post-construction velocity of the ten (10)-year storm runoff in the receiving watercourse to the discharge point does not exceed the greater of:

(1) The velocity established by Table 9.E.5.(d); or

(2) The velocity of the ten (10)-year storm runoff in the receiving watercourse prior to development.

If conditions (1) or (2) above cannot be met, then the receiving watercourse to and including the discharge point shall be designed and constructed to withstand the expected velocity anywhere the velocity exceeds the “prior to development” velocity by ten (10%) percent.

(c) Acceptable Management Measures: Measures applies alone or in combination to satisfy the intent of this Section are acceptable if there are no objectionable secondary consequences. The Town recognizes that the management of stormwater runoff to minimize or control downstream channel and bank erosion is a developing technology. Innovative techniques and ideas will be considered and may be used when shown to have the potential to produce successful results. Some alternatives are to:

(1) Avoid increases to surface runoff volume and velocity by including measures to promote infiltration to compensate for increased runoff from areas rendered impervious;

(2) Avoid increases in stormwater discharge velocities by using vegetated or roughened swales and waterways in lieu of closed drains and high velocity paved sections;

(3) Provide energy dissipaters at outlets of storm drainage facilities to reduce flow velocities to the point of discharge. These may range from simple rip-rapped sections to complex structures; or

(4) Protect watercourses subject to accelerated erosion by improving cross sections and/or providing erosion-resistant lining.

(d) Exceptions: This rule shall not apply where it can be demonstrated that stormwater discharge velocities will not create an erosion problem in the receiving watercourse.

<table>
<thead>
<tr>
<th>Material</th>
<th>Maximum Permissible Velocities</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>F.P.S</td>
</tr>
<tr>
<td>Fine sand (noncolloidal)</td>
<td>2.5</td>
</tr>
</tbody>
</table>
Sandy Loam (noncolloidal) & 2.5 & 0.8 \\
Silt loam (noncolloidal) & 3.0 & 0.9 \\
Ordinary firm loam & 3.5 & 1.1 \\
Fine Gravel & 5.0 & 1.5 \\
Stiff clay (very colloidal) & 5.0 & 1.5 \\
Graded, loam to cobbles (noncolloidal) & 5.0 & 1.5 \\
Graded, silt to cobbles & 5.5 & 1.7 \\
Alluvial silts (noncolloidal) & 3.5 & 1.1 \\
Alluvial silts (colloidal) & 5.0 & 1.5 \\
Coarse gravel (noncolloidal) & 6.0 & 1.8 \\
Cobbles and shingles & 5.5 & 1.7 \\
Shales and hard pans & 6.0 & 1.8 \\

Source – Adapted from recommendations by Special Committee on Irrigation Research, American Society of Civil Engineers, 1926, for channels with straight alignment. For sinuous channels, multiply allowable velocity by 0.95 for slightly sinuous, by 0.9 for moderately sinuous channels, and by 0.8 for highly sinuous channels.

6. **BORROW AND WASTE AREAS**

When the person conducting the land-disturbing activity is also the person conducting the borrow or waste disposal activity, areas from which borrow is obtained and which are not regulated by the provisions of the Mining Act of 1971, any waste areas for surplus materials other than landfills regulated by the Department's, Division of Solid Waste Management shall be considered as part of the land-disturbing activity where the borrow material is being used or from which the waste material originated. When the person conducting land-disturbing activity is not the person obtaining the borrow and/or disposing of the waste, these areas shall be considered a separate land-disturbing activity.

7. **ACCESS AND HAUL ROADS**

Temporary access and haul roads, other than public roads, constructed or used in connection with any land-disturbing activity shall be considered a part of such activity.

8. **OPERATIONS IN LAKES OR NATURAL WATERCOURSES**

Land-disturbing activity in connection with construction in, on, over, or under a lake or natural watercourse shall be conducted so as to minimize the extent and duration of disturbance of the stream channel. The relocation of a stream, where relocation is an essential part of the proposed activity, shall be executed so as to minimize changes in the stream flow characteristics, except when justification for significant alteration to flow
characteristic is provided. The U.S. Army Corps of Engineers shall be notified by the developer of any planned operation in lakes or natural watercourses for possible issuance of Section 404 or other permits.

9. RESPONSIBILITY FOR MAINTENANCE

During the development of a site, the person conducting the land-disturbing activity shall install and maintain all temporary and permanent erosion and sedimentation control measures as required by the approved plan, by any provision of this ordinance, or by any ordinance adopted pursuant to this ordinance. After site development, the landowner or person in possession or control of the land shall install and/or maintain all necessary permanent erosion and sediment control measures, except those measures installed within a road or street right-of-way or easement accepted for maintenance by a governmental agency.

10. ADDITIONAL MEASURES

Whenever the Town determines that significant sedimentation is occurring as a result of land-disturbing activity, despite application and maintenance of protective practices, the person conducting the land-disturbing activity will be required to and shall take additional protective action.

11. EXISTING UNCOVERED AREAS

(a) Applicability: All uncovered, land-disturbed areas existing on the effective date of this ordinance which exceed one (1) acre, which are subject to continued accelerated erosion, and which are causing off-site damage from sedimentation, shall be provided with a ground cover or other protective measures, structures, or devices sufficient to restrain accelerated erosion and control off-site sedimentation.

(b) Notice of Violation: The Town Manager will serve upon the landowner a written notice of violation by registered or certified mail, return receipt requested. The notice will set forth the measures needed to comply and will state the time within which such measures must be completed. In determining the measures required and the time allowed for compliance, the Town Manager shall take into consideration the economic feasibility, technology, and quantity of work required, and shall set reasonably attainable time limits for compliance.

(c) Requiring Erosion Control Plan: The Town reserves the right to require preparation and approval of an erosion control plan in any instance where extensive control measures are required.

(d) Exemption: This rule shall not require ground cover on cleared land forming the future basin of a planned reservoir.

12. EROSION AND SEDIMENTATION CONTROL PLANS

(a) Applicability: An erosion control plan shall be prepared for all land-disturbing activities subject to this ordinance whenever the proposed activity is to be undertaken on a tract comprising more than one (1) acre, if more than one (1) acre is to be uncovered.

(b) Preparation of Plan: The erosion control plan shall be prepared by, and shall bear the seal and signature of a registered professional engineer, architect, landscape architect, or a registered surveyor to the extent permitted by North Carolina laws, at a scale not smaller than one (1) inch equals one hundred (100) feet. The plan shall be filed with the Town, and the Guilford Soil and Water Conservation District, thirty (30) days prior to the commencement of the proposed activity.

(c) Submission of Plan: Persons conducting land-disturbing activity on a tract which covers one or more acres shall file five (5) copies of the erosion control plan with the Town Manager, at least thirty (30) days prior to beginning of such activity, and shall keep another copy of the plan on file at the job site. If the Town Manager, either upon review of such plan or on inspection of the job site, determines that a significant risk of accelerated erosion or off-site sedimentation exists, the Town Manager will require a revised plan. Pending the preparation of the revised plan, work shall cease or shall continue under conditions outlined by the Town Manager.
Financial Responsibility Statement: Erosion control plans may be disapproved unless accompanied by an authorized statement of financial responsibility and ownership. This statement shall be signed by the person financially responsible for the land-disturbing activity or his attorney in fact. The statement shall include the mailing and street addresses of the principal place of business of the person financially responsible and of the owner of the land or their registered agents. If the person financially responsible is not a resident of North Carolina, a North Carolina agent must be designated in the statement for the purpose of receiving notice of this compliance or non-compliance with the plan, this ordinance, or rules or orders adopted or issued pursuant to this ordinance.

Conservation District Review: The Guilford Soil and Water Conservation District, within twenty (20) days of receipt of any plan, shall review such plan and submit its comments and recommendations to the Town. Failure of the Soil and Water Conservation District to submit its comments and recommendations within these twenty (20) days will not delay final action on the plan.

Town Review: The Town Manager will review each plan submitted to them and within thirty (30) days of receipt thereof will notify the person submitting the plan that it has been approved, approved with modifications, approved with performance reservations, or disapproved. Failure to approve or disapprove a complete erosion and sedimentation control plan within thirty (30) days of receipt shall be deemed approval. Denial of a plan must specifically state in writing the reasons for denial. The Town Manager must approve or deny a revised plan within fifteen (15) days of receipt, or it is deemed to be approved. If, following commencement of a land-disturbing activity pursuant to an approved plan, the Town Manager determines that the plan is inadequate to meet the requirements of this ordinance, the Town Manager require such revisions as are necessary to comply with this ordinance.

Plan Requirements: The plan required by this Section shall contain architectural and engineering drawings, maps, assumptions, calculations, and narrative statements as needed to adequately describe the proposed development of the tract and the measures proposed to ensure compliance with the requirements of this ordinance. Plan content may vary to meet the needs of specific site requirements. Detailed guidelines for plan preparation can be found in Appendix 2 (Map Standards).

Application Amendments: Applications for amendment of an erosion control plan in written and/or graphic form may be made at any time under the same conditions as the original application. Until such time as said amendment is approved by the Town Manager, the land-disturbing activity shall not proceed except in accordance with the erosion control plan as originally approved.

Work Conducted from Approved Plan: Any person engaged in land-disturbing activity who fails to file a plan in accordance with this ordinance, or who conducts a land-disturbing activity except in accordance with provisions of an approved plan shall be deemed in violation of this ordinance.

Plan Approval Required for Permit: No building or location permits, approvals or other documents relating to land or building development or improvement shall be issued or granted under applicable zoning, building, subdivision and other laws and ordinances of the Town, unless and until an erosion control plan, as required by this ordinance, has been submitted to the Town, a grading permit has been issued, and a Certificate of Erosion Control Performance has been issued by the Town, indicating that initial erosion control devices have been installed and are functioning properly.

Work Completed Before Final Subdivision Approval: No final subdivision plat approval nor any Certificate of Occupancy shall be issued or granted where required under applicable zoning, building, subdivision and other laws and ordinances unless and until work at the site has been completed in accordance with a valid grading permit, or an improvement security or performance bond has been approved and accepted as required by this ordinance.

Surety: The applicant for a grading permit to grade one (1) acre or more may be required to file with the Town an improvement security or bond in the form of an escrow account or other instruments satisfactory to the Town Attorney in the amount deemed sufficient by the Town to cover all costs of
protection of the site against erosion and off-site sedimentation according to requirements of this ordinance. The amount of such surety requirement shall be determined by the Town in consultations with the Soil and Water Conservation District and with disinterested private contractors. Such surety shall be valid until the work is completed in accordance with the grading permit and until same is released by the Town. Applicable surety shall be forfeited upon violation of this ordinance and shall be used to establish protective cover on the site, to control the velocity of runoff, and/or prevent off-site sedimentation. Any monies in excess of the cost of providing protective measures shall be refunded to the applicant. Surety shall be released when the Town has certified that the requirements of this ordinance have been met.

(m) Grounds for Plan Disapproval: A soil erosion and sedimentation control plan may be disapproved upon a finding that an applicant, or any parent or subsidiary corporation if the applicant is a corporation:

1. Is conducting or has conducted land-disturbing activity without an approved plan, or has received notice of violation of a plan previously approved by the Commission or the Town and has not complied with the notice within the time specified in the notice;

2. Has failed to pay a civil penalty assessed pursuant to the Act or this ordinance which is due and for which no appeal is pending;

3. Has been convicted of a misdemeanor pursuant to NCGS 113A-64(b) or any criminal provision of this ordinance; and

4. Has failed to substantially comply with State rules adopted pursuant to the Act or regulations of this ordinance.

For purposes of this subsection an applicant’s record may be considered for only the two years prior to the application date.

(n) North Carolina Environmental Policy Act: Any plan submitted for a land-disturbing activity for which an environmental document is required by the North Carolina Environmental Policy Act (NCGS 113A-1, et seq.) shall be deemed incomplete until a complete environmental document is available for review. The Town of Summerfield shall promptly notify the person submitting the plan that the thirty (30) day time limit for review of the plan pursuant to Section 9.E.12.(f) of this ordinance shall not begin until a complete environmental document is available for review.
F. FLOOD DAMAGE PREVENTION

1. STATUTORY AUTHORIZATION AND LEGAL STATUS PROVISIONS
   (a) Statutory Authorization: The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Parts 3, 5, and 8 of Article 19 of Chapter 160A; and Article 8 of Chapter 160A of the North Carolina General Statutes, delegated to local government the responsibility of units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.
   (b) Legal Status Provisions:
      (1) Effect on Rights and Liabilities under the Existing Flood Damage Prevention Ordinance: This ordinance in part comes forward by re-enactment of some of the provisions of the flood damage prevention ordinance enacted on July 1, 1999, as amended, and it is not the intention to repeal but rather re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued there under are reserved and may be enforced. The enactment of this ordinance shall not affect any action, suit, or proceeding instituted or pending. All provisions of the Flood Damage Prevention Ordinance of the Town of Summerfield enacted on July 1, 1999, as amended, which are not re-enacted are repealed.
      (2) Effect Upon Outstanding Floodplain Development 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 Floodplain Development Permit has been granted by the floodplain 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 (6) months subsequent to the date of issuance of the outstanding permit, construction or use shall be in conformity with the provisions of this ordinance.
      (3) Effective Date: This ordinance shall become effective upon date of adoption.

2. FINDINGS OF FACT
   (a) The flood prone areas within the jurisdiction of the Town of Summerfield 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 for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
   (b) These flood losses are caused by the cumulative effect of obstructions in flood plains causing increases in flood heights and velocities and by the occupancy in flood hazard areas of uses vulnerable to floods or other hazards.

3. GENERAL PROVISIONS
   (a) Lands to which this Ordinance Applies: This ordinance shall apply to all Special Flood Hazard Areas within the Town of Summerfield. Bona fide farms are not exempt from the provisions of this ordinance regulating development in floodways and floodplains as required for participation in the National Flood Insurance Program.
   (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 the Federal Emergency Management Agency in its Flood Insurance Study (FIS) and its accompanying Flood Insurance Rate Maps (FIRM), for Guilford County dated June 18, 2007, which are adopted by reference and declared to be a part of this ordinance.
   (c) Flood Hazard Administrator and Duties: An Enforcement Officer, hereinafter referred to as the "Floodplain Administrator", is hereby appointed to administer and implement the provisions of this Ordinance. The Floodplain Administrator shall perform, but not be limited to, the following duties:
(1) Review all floodplain development applications and issue permits for all proposed development within Special Flood Hazard Areas to assure that the requirements of this Ordinance have been satisfied.

(2) Advise permittee that additional Federal or State permits (Wetlands, Endangered Species, Erosion and Sedimentation Control, Riparian Buffers, Mining, etc.) may be required, and require that copies of such permits be provided and maintained on file with the Floodplain Development Permit.

(3) Notify adjacent communities and the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).

(4) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

(5) Prevent encroachments into floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of Section 9.F.10 are met.

(6) Obtain actual elevation (in relation to mean sea level) of the reference level (including basement) and all attendant utilities of all new or substantially improved structures, in accordance with Section 9.F.7.(c)

(7) Obtain actual elevation (in relation to mean sea level) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with Section 9.F.7.(c)

(8) Obtain actual elevation (in relation to mean sea level) of all public utilities in accordance with Section 9.F.7.(c)

(9) When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with Sections 9.F.7.(c) and 9.F.8.(b)(2).

(10) 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 article.

(11) When Base Flood Elevation (BFE) data has not been provided in accordance with Section 9.F.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 9.F.9.(b)(2), in order to administer the provisions of this Ordinance.

(12) When Base Flood Elevation (BFE) data is provided but no floodway nor non-encroachment area data has been provided in accordance with Section 9.F.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 Ordinance.

(13) 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.

(14) Permanently maintain all records that pertain to the administration of this Ordinance and make these records available for public inspection.
(15) Make on-site inspections of work in progress. As the work pursuant to a Floodplain Development Permit progresses, the Floodplain Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the Floodplain Administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.

(16) Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this Ordinance, the Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.

(17) Revoke Floodplain Development Permits as required. The Floodplain Administrator may revoke and require the return of the Floodplain Development Permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, 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 Floodplain Development Permit mistakenly issued in violation of an applicable State or local law may also be revoked.

(18) Make periodic inspections throughout all special flood hazard areas within the jurisdiction of the community. The Floodplain Administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.

(19) Follow through with corrective procedures of Article 10.

(20) Review, provide input, and make recommendations for variance requests.

(21) 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 9.F.3.(b), including any revisions thereto including Letters of Map Change, issued by FEMA. Notify State and FEMA of mapping needs.

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

4. ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMIT

A Floodplain Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities within Special Flood Hazard Areas determined in accordance with Section 9.F.3.(b).

5. COMPLIANCE

No structure or land shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this ordinance and other applicable regulations.

6. WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur. Actual flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the Special Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages.
This ordinance shall not create liability on the part of the Town of Summerfield or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

7. FLOOD PLAIN DEVELOPMENT APPLICATION, PERMIT AND CERTIFICATION

(a) Application Requirements: Application for a Floodplain Development Permit shall be made to the Floodplain Administrator prior to any development activities located within Special Flood Hazard Areas. The following items shall be presented to the Floodplain Administrator to apply for a Floodplain Development Permit:

(1) A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:
   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 this section, 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 9.F.3.(b);
   d. The boundary of the floodway(s) or non-encroachment area(s) as determined in Section 9.F.3.(b);
   e. The Base Flood Elevation (BFE) where provided as set forth in Section 9.F.3.(b);
   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 land 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 mean sea level of the proposed reference level (including basement) of all structures;
   b. Elevation in relation to mean sea level to which any non-residential structure in Zone AE or A will be flood-proofed; and
   c. Elevation in relation to mean sea level to which any proposed utility systems will be elevated or floodproofed;

(3) If floodproofing, a Floodproofing Certificate (FEMA Form 81-65) with supporting data and an operational plan that includes, but is not limited to, installation, exercise, and maintenance of floodproofing measures.

(4) A Foundation Plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this Ordinance are met. These details include but are not limited to:
   a. The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls);
b. Openings to facilitate equalization of hydrostatic flood forces on walls in accordance with Section 9.F.8.(b)(4)c., when solid foundation perimeter walls are used in Zones A, AE, and A1-30;

(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 that the provisions of Section 9.F.8.(b)(6) 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.

(b) Permit Requirements: The Floodplain Development Permit shall include, but not be limited to:

(1) A description of the development to be permitted under the Floodplain Development Permit.

(2) The Special Flood Hazard Area determination for the proposed development per available data specified in Section 9.F.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.


(8) Limitations of below BFE enclosure uses (if applicable). (i.e., Parking, Building Access and Limited Storage only).

(c) Elevation Certificate:

(1) An Elevation Certificate (FEMA Form 81-31) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to mean sea level. The Floodplain 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.

(2) An Elevation Certificate (FEMA Form 81-31) is required after the reference level is established. Within seven (7) calendar days of establishment of the reference level elevation, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to mean sea level. Any work done within the seven (7) day calendar period and prior to submission of the certification shall be at the permit holder’s risk. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by
such review shall be corrected by the permit holder immediately and prior to further work being permitted to proceed. Failure to submit the certification or failure to make required corrections shall be cause to issue a stop-work order for the project.

(3) A final as-built Elevation Certificate (FEMA Form 81-31) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

(d) Floodproofing Certificate. If non-residential floodproofing is used to meet the regulatory flood protection elevation requirements, a Floodproofing Certificate (FEMA Form 81-65), 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 Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to mean sea level. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain 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.

(e) If a manufactured home is placed within Zone A, AE, or A1-30 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required per Section 9.F.8.(b)(3).

(f) If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a Floodplain Development Permit.

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

1. Recreational Vehicles meeting requirements of Section 9.F.8.(b)(6);
2. Temporary Structures meeting requirements of Section 9.F.8.(b)(7); and
3. Accessory Structures less than 150 square feet meeting requirements of Section 9.F.8.(b)(8).

8. PROVISIONS FOR FLOOD HAZARD REDUCTION

(a) General Standards: In all Special Flood Hazard Areas the following provisions are required:

1. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure;
2. All new construction or substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
3. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damages;
(4) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, appliances (washers, dryers, refrigerators, freezers, etc.), hot water heaters, and electric outlets/switches. Underground Storage tanks are not allowed. Above ground fuel storage tanks, as defined herein, must meet the regulatory flood protection elevation as defined in Section 9.H. Definitions Related to Environmental Regulations.

(5) All new or replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(6) New or replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of flood waters 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; and

(8) Any alteration, repair, reconstruction or improvements to a structure which is in compliance with the provisions of this Article, shall meet the requirement of “new construction” as contained in this ordinance.

(9) Nothing in this ordinance shall prevent repair, reconstruction, or replacement of a building or structure existing on the effective date of this ordinance and located totally or partially within the floodway, non-encroachment area, or stream setback, provided there is no additional encroachment below the regulatory flood protection elevation in the floodway, non-encroachment area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this ordinance.

(10) New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted.

(11) All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.

(12) 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.

(13) All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(14) 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.

(15) Permitted Uses: The following uses shall be permitted below flood protection elevation within the floodway fringe zone to the extent that they are otherwise permitted by this ordinance.

a. Any use as permitted and regulated in the floodway zone.

b. Fill material graded to drain, provided such is protected against erosion. Any fill material on which a structure is to be located shall be extended at grade ten (10) feet beyond the limits of the structure foundation, and shall have a side slope no steeper than two (2) feet horizontal to one (1) foot vertical.
Specific Standards: In all Special Flood Hazard Areas where Base Flood Elevation (BFE) data has been provided, as set forth in Section 9.F.3.(b), or Section 9.F.3.(c) (11 & 12) the following provisions, in addition to Section 9.F.8 (a) are required:

1. Residential Construction: New construction or 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 9.H.

2. Non-Residential Construction: New construction or substantial improvement of any commercial, industrial, or non-residential structure shall have the reference level, including basement, elevated no lower than the Regulatory Flood Protection Elevation as defined in Section 9.H. Structures located in A, AE, and A1-30 Zones may be flood-proofed 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 wall substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Section 9.F.7.(c), along with the operational and maintenance plans.

3. Manufactured Housing
   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 9.H.
   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 required elevation will be met by elevating the chassis at least thirty-six (36) inches above grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above thirty-six (36) inches in height, engineering certification is required.
   c. All enclosures or skirting below the lowest floor shall meet the requirements of Section 9.F.8.(b)(4)a.,b., and c.
   d. An evacuation plan shall be prepared for evacuation of all residents of all new, substantially improved, or substantially damaged manufactured dwelling parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the floodplain administrator and the local Emergency Management Coordinator.

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 be constructed entirely of flood resistant materials to the top of any enclosure below the lowest floor;
c. Shall include, in Zones A, AE, and A1-30, flood openings to automatically equalize hydrostatic flood forces in walls be allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria;

i. A minimum of two openings on different sides of each enclosed area subject to flooding.

ii. the total net area of all flood openings must be at least one (1) square inch for every square foot of enclosed area subject to flooding;

iii. If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;

iv. The bottom of all required openings shall be no higher than one (1) foot above the adjacent grade;

v. Flood openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic flow of floodwaters in both directions; and

vi. Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is not considered an enclosure and requires flood openings 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:

i. Not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure

ii. A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

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:

i. Not a substantial improvement, the addition and/or improvements must only comply with the standards for new construction.

ii. A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

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. Be on site for fewer than 180 consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its own wheels or jacking system, is attached to the site only be quick disconnect type utilities, and has no permanently attached additions); or  
b. Meet all the requirements for new construction

(7) Temporary Non-Residential Structures. Prior to the issuance of a floodplain permit for a temporary structure, the applicant must submit to the floodplain administrator a plan for the removal of such structure(s) in the event of a hurricane, flash flood, or other type of flood warning notification. The following information shall be submitted in writing to the floodplain administrator for review and written approval.

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 the 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 9.F.8.(a)(1);  
f. All service facilities such as electrical shall be installed in accordance with Section 9.F.8(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 9.F.8(b)(4)(c).

An accessory structure with a footprint of less than 150 square feet that satisfies the criteria outlined above does not require an elevation or flood-proofing certificate. Elevation or flood-proofing certifications are required for all other accessory structures in accordance with Section 9.F.7.(c)

9. STANDARDS FOR FLOODPLAINS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS

(a) Within the Special Flood Hazard Areas designated as Approximate Zone A and established in Section 9.F.3(b) where no Base Flood Elevation (BFE) data has been provided by FEMA, the following provisions, in addition to Section 9.F.8(a) and (b), shall apply:
No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of twenty (20) feet each side from the top of the bank or five times the width of the stream, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

(b) The BFE used in determining the regulatory flood protection elevation shall be determined based on one of the following criteria set in priority order:

1. If Base Flood Elevation (BFE) data is available from other sources, all new construction and substantial improvements within such areas shall also comply with applicable provisions of this ordinance and shall be elevated or flood-proofed in accordance with Section 9.F.3.(c)(11 & 12)

2. All subdivisions, manufactured home park and other development proposals shall provide Base Flood Elevation (BFE) data if development is greater than five (5) acres or has more than fifty (50) lots/manufactured home sites. Such BFE data shall be adopted by reference per Section 9.F.3.(b) to be utilized in implementing this ordinance.

3. 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 9.H.

10. STANDARDS FOR RIVERINE FLOODPLAINS WITH BFE BUT WITHOUT ESTABLISHED FLOODWAYS OR NON-ENCROACHMENT AREAS.

Along rivers and streams where BFE data is provided by 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 apply to all development within such areas:

(a) Standards outlined in Sections 9.F.8 (a) and (b); and

(b) Until a regulatory floodway or non-encroachment area is designated, no encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

11. FLOODWAYS AND NON-ENCROACHMENT AREAS

Areas designated as floodways or non-encroachment areas are located within the Special Flood Hazard Areas established in Section 9.F.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 9.F.8.(a) and (b) shall apply to all development within such areas:

(a) No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless it has been demonstrated that:

1. 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 floodplain administrator prior to issuance of floodplain development permit, or

2. A Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A letter of Map Revision (LOMR) must also be obtained upon completion of the proposed encroachment.
(b) If Section 9.F.11 (a) is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this ordinance.

(c) No manufactured homes shall be permitted, except replacement manufactured homes in an existing manufactured home park or subdivision, provided the following provisions are met:

1. The anchoring and the elevation standards of Section 9.F.8.(b)(3); and
2. The no encroachment standard of Section 9.F.11.(a).

(d) Permitted Uses: The following uses shall be permitted within the Floodway Zone to the extent that they are otherwise permitted by this ordinance and provided that they do not employ structures or fill except as specified herein:

1. General farming, pasture, outdoor plant nurseries, horticulture, forestry, wildlife sanctuary, game farm, and other similar agricultural, quarrying, wildlife and related uses;
2. Ground level loading areas, ground level automobile parking areas, rotary aircraft ports and other similar industrial and commercial uses;
3. Tractor-trailer parking, provided that no trailers are detached from tractors;
4. Lawns, gardens, play areas, and other similar uses;
5. Golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, parks, swimming pools, hiking or horseback riding trails, open space and other similar private and public recreational uses;
6. Streets, bridges, utility lines, storm drainage facilities, sewage or waste treatment facilities, water supply facilities, and other similar public or private utility uses, but only if the proposed activity combined with the allowable encroachment of the floodway fringe and with any previously placed approved encroachment in the floodway complies with the provisions of Section 9.F.11(a);
7. Temporary facilities such as displays, circuses, carnivals, or similar transient amusement enterprises;
8. Boat docks, ramps, piers, or similar structures;
9. Grading, as it complies with the provisions of Section 9.F.11.(a); and
10. Cantilevered portions of structures, provided that foundation and supports are located outside the floodway zone and the underside of the cantilevered portion is at least two (2) feet above base flood elevation.

(e) Prohibited Uses: Storage or processing of materials that are flammable, corrosive, toxic, or explosive or which could otherwise be injurious to human, animal, or plant life in time of flood is prohibited from the floodway zone.

G. JORDAN NEW DEVELOPMENT STORMWATER RULE (placeholder)

This placeholder is reserved to insert a future Jordan New Development Stormwater Rule into Article 9. Depending on the final outcome and format of the Rule, the Town may also want to consider combining the Rule with another section of Article 9 (e.g. Section 9.A.) Stormwater Management/ Watershed Protection Districts. Regardless of which approach is taken, it is recommended that the Town follow the lead of Guilford County in amending the ordinance so that stormwater standards throughout the County are as consistent as possible from one jurisdiction to another.
H. DEFINITIONS RELATED TO ENVIRONMENTAL REGULATIONS

For the purpose of this ordinance, the various terms listed in this section shall be defined as follows:

ACCESS TRAILS
Pedestrian trails constructed of pervious or impervious surfaces and related structures to access a surface water, including boardwalks, steps, rails, and signage.

ACT
The North Carolina Sedimentation Pollution Control Act of 1973 N.C.G.S. § 113A-50 et seq., and all rules and orders adopted pursuant to it.

ACTIVE CONSTRUCTION
Activities which contribute directly to the completion of facilities contemplated or shown on the construction plans.

ADDITION (TO AN EXISTING BUILDING)
An extension or increase in the floor area or height of a building or structure.

AIRPORT FACILITIES
All properties, facilities, buildings, structures, and activities that satisfy or otherwise fall within the scope of one or more of the definitions or uses of the words or phrases 'air navigation facility', 'airport', or 'airport protection privileges' under G.S. 63-1; the definition of 'aeronautical facilities' in G.S. 63-79(1); the phrase 'airport facilities' as used in G.S. 159-48(b)(1); the phrase 'aeronautical facilities' as defined in G.S. 159-81 and G.S. 159-97; and the phrase 'airport facilities and improvements' as used in Article V, Section 13, of the North Carolina Constitution, which shall include, without limitation, any and all of the following: airports, airport maintenance facilities, clear zones, drainage ditches, fields, hangars, landing lighting, airport and airport-related offices, parking facilities, related navigational and signal systems, runways, stormwater outfalls, terminals, terminal shops, and all appurtenant areas used or suitable for airport buildings or other airport facilities, and all appurtenant rights-of-way; restricted landing areas; any structures, mechanisms, lights, beacons, marks, communicating systems, or other instrumentalities or devices used or useful as an aid, or constituting an advantage or convenience to the safe taking off, navigation, and landing of aircraft, or the safe and efficient operation or maintenance of an airport or restricted landing area; easements through, or interests in, air space over land or water, interests in airport hazards outside the boundaries of airports or restricted landing areas, and other protection privileges, the acquisition or control of which is necessary to ensure safe approaches to the landing areas of airports and restricted landing areas, and the safe and efficient operation thereof and any combination of any or all of such facilities. Notwithstanding the foregoing, the following shall not be included in the definition of 'airport facilities':

1. Satellite parking facilities;
2. Retail and commercial development outside of the terminal area, such as rental car facilities; and
3. Other secondary development, such as hotels, industrial facilities, free-standing offices and other similar buildings, so long as these facilities are not directly associated with the operation of the airport, and are not operated by a unit of government or special governmental entity such as an airport authority, in which case they are included in the definition of 'airport facilities'.

APPEAL
A request for a review of the Floodplain Administrator's interpretation of any provision of this Ordinance. (This definition applies only with respect to flood hazard regulations.)
BASEMENT
Any area of the building having its floor subgrade (below ground level) on all sides. (This definition applies only with respect to flood hazard regulations.)

BASE FLOOD
The flood having a one (1) percent chance of being equaled or exceeded in any given year.

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 or State or other source using FEMA approved engineering methodologies. This elevation, when combined with the "Freeboard", establishes the "Regulatory Flood Protection Elevation".

BEING CONDUCTED
A land-disturbing activity has been initiated and permanent stabilization of the site has not been completed.

BERM, EROSION CONTROL
A mound of material and/or ditch, the purpose of which is to divert the flow of run-off water.

BEST MANAGEMENT PRACTICE (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.

BORROW
Fill material which is required for on-site construction and is obtained from other locations.

BUFFER
An area of land planted or constructed to separate uses.

BUFFER ZONE
The strip of land adjacent to a lake or natural watercourse.

BUILT-UPON AREA.
That portion of a development project that is covered by impervious or partially impervious cover including buildings, pavement, gravel (for pedestrian or vehicular use), recreation facilities (e.g. tennis courts), etc. (Note: Wooden slatted decks and the water area of a swimming pool are not considered built-upon area.)

CHANNEL
A natural water-carrying trough cut vertically into low areas of the land surface by erosive action of concentrated flowing water or a ditch or canal excavated for the flow of water.

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.

COASTAL COUNTIES
The following counties are considered Coastal Counties: Beaufort, Bertie, Brunswick, Camden, Carteret, Chowan, Craven, Currituck, Dare, Gates, Hertford, Hyde, New Hanover, Onslow, Pamlico, Pasquotank, Pender, Perquimans, Tyrrell and Washington.
COMMISSION, SEDIMENTATION
The North Carolina Sedimentation Control Commission.

COMPLETION OF CONSTRUCTION OR DEVELOPMENT
No further land-disturbing activity is required on a phase of a project except that which is necessary for establishing a permanent ground cover.

DBH
Diameter at breast height of a tree measured at 4.5 feet above ground surface level.

DEPARTMENT (DENR)
The North Carolina Department of Environmental and Natural Resources.

DEVELOPMENT
Any land-disturbing activity which adds to or changes the amount of built-upon area or otherwise decreases the infiltration of precipitation into the soil (also as set forth in Rule 15A NCAC 2B .0202(23). This definition applies only with respect to Article 9 Environmental Regulations.

DEVELOPMENT, EXISTING
Those projects that are built and those projects that, at a minimum, have established a vested right under N.C. zoning law prior to the implementation of applicable stormwater regulations, based on at least one of the following criteria: 1) substantial expenditure 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 2) having a valid outstanding building permit; or 3) having expended substantial resources (time, labor, money) and having an approved site specific (or phased) development plan in compliance with NCGS 153A-344.1 or NCGS 160A-385.1. (This definition applies only with respect to watershed protection regulations.)

DIRECTOR (DENR)
The Director of the Division of Land Resources of the Department of Environmental and Natural Resources.

DISCHARGE POINT
That point at which runoff leaves a tract of land.

DISCHARGING LANDFILL
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. These facilities require approval and a discharge permit from the N.C. Department of Environmental Management for legal operation.

DISTRICT, SOIL AND WATER CONSERVATION
The Guilford Soil and Water Conservation District created pursuant to NCGS 139.

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.

DRAINAGeway AND OPEN SPACE EASEMENT
Land designated for use as an open channel conveying the flow from a one-hundred year storm event and for use as open space.Granting of the easement does not transfer title. Drainageway and open space shall be left in its natural condition or graded to a section approved by the Town which will allow economical and efficient maintenance and shall be stabilized with permanent vegetative cover. The area within the easement can be included in the gross property area used for calculation of density of development.

**DRAINAGE, REQUIRED CHANNEL**
The theoretical stream bed section which is required to carry and discharge the runoff from a one-hundred-year storm.

**DRAINAGE, TYPICAL REQUIRED CHANNEL SECTION**
A cross-sectional view of a required drainage channel.

**DRAINAGeway**
Any natural or manmade channel that carries surface runoff from precipitation.

**ELEVATED BUILDING**
A non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

**ENCROACHMENT**
The advance or infringement of uses, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain. (This definition applies only with respect to flood hazard regulations.)

**ENERGY DISSIPATOR**
A structure or shaped channel section with mechanical armoring placed at the outlet pipes or conduits to receive and break down the energy from high velocity flow.

**EPHEMERAL 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.

**erosion**
The wearing away of land surface by the action of wind, water, gravity, or any combination thereof.

**erosion, accelerated**
Any increase over the rate of natural erosion as a result of land-disturbing activities.

**erosion control measure, structure or device, adequate**
A device which controls the soil material within the land area under responsible control of the person conducting the land-disturbing activity.

**erosion, natural**
The wearing away of the earth's surface by water, wind, or other natural agents under natural environmental conditions undisturbed by man.
EXISTING DEVELOPMENT

Development, other than that associated with agricultural or forest management activities, which meets one of the following criteria:

1. It either is built or has established a vested right based on statutory or common law as interpreted by the courts, for projects that do not require a state permit, as of the effective date of either local new development stormwater programs implemented under Rule 15A NCAC 2B .0265 (Jordan Water Supply Nutrient Strategy: Stormwater Management for New Development) or, for projects requiring a state permit, as of the applicable compliance date established in Rule 15A NCAC 2B .0271 (Jordan Water Supply Nutrient Strategy: Stormwater Management for New Development), Items (5) and (6); or

2. It occurs after the compliance date set out in Sub-Item (4)(d) of Rule .0265 (Jordan Water Supply Nutrient Strategy: Stormwater Management for New Development) but does not result in a net increase in built-upon area.

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.

FLOOD OR FLOODING

A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; and/or the unusual and rapid accumulation of runoff of surface waters from any source.

FLOOD INSURANCE

The insurance coverage provided under the National Flood Insurance Program.

FLOOD INSURANCE RATE MAP (FIRM)

An official map of a community, issued by the Federal Emergency Management Agency, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

FLOOD INSURANCE STUDY (FIS)

An examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the Federal Emergency Management Agency. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.

FLOODPLAIN

Any land area susceptible to being inundated by water from any source.

FLOODPLAIN ADMINISTRATOR

The individual appointed to administer and enforce the floodplain management regulations.

FLOODPLAIN DEVELOPMENT PERMIT

Any type of permit that is required in conformance with the provisions of this Ordinance, prior to the commencement of any development activity.

FLOODPLAIN MANAGEMENT
The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

**FLOODPLAIN MANAGEMENT REGULATIONS**

This Ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power 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.

**FLOODPROOFING**

Any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.

**FLOODWAY**

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

**FLOOD ZONE**

A geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

**FREEBOARD**

The height added to the Base Flood Elevation (BFE) to account for the many unknown factors that could contribute to flood heights greater than 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".

**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.

**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 watercourse 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”.

**GRADING, PHASE OF**

One (1) of the two (2) types of grading, rough or fine.

**GRADING PLAN**

The graphic plan, including narrative where appropriate, required by this Ordinance as a prerequisite for a grading permit, the purpose of which is to explain existing conditions and proposed grading of land including any development, and to describe the activities and measures to be undertaken to control accelerated soil erosion and sedimentation.
GREENWAY / HIKING TRAILS
Pedestrian trails constructed of pervious or impervious surfaces and related structures including but not limited to boardwalks, steps, rails, and signage, and that generally run parallel to the shoreline.

GROUND COVER
Any vegetation, masonry, paving, riprap, or other material or materials which render the soil surface stable against accelerated erosion.

HAZARDOUS MATERIAL
Any material listed as such in: Superfund Amendments and Reauthorization Act (SARA) Section 302 Extremely Hazardous Substances (42 USC 1100 et seq.); Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); Hazardous Substances (42 USC 9601 et seq.); or Section 311 of the Clean Water Act, as amended (CWA) (33 USC 1251 et seq.; oil and hazardous substances) hereby incorporated by reference including any subsequent amendments and editions.

HIGH DENSITY OPTION
A density or intensity option for development wherein the density or intensity exceeds the applicable limit for development under the Low Density Option (see Performance Tables in Article VII), thereby imposing a requirement for engineered stormwater controls (runoff control structures) in conformance with the requirements of Article VII (Environmental Regulations).

HIGHEST ADJACENT GRADE (HAG)
The highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

HIGH QUALITY WATERS
Those classified as such in 15A NCAC 2B.0101(e)(5)General Procedures, which is incorporated herein by reference to include further amendments pursuant to NCGS 150B-14(c).

HIGH QUALITY WATER (HQW) ZONES
Areas in the coastal counties that are within five hundred seventy-five (575) feet of High Quality Waters and, for the remainder of the State, areas that are within one (1) mile and drain into HQW's.

HIGH VALUE TREE
A tree that meets or exceeds the following standards: for pine species, 14-inch DBH or greater or 18-inch or greater stump diameter; or for hardwoods and wetland species, 16-inch DBH or greater or 24-inch or greater stump diameter.

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 continuous conveyance of water.

JORDAN NUTRIENT STRATEGY OR JORDAN WATER SUPPLY NUTRIENT STRATEGY
The set of Rules 15A NCAC 2B .0262 through .0273 and .0311(p).

JORDAN RESERVOIR
The surface water impoundment operated by the US Army Corps of Engineers and named B. Everett Jordan Reservoir, as further delineated for purposes of the Jordan nutrient strategy in Rule 15A NCAC 2B .0262(4).

**JORDAN WATERSHED**
All lands and waters draining to B. Everett Jordan Reservoir.

**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-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.

**LOW DENSITY OPTION**
A density or intensity option for development wherein the density, expressed in dwelling units per acre, and/or the intensity, expressed in percentage of the land surface covered by built-upon area, does not exceed certain limits established in Section 9.B.(c). The limits vary depending upon the classification of the watershed and upon which overlay zone. Stormwater runoff from the development shall be transported by vegetated conveyances to the maximum extent practicable.

**LOWEST ADJACENT GRADE (LAG)**
The elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.

**LOWEST FLOOR**
Lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance.

**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". (This definition applies only with respect to flood hazard regulations.)

**MANUFACTURED HOME PARK OR SUBDIVISION**
A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale. (This definition applies only with respect to flood hazard regulations.)

**MARKET VALUE**
The building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (Actual Cash Value); or adjusted tax assessed values.

**MEAN SEA LEVEL**
For purposes of this Ordinance, the National Geodetic Vertical Datum (NGVD) as corrected in 1929, the North American Vertical Datum (NAVD) as corrected in 1988, or other vertical control datum used as a reference for establishing varying elevations within the floodplain, to which Base Flood Elevations (BFEs) shown on a FIRM are referenced. Refer to each FIRM panel to determine datum used.

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. (This definition applies only with respect to flood hazard regulations.)

NEW DEVELOPMENT
Any development project that does not meet the definition of existing development set out in this ordinance.

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.

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.

PERSON CONDUCTING LAND DISTURBING ACTIVITY
Any person who may be held responsible for a violation unless expressly provided otherwise by this Ordinance, the Act, or any order adopted pursuant to this Ordinance or the Act.

PERSON RESPONSIBLE FOR LAND DISTURBING VIOLATION
As used in this Ordinance, and NCGS 113A-64, a developer or other person who has or holds himself out as having financial or operational control over the land-disturbing activity; or the landowner or person in possession or control of the land when he has directly or indirectly allowed the land-disturbing activity or has benefitted from it, or he has failed to comply with any provision of this Ordinance, the Act, or any order adopted pursuant to this Ordinance or the Act as imposes a duty upon him.

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.

PRINCIPALLY ABOVE GROUND
That at least 51% of the actual cash value of the structure is above ground.

PROTECTED AREA
Any ground surface area having established cover, artificial or natural, of such density that not more than twenty (20) percent of the soil surface of any square yard of surface is exposed to the physical forces of meteorological elements.

RECREATIONAL VEHICLE (RV)
A vehicle, which is:

1) Built on a single chassis;
2) Four hundred (400) square feet or less when measured at the largest horizontal projection;
3) Designed to be self-propelled or permanently towable by a light duty truck; and
4) Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

REDEVELOPMENT
Any land disturbing activity that does not result in a net increase in built-upon area and that provides greater or equal stormwater control than the previous development.

REFERENCED OR REFERENCED REACH
A stable stream that is in dynamic equilibrium with its valley and contributing watershed. A reference reach can be used to develop natural channel design criteria for stream restoration projects.

REFERENCE LEVEL
The top of the lowest floor for structures within Special Flood Hazard Areas designated as Zone A1-A30, AE, A, or A99.

REGULATORY FLOOD PROTECTION ELEVATION
The "Base Flood Elevation" plus the "Freeboard". In "Special Flood Hazard Areas" where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus two (2) feet of Freeboard. In "Special Flood Hazard Areas" where no BFE has been established, this elevation shall be at least two (2) feet above the highest adjacent grade.

REMedy A VIOLATION
To bring the structure or other development into compliance with State and community floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development. (This definition applies only with respect to flood hazard regulations.)

RIVERINE
Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

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.

SHORELINE STABILIZATION
The in-place stabilization of an eroding shoreline. Stabilization techniques which include “soft” methods or natural materials (such as root wads, or rock vanes) may be considered as part of a restoration design. However, stabilization techniques that consist primarily of “hard” engineering, such as concrete lined channels, riprap, or gabions, while providing bank stabilization, shall not be considered stream restoration.

SILTATION
Sediment resulting from accelerated erosion which is settleable or removable by properly designed, constructed, and maintained control measures; and which has been transported from its point of origin within the site of a land-disturbing activity, and which has been deposited, or is in suspension in water.

SITE OR TRACT
All contiguous land and bodies of water being disturbed or to be disturbed as a unit, regardless of ownership.

SLUDGE
Any solid or semisolid waste generated from a wastewater treatment plant, water treatment plant, or air pollution control facility permitted under authority of the N.C. Environmental Management Commission.

SPECIAL FLOOD HAZARD AREA (SFHA)
The land in the floodplain subject to a one (1%) percent or greater chance of being flooded in any given year, as determined in Section 9.F.3.(b).

START OF CONSTRUCTION
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. (This definition applies only with respect to flood hazard regulations.)

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.

STORM, TEN (10)—YEAR
The surface runoff resulting from a rainfall of an intensity that has a ten (10) percent chance of being equaled or exceeded in any given year and of a duration which will produce the maximum peak rate of runoff for the watershed of interest under average antecedent wetness conditions.

STORM, ONE-HUNDRED (100)—YEAR
The surface runoff resulting from a rainfall of an intensity that has a one (1) percent chance of being equaled or exceeded in any given year and of a duration which will produce the maximum peak rate of runoff for the watershed of interest under average antecedent wetness conditions.

STORMWATER RUNOFF
The direct runoff of water resulting from precipitation in any form.

STREAM
1. A watercourse that collects surface runoff.
2. A body of concentrated flowing water in a natural low area or natural channel on the land surface.
STREAM BUFFER
A natural or vegetated area 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 width is measured landward from the normal pool elevation of impoundments and from the top of bank of each side of streams or rivers. (This definition applies only with respect to watershed protection regulations.)

STREAM, PERENNIAL AND INTERMITTENT
Streams, with associated lakes and ponds, which are indicated as such on the following:

1. On the most recent version of the United States Geological Survey 1:24000 scale (7.5 minute quadrangle) topographical map;
2. On the most recent version of the Soil Survey of Guilford County developed by the USDA—Natural Resource Conservation Service (formerly United States Department of Agricultural—Soil Science Service); or
3. By examination of site-specific evidence that indicates to the Enforcement Officer (using criteria approved by the N.C. Division of Water Quality) the presence of waters not shown on either of these two maps or, evidence that no actual stream or water body exists.

STREAM, PERENNIAL
A well-defined channel that contains water year round 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.

STREAM RESTORATION
The process of converting an unstable, altered or degraded stream corridor, including adjacent riparian zone and flood-prone areas to its natural or referenced, stable conditions considering recent and future watershed conditions. This process also includes restoring the geomorphic dimension, pattern, and profile as well as biological and chemical integrity, including transport of water and sediment produced by the stream's watershed in order to achieve dynamic equilibrium.

STRUCTURE
A walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground. (This definition applies only with respect to flood hazard regulations.)

STUMP DIAMETER
The diameter of a tree measured at six inches above the ground surface level.

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 fifty (50) percent of the market value of the structure before the damage occurred. See definition of "substantial improvement". Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds twenty-five (25) percent of the market value of the structure before the damage occurred. (This definition applies only with respect to flood hazard regulations.)

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 fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

1. Any correction of existing violations of State or community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or,

2. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

(This definition applies only with respect to flood hazard regulations.)

**SUBSTANTIALLY COMPLETED**

Work has progressed to the point that, in the opinion of the Enforcement Officer, it is sufficiently completed in accordance with the approved plans and specifications that the work can be utilized for its intended purposes. For permanent runoff control structures this generally means that the following have been accomplished: 1) the dam has been constructed to the approved lines and grades; 2) all slopes have been fine graded, seeded, mulched, fertilized, and tacked to establish permanent ground cover; 3) principal and emergency spillways have been installed at the approved elevations and dimensions; and 4) permanent velocity controls on the inlet and outlet pipes and channels have been installed.

**SURFACE WATERS**

All waters of the state as defined in G.S. 143-212 except underground waters

**TREE**

A woody plant with a DBH equal to or exceeding five inches or a stump diameter exceeding six inches.

**TEMPORARY ROAD**

A road constructed temporarily for equipment access to build or replace hydraulic conveyance structures such as bridges, culverts, pipes or water dependent structures, or to maintain public traffic during construction.

**TWENTY-FIVE-YEAR STORM**

The surface runoff resulting from a rainfall of an intensity expected to be equaled or exceeded, on the average, once in twenty-five (25) years, and of a duration which will produce the maximum peak rate of runoff, from the watershed of interest under average antecedent wetness conditions.

**UNCOVERED**

The removal of ground cover from, on or above the soil surface.

**UNDERTAKEN**

The initiating of any activity, or phase of activity, which results or will result in a change in the ground cover or topography of a tract of land.

**UNDISTURBED AREA**

That portion of a lot, tract, or subdivision which has not and will not be occupied and which has not and will not be graded to change land contours or to destroy existing vegetation. Only areas that are wooded or reforested are considered undisturbed. This definition applies only with respect to Watershed Protection Regulations.
UNPROTECTED AREA
Any ground surface area disturbed to such an extent that twenty (20) percent or more of the soil surface of any square is exposed to the physical forces of meteorological elements.

VARIANCE, MAJOR WATERSHED
Variance of the existing regulations that does not meet the definition of a Minor Watershed Variance. The North Carolina Environmental Management Commission is designated to rule on all major watershed variance requests.

VARIANCE, MINOR WATERSHED
Variance of the existing regulations that meets one of the following criteria: (A) Variance of any standard present in the Ordinance but not in the State Water Supply Watershed Protection Rules; (B) Variance of any standard on which the level of performance required by the Ordinance exceeds that required by the corresponding section of the State Water Supply Watershed Protection Rules, provided that approval of the variance does not lower the level of performance below that required by the State regulations; (C) Variance of the State Water Supply Watershed Protection Regulations by a factor of up to five (5) percent under the high density option or ten (10) percent under the low density option of any standard expressed as a number; or (D) Variance to National Pollutant Discharge Elimination System (NPDES) standards.

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.

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 9.F.7.(c) and 9.F.8 is presumed to be in violation until such time as that documentation is provided. (This definition applies only with respect to flood hazard regulations.)

WASTE
Surplus materials resulting from on-site construction and disposed of at other locations.

WATERBODY, PERENNIAL
A natural or man-made basin, including lakes, ponds, and reservoirs, that stores surface water permanently at depths sufficient to preclude growth of rooted plants. For the purpose of the state's riparian buffer protection program, the waterbody must be part of a natural drainage way (i.e., connected by surface flow to a stream).

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.

1. Except as specifically defined herein, all words used in this chapter shall have their customary dictionary definitions. Certain words or terms used herein are defined as follows:
   (a) Words used in the present tense include the future tense and the future tense includes the present tense. Words used in the singular number include the plural number and the plural number includes the singular number.
(b) The words "shall" and "will" are mandatory and not discretionary.

(c) The words "may" and "should" are permissive.

(d) The word "lot" includes the words "plot," "parcel," or "tract."

(e) The word "used" or "occupied" as applied to any land or building shall be construed to imply that said land or building is in actual use or occupancy and shall be construed to include the words "intended", "arranged" or "designed" to be used or occupied.

(f) The word "map" or "zoning map" shall mean the official zoning map of the Town of Summerfield, North Carolina.

(g) The word "ordinance" or "regulation" shall mean this Development Ordinance, including any amendment. Whenever the effective date of the ordinance is referred to, the reference includes the effective date of any amendment to it.

(h) The word "street" includes the word "alley," "road," "cul-de-sac," "highway" or "thoroughfare," whether designated as public or private.

(i) The word "includes" shall not limit the term to specified examples, but is intended to extend its meaning to all other instances or circumstances of like kind or character.

(j) And, or: Where a regulation involves two (2) or more items, conditions, provisions or events connected by the conjunction "and," "or" or "and/or," the conjunction shall be interpreted as follows:

(1) “And” indicates that all the connected items, conditions, provisions or events shall apply.

(2) “Or” indicates that the connected items, conditions, provisions or events shall apply.

(3) “And/or” indicates that the connected items, conditions, provisions or events may apply singly or in combination as is appropriate.

WATER DEPENDENT STRUCTURES
Structures for which the use requires access 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, WATER SUPPLY
The entire area contributing drainage to Lake Townsend, Lake Brandt, Lake Higgins, Oak Hollow Lake, High Point City Lake, Polecat Creek Lake, Reidsville Reservoir, Lake Mackintosh, Ramseur Reservoir, Madison intake, and the Randleman Dam reservoir.

WATERSHED CRITICAL AREA
That portion of the watershed within the lake basin of the water supply reservoir as delineated in Article VII (Environmental Regulations).

WATER SURFACE ELEVATION (WSE)
The height, in relation to mean sea level, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

WORKING DAYS
Days exclusive of Saturday and Sunday during which weather conditions or soil conditions permit land-disturbing activity to be undertaken.
ARTICLE 10: ENFORCEMENT

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ARTICLE 10: ENFORCEMENT

A. APPLICABILITY

This Ordinance shall apply to all property within the Town of Summerfield and its area of jurisdiction. Unless otherwise specified, the Town Manager shall have the authority to administer and enforce the provisions of the Ordinance within this area.

B. ENFORCEMENT OFFICER

1. ESTABLISHMENT OF DELEGATED AUTHORITY

The Town Manager may designate one or more persons to assist in the administration and enforcement this ordinance. Orders issued by the Town Manager's designee shall have the effect as if issued by the Town Manager. The Town Manager, or designee, may enter any building, structure, or premises as provided by law, to perform any duty imposed upon him/her by this ordinance.

2. GENERAL DUTIES

In addition to the duties of the Town Manager identified in Section 2.A.7, the Town Manager shall:

(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 and approve 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/her 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) Issue notice of corrective action(s) when required;
(j) Use the remedies provided in this ordinance to gain compliance;
(k) Be authorized to gather evidence in support of said activities;
(l) Receive appeals and forward cases to the appropriate body; and
(m) Perform other duties as may be assigned by the Town Council and/or the planning board.

C. 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 article and by state law.

1. DEVELOPMENT WITHOUT PERMIT
To engage in any development, use, construction, remodeling, or other activity of any nature upon the land or improvements thereon subject to the jurisdiction of this ordinance without all required permits, certificates, or other forms of authorization as set forth in this ordinance.

2. DEVELOPMENT INCONSISTENT WITH PERMIT
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.

3. VIOLATION BY ACT OR OMISSION
To violate, by act or omission, any term, variance or waiver, condition, or qualification placed by the Town Council or its agent boards upon any required permit, certificate, or other form of authorization for the use, development, or other activity upon land or improvements thereon.

4. USE IN VIOLATION
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.

5. SUBDIVIDE IN VIOLATION
To subdivide land in violation of this ordinance or transfer or sell land by reference to, exhibition of, or any other use of a plat or map showing a subdivision of the land before the plat or map has been properly approved under this ordinance and recorded in the office of the register of deeds of Guilford County. 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 violation of this ordinance.

6. CONTINUING VIOLATIONS
Each day's violation of any provision of this ordinance is a separate and distinct offense.

D. 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 Town Manager and that such questions shall be presented to the Board of Adjustment only on appeal from the Town Manager's decision. An appeal from the decision of the Board of Adjustment shall be by proceedings in the nature of certiorari to the Superior Court of Guilford County as provided by law.

E. ENFORCEMENT PROCEDURE
When the Town Manager or his/her agent finds a violation of this ordinance, it shall be his/her duty to notify the owner or occupant of the land, building, structure, sign, or use of the violation. The owner or occupant shall immediately remedy the violation.

1. NOTICE OF VIOLATION.
If the owner or occupant of the land, building, sign, structure, or use in violation fails to take prompt corrective action, the Town Manager shall give the owner or occupant written notice, by first class mail, general delivery mail, certified or registered mail to his last known address, or by personal service, by posting notice of the violation conspicuously on the property, or in accordance with Rule 4 of the North Carolina Rules of Civil Procedure. The notice of violation shall include, but not be limited to:

(a) That the land, building, sign, structure, or use is in violation of this ordinance;
(b) The nature of the violation, and citation of the section of this ordinance violated;
(c) The measures necessary to remedy the violation;
(d) The opportunity to cure the violation within a prescribed period of time.

(e) Where the person violating a provision of this article is not the owner of the property, the Town shall send a notice of violation to both the occupant and the owner of the property.

2. EXTENSION OF TIME TO REMEDY.

Upon receipt of a written request from the alleged violator or the property owner for an extension of time to remedy or correct the violation, the Town Manager or other Town official charged with the duty of enforcing the regulations(s) being violated may grant a single extension of time, not to exceed a period of 30 calendar days, in which the alleged violator may cure or correct the violation before the Town pursues enforcement action as provided for in this section.

3. APPEAL.

Any owner or occupant who has received a notice of violation may appeal in writing the decision of the Town Manager to the Board of Adjustment (unless this ordinance has specified that another board shall hear the appeal of the violation) in accordance with procedures outlined in Article 3 herein. The Board of Adjustment, or other designated board, may affirm, modify, or revoke the notice of violation. In the absence of an appeal, the remedies and penalties sought by the Town Manager in the notice of violation shall be final. Notice of such hearing shall be provided as required by this ordinance and state statutes.

4. ORDER OF CORRECTIVE ACTION.

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 make an order in writing to the owner or occupant affirming the violation and ordering compliance.

5. FAILURE TO COMPLY WITH AN ORDER.

If the owner or occupant of a property fails to comply with a notice of violation 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 state law and Section 10.F Remedies. 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. REMEDIES

Any one or all of the following procedures may be used to enforce the provisions of this ordinance.

1. 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.

2. 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 10.G Civil Penalties - Assessments and Procedures.

3. DENIAL OF PERMIT OR CERTIFICATE.

The Town Manager may withhold, revoke, or deny any permit, certificate, occupancy permit 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.

4. CONDITIONAL PERMIT OR TEMPORARY CERTIFICATE.
The Town Manager 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 appropriate governmental authority.

5. **STOP WORK ORDERS.**

Whenever a building, sign, or structure, or part thereof is being constructed, reconstructed, altered, or repaired in violation of this ordinance, the Town Manager may order the work to be immediately stopped. The stop work order shall be in writing and directed to the owner, occupant, or person doing the work. The stop work order shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed. Such action shall be in accordance with N.C.G.S. 160A-421 or the NC Building Code.

6. **REVOCATION OF PERMITS.**

The Town Manager may revoke and require the return of a permit by notifying the permit holder in writing stating the reason for the revocation. Permits shall be revoked for any substantial departure from the approved application, 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.

7. **CRIMINAL PENALTIES.**

Any violation of this ordinance shall be a misdemeanor or infraction as provided by N.C.G.S. 14-4.

**G. CIVIL PENALTIES – ASSESSMENT AND PROCEDURES**

1. **PENALTIES.**

Any person who violates any provisions of this ordinance shall be subject to assessment of a civil penalty in the amount prescribed for the first and each successive violation of the same provision. The following penalties are hereby established:

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<tr>
<td>Warning citation</td>
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<tr>
<td>Correct violation within prescribed period of time</td>
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<tr>
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<tr>
<td>Second citation for same offense</td>
<td>$300.00</td>
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<tr>
<td>Third and subsequent citations for same offense</td>
<td>$500.00</td>
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If the offender fails to pay the civil penalties within fifteen (15) days after having been cited, the Town may recover the penalties in a civil action in the nature of debt.

2. **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 10.E.1 (Notice of Violation). If after receiving a Notice of Violation under Section 10.E.1, the owner or other violator fails to take corrective action within the prescribed period of time, 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 (15) days of the date of the notice.

3. **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.
4. **CONTINUING VIOLATION.**

For each day thereafter (ten day notice and 15 days to pay penalty after notice), if the violation is not corrected, the violator will be guilty of an additional and separate offense and subject to additional civil penalty.

5. **DEMAND FOR PAYMENT.**

The *Town Manager*, or designee, 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.

6. **NONPAYMENT.**

If payment is not received or equitable settlement reached within thirty (30) 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 Town Manager may have a criminal summons or warrant issued against the violator. Upon conviction, the violator shall be subject to any criminal penalty the court may impose pursuant to N.C.G.S. 14-4.

**H. OTHER POWERS AND ACTIONS**

1. **STATE AND COMMON LAW REMEDIES.**

In addition to other enforcement provisions contained in this article, the Town Council may exercise any and all enforcement powers granted to it by state law or common law.

2. **PREVIOUS ENFORCEMENT.**

Nothing in this ordinance shall prohibit the continuation of previous enforcement actions.

**I. REMEDIES CUMULATIVE AND CONTINUOUS**

1. **CUMULATIVE VIOLATIONS.**

All such remedies provided herein shall be cumulative. To the extent that North Carolina law may limit the availability of a particular remedy set forth herein for a certain violation or a part thereof, such remedy shall remain available for other violations or other parts of the same violation.

2. **REPEAT VIOLATIONS.**

If an owner or occupant repeats the same violation, on the same parcel, within a five year period from the date of the initial violation, it shall be considered to be a continuation of the initial violation and shall be subject to additional penalties and remedies.

**J. ACTION BY OTHERS**

1. **ADJACENT OR NEIGHBORING PROPERTY.**

In addition to the remedies available to the Town of Summerfield hereunder, if any building or structure is erected, constructed, reconstructed, repaired, converted or maintained, or any building, structure, or land is used in violation of this ordinance, any other appropriate authority or any adjacent, nearby, or neighboring property owner who would be affected by such violation may institute injunction, mandamus, or other appropriate action or proceeding to prevent the occupancy of such building, structure, or land, or the continuance of any construction whatsoever in violation of this ordinance.

2. **LAND PURCHASER.**

In the event that a purchaser buys land for which there is a surety to secure performance of improvements, after a period of two (2) years has passed since the date of final plat recordation, the purchaser may bring
action to enforce completion of the improvements. In such a case, the purchaser may seek specific performance.

K. REMOVAL OF SIGNS/SIGN STRUCTURE

1. SUMMARY REMOVAL.

Pursuant to N.C.G.S. § 160A-193, the Town shall have the authority to summarily remove, abate, or remedy a sign or sign structure which the Town determines to be dangerous or prejudicial to the public health or safety. The expense of the action shall be paid by the sign owner, or if the sign owner cannot be ascertained, by the property owner, and if not paid, there shall be a lien placed upon the land or premises where the nuisance arose, and it shall be collected as unpaid taxes.

2. PROHIBITED SIGNS A PUBLIC HEALTH NUISANCE.

Pursuant to N.C.G.S §§ 160A-193, any signs or sign structures prohibited by Article 6 of this ordinance are hereby declared to be a public health nuisance in that they are dangerous or prejudicial to the public health or public safety and the Town Manager shall have the authority to remove summarily the sign and/or sign structure.

3. REMOVE ORDER.

The Town Manager shall have the authority to issue a remove order for any sign not repaired or brought into compliance within the time prescribed by a notice of violation. Remove orders shall be issued to and served upon the sign/sign structure owner, or if the sign/sign structure owner cannot be ascertained, to and upon the property owner by the means set forth in Section 10.E.1. The sign or sign structure shall be removed 30 days after the service of the remove order at the expense of the offender. The remove order shall describe with particularity the location of the sign or sign structure to be removed and the reason(s) for issuance of the remove order, including specific reference to the provisions of Article 6 of this ordinance that have been violated.

4. FAILURE TO COMPLY.

In the event of failure to comply with the requirements of a remove order, the Town Manager may cause such sign or sign structure to be removed. The sign owner and property owner may be jointly and separately liable for the expense of removal. Notice of the cost of removal shall be served as set forth in Section 10.E.1. If said sum is not paid within 30 days thereafter, said sum may be collected by the Town in a civil action in the nature of debt, which shall not subject the offender to the penalty provisions of N.C.G.S. § 14-4.
# ARTICLE 11: DEFINITIONS

A. General 

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ARTICLE 11: DEFINITIONS

A. General

1. Except as specifically defined herein, all words used in this chapter shall have their customary dictionary definitions. Certain words or terms used herein are defined as follows:

   (a) Words used in the present tense include the future tense and the future tense includes the present tense. Words used in the singular number include the plural number and the plural number includes the singular number.

   (b) The words "shall" and "will" are mandatory and not discretionary.

   (c) The words "may" and "should" are permissive.

   (d) The word "lot" includes the words "plot," "parcel," or "tract."

   (e) The word "used" or "occupied" as applied to any land or building shall be construed to imply that said land or building is in actual use or occupancy and shall be construed to include the words "intended," "arranged" or "designed" to be used or occupied.

   (f) The word "map" or "zoning map" shall mean the official zoning map of the Town of Summerfield, North Carolina.

   (g) The word "ordinance" or "regulation" shall mean this Development Ordinance, including any amendment. Whenever the effective date of the ordinance is referred to, the reference includes the effective date of any amendment to it.

   (h) The word "street" includes the word "alley," "road," "cul-de-sac," "highway" or "thoroughfare," whether designated as public or private.

   (i) The word "includes" shall not limit the term to specified examples, but is intended to extend its meaning to all other instances or circumstances of like kind or character.

   (j) And, or: Where a regulation involves two (2) or more items, conditions, provisions or events connected by the conjunction "and," "or" or "and/or," the conjunction shall be interpreted as follows:

      (1) “And” indicates that all the connected items, conditions, provisions or events shall apply.

      (2) “Or” indicates that the connected items, conditions, provisions or events shall apply.

      (3) “And/or” indicates that the connected items, conditions, provisions or events may apply singly or in combination as is appropriate.

B. Definitions

For the purpose of this development ordinance, certain terms are hereby defined as follows:

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 unit that exists either as part of a principal dwelling, or as an accessory building, and is secondary and incidental to the use of the property as single family residential.

ACTIVE SOLAR ENERGY SYSTEM
A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means.

ADDRESS
The official street number assigned by the local government for a specific lot, building or portion thereof.

ADULT ESTABLISHMENT
An adult bookstore, adult motion picture theater, adult cabaret, or a massage business as defined in this Chapter.

AGRICULTURAL LAND
Agricultural land, forestland or horticultural land as defined in G.S.105-277.2.

AGRITOURISM
Any activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, ranching, history, cultural, harvest-your-own activities, or natural activities and attractions. Agritourism also includes the sampling and sale to the public of agricultural products that are processed blended, made, or stored for consumption or use off or on the premises.

AGRICULTURAL TOURISM FACILITY, MINOR AND MAJOR.
(1) 11-11-Minor Agricultural Tourism Facility: includes all typical agritourism activities, including tours of the property.

(2) 11-11-Major Agricultural Tourism Facility: includes all typical agritourism activities and tours of the property, plus restaurants, tourist homes, outdoor event or activity/centers, or similar uses that will enhance the overall property in relation to tourism.

AIRPORT AND FLYING FIELD, COMMERCIAL (PRINCIPAL USE)
A public or private establishment engaged in operating and maintaining, as a permitted principal use, a general aviation airport or flying field. Such establishment may also service aircraft and provide minor aircraft repair and maintenance; provide aircraft storage and hangar facilities; and furnish coordinated handling services for airfreight or passengers.

ALLEY
A roadway which affords only a secondary means of access to abutting property.

ANTENNA
Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiates or captures electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

APPEAL
A request for review of any decision which enforces or interprets this Code.

APPLICANT
An owner or developer of a site who executes the forms required for obtaining approvals on permits pursuant to this ordinance.
ASSEMBLY
A joining together of completely fabricated parts to create a finished product.

ASSISTED LIVING FACILITY
Establishments licensed pursuant to N.C.G.S. Chapter 131D primarily engaged in the provision of residential, social, and personal care for the elderly who have some limits on their ability for self-care, but where medical care is not a major element of the services provided at the facility. Settings in which services are delivered may include self-contained apartment units or single or shared room units with private or area baths. Assisted living residences are to be distinguished from nursing homes subject to provisions of G.S. 131E.

ATHLETIC FIELD
Outdoor sites, often requiring equipment, designed for formal athletic competition in field sports (e.g. softball, soccer, football).

AUTO WRECKING
A person that provides open storage, disassembling, or salvaging for more than two (2) junked motor vehicles.

AUTOMOBILE REPAIR SERVICES, MAJOR
An establishment primarily engaged in one or more of the following activities: 1) general repair or service, 2) engine repair, 3) installation or repair of transmissions, 4) installation or repair of automotive glass, 5) installation or repair or exhaust systems, 6) repair of tops, bodies and interiors, and 7) automotive painting and refinishing.

AUTOMOTIVE REPAIR SERVICES, MINOR
An establishment primarily engaged in one or more of the following activities: 1) diagnostic service and tune-ups, 2) installation or repair of air-conditioners, brakes, carburetors, electrical systems, fuel systems, generators, starters, and radiators, 3) lubricating service, and 4) front end and wheel alignment.

BASEMENT
A story of a building or structure having one-half or more of its clear height below grade.

BED AND BREAKFAST
A type of, but a use separate from, that of home occupations. Bed and breakfasts are a form of guest lodging in which bedrooms are rented and breakfast is served. The term is intended to describe the offerings of temporary lodging in a private home having architectural and historic interest, rather than the provision of food service or the offering of facilities for long-term occupancy. The only functions permitted are the renting of guest rooms and serving of breakfasts.

BENEFICIAL FILL AREA.
A disposal site that meets all of the following conditions:

(1) The fill material consists only of inert debris strictly limited to concrete, brick, concrete block, uncontaminated soil, rock, and gravel;

(2) The fill activity involves no excavation;

(3) The fill activity will cover two (2) acres or less and be in operation one (1) year or less;

(4) The purpose of the fill activity is to improve land use potential or other approved beneficial reuses.

Any disposal site not meeting all the requirements listed above shall be considered a Land Clearing and Inert Debris (LCID) Landfill.
BEVERAGE, FOOD, AND SNACK WAGON
A mobile unit, equipped for the provision of simple beverages, meals and snacks directly to consumers.

BLOCK
The land lying within an area bounded on all sides by streets.

BOARD OF ADJUSTMENT
An appointed board of Town of Summerfield whose duty it is to hear appeals of the Town Manager’s administrative decisions related to development and also to hear variances, special use permits, changes in nonconforming uses, and any other applications requiring that a decision be made in a quasi-judicial manner.

BOARDING HOUSE
A dwelling or part thereof, in which lodging is provided by the owner or operator to more than three (3) boarders.

BUILDING
Any structure having a roof supported by walls or columns constructed or used for residence, business, industry or other public or private purposes.

BUILDING HEIGHT
The vertical distance measured from the average elevation of the finished grade to the topmost section of the roof. (See Figure 11 (MBH)

![Figure 11 (MBH)](image)

Figure 11 (MBH) - Measurement of Building Height

BUILDING INSPECTOR
The Guilford County Inspections Director or designee.

BUILDING-INTEGRATED SOLAR SYSTEMS
An active solar system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include but are not limited to photovoltaic or hot water solar systems that are contained within roofing materials, windows, skylights, and awnings.
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. (See Figures 11(BL-1) and (BL-2)

![Diagram of Building Line](image)

See Figures 11(BL-1) and 11(BL-2) Determination of Building Lines.

BUILDING, MULTI-FAMILY
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.

BUILDING SEPARATION
The minimum required horizontal distance between buildings.

BUILDING, PRINCIPAL
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 principle building unless it is an accessory dwelling in compliance with section 6-4.3 (Accessory Dwelling Units on Single Family Lots), farm tenant dwelling, or a residence for a pastor, or caretaker dwelling accessory to a nonresidential use (limited to one such residence per lot).

BUSINESS SERVICES (See SERVICES, BUSINESS)
CALIPER INCHES
Quantity in inches of the diameter of trees measured at six (6) inches above the ground for trees four (4) inches or less in trunk diameter and twelve (12) inches above the ground for trees over four (4) inches in trunk diameter.

CANOPY TREE
A species of tree which normally grows to a mature height of forty (40) feet or more with a minimum mature crown width of thirty (30) feet.

CERTIFICATE OF APPROPRIATENESS
A statement issued by the Jurisdiction which states that the work proposed by the applicant is consistent with the architectural and historic guidelines for the historic district in which the property is located.

CERTIFICATE OF COMPLIANCE/OCCUPANCY
A statement, signed by the Summerfield Enforcement Officer, or as otherwise may be delegated, setting forth either that a building or structure complies with the provisions of this Ordinance, or that building, structure, or parcel of land may lawfully be employed for specified uses, or both.

CODE ADMINISTRATOR
The Town appointed official responsible for the administration and enforcement of certain Town codes to ensure compliance with the provisions of this code and any other assigned codes or local laws.

COLLECTOR STREET PLAN
A plan, adopted by the Governing Body, for streets not shown on the Thoroughfare Plan, showing collector and, if appropriate, lower classification streets in the planning area.

COMMON AREA(S)
All areas, including private streets, conveyed to an owners' association within a development, or owned on a proportional undivided basis in a condominium development.

CONDOMINIUM
Portions of real estate 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.

CONGREGATE CARE FACILITY
A facility providing shelter and services for ambulatory individuals at least fifty-five (55) years of age, who by reason of their 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.

CONSTRUCTION TRAILER
A temporary accommodation for offices and building material storage on a construction site. Construction trailers shall not include dumpsters, portable storage containers, or shipping containers.

CONTINUING CARE RETIREMENT COMMUNITY (CCRC)
A residential development retirement complex that offers, under one contract, an independent living unit (an apartment or cottage), residential amenities and access to a continuum of long-term care services, as residents' health and social needs change over time. There are three levels of care in most CCRCs. The first level is independent.
living in which residents live on their own and have access to a wide array of amenities. The second level is assisted living, which provides help with daily tasks such as bathing and dressing. The third level is 24-hour nursing home-style care. As residents’ health needs increase, they will transition from one level to the next, all within the same community.

COUNTY
Refers to Guilford County, North Carolina.

CRITICAL ROOT ZONE
The rooting area of a tree established to limit root disturbance, generally defined as a circle with a radius extending from a tree’s trunk to the furthest point of the crown drip line.

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.

DAY CARE, ADULT
An establishment licensed pursuant to G.S. Chapter 131D, Article 1, and engaged in the provision of group care and supervision of adults in a place other than their permanent residence that does not include overnight accommodations. Adult day care center does not include group day facility.

DAY CARE, CHILD
A facility licensed pursuant to N.C.G.S. Chapter 110, Article 7 that provides child care, regardless of the time of day, wherever operated, and whether or not operated for profit for three (3) or more preschool-age children or nine (9) or more school-age children.

DENSITY CREDIT
The potential for the development or subdivision of part or all of a parcel of real property, as permitted under the terms of this Ordinance, expressed in dwelling unit equivalents or other measures, or development density or intensity, or a fraction or multiple of that potential that may be transferred to other portions of the same parcel, or to contiguous land that is part of a common development plan.

DEVELOPER
A person engaging in development.

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 streets, rights-of-way, drives, parking, structures, recreation areas, dedicated areas, and required setbacks, shall be used for density calculations.

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.

DORMITORY
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 dormitory may contain food preparation and eating facilities primarily for the use of its occupants.

**DRIPLINE**
A vertical line extending from the outermost portion of a tree’s canopy to the ground.

**DWELLING, LIVE/WORK**
A structure or portion of a structure combining a residential living space for one or more persons with an integrated work space principally used by one or more of the residents.

**DWELLING, MODULAR**
A dwelling constructed in accordance with the standards set forth in the N.C. State Residential 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.

**DWELLING, MULTI-FAMILY**
A building or portion thereof used or designed as a residence for three (3) or more families living independently of each other with separate housekeeping and cooking facilities for each, and includes apartment, townhouses and residential condominiums.

**DWELLING, SINGLE-FAMILY, ATTACHED**
Two or more single-family dwelling units, each with its own outside entrance and individual lot, which are joined together by a common or party wall which is shared by two or more individual dwelling units along the lot line.

**DWELLING, SINGLE-FAMILY, DETACHED**
A residential building containing not more than one dwelling unit to be occupied by one family, not physically attached to any other principal structure. For regulatory purposes, this term does not include manufactured homes, recreational vehicles, or other forms of temporary or portable housing. Manufactured buildings constructed for use as single-family dwelling units (manufactured home dwellings) are treated similar to single-family detached dwellings.

**DWELLING, TENANT (FOR MIGRANT LABOR)**
A dwelling located on a bona fide farm, and occupied by a farm worker employed for agricultural purposes by the owner, or operator of the farm.

**DWELLING, TOWNHOUSE**
A building consisting of single family residences attached to one another in which each unit is located on an individually owned parcel, generally within a development containing drives, walks and open space in common area.

**DWELLING, TWIN HOME**
A building consisting of two single-family dwelling units, each dwelling unit occupying its own conventional lot and conveyed by deed, connected along a common party wall with no interior circulation between the two.

**DWELLING, TWO-FAMILY**
A building on one zone lot arranged and designed to be occupied by two (2) families living independently of each other.
**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, UPPER STORY**

A dwelling unit located on the second floor or higher of a building with nonresidential uses located on the ground or street level.

**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 entities.

**EASEMENT, ACCESS**

An easement which grants the right to cross property.

**EASEMENT, CONSERVATION.**

A legally enforceable agreement permitting the easement holder to take action to prevent alteration of the designated land. Such easements are restrictive in nature and are generally written to prohibit all but certain types of activities to occur upon the land.

**EASEMENT, DRAINAGE**

An easement which grants the right of water drainage to pass in open channels or enclosed structures.

**EASEMENT, DRAINAGE MAINTENANCE**

An easement which grants to the Governing Body the right to alter the typical drainage channel section and/or profile in order to improve water flow.

**EASEMENT, UTILITY**

An easement which grants to the Governing Body 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.

**EASEMENT, WATER QUALITY CONSERVATION**

A permanent easement in which no structures or land-disturbing activities are allowed. The natural ground cover and the natural tree canopy must be preserved with the following exceptions: 1) the cutting or trimming of overcrowded trees is allowed provided that no trees in excess of three (3) inches in diameter as measured twelve (12) inches or less from the ground are removed; 2) utilities and erosion control structures can be constructed and maintained; 3) normal maintenance by mechanical means is allowed for the removal of dead, diseased, deformed, poisonous, or noxious vegetation and pests harmful to health and; 4) mechanical mowing of utilities areas is allowed to control growth.

**ELECTRONIC GAMING ESTABLISHMENT**

All businesses, whether as a principal or an accessory use, where persons utilize electronic machines, including but not limited to computers and gaming terminals, to conduct games of chance, including sweepstakes, and where cash, merchandise or other items of value are redeemed or otherwise distributed, whether or not the distribution is determined by games played or are predetermined. This term includes, but is not limited to internet cafes, internet sweepstakes, video sweepstakes or cybercafés. This does not include...
Article 11: Definitions

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any lottery approved by the State of North Carolina or any game or process prohibited by North Carolina General Statutes Sections 14-304 through 14-309.

EQUESTRIAN FACILITY (ALSO SEE HORSE FARM)
An equestrian facility may be distinguished from a private horse farm by differences in the primary purpose of the property. Whereas a horse farm is in the primary business of breeding and caring for horses, and may offer ancillary horse riding activities, an equestrian facility is in the primary business of training and showing horses in equine competitions. Equestrian facilities include any structure used or associated with equine activities, including, but not limited to, the care, management, boarding, or training of horses and the instruction and training of riders. Structures that are associated with equestrian facilities include, but are not limited to, free standing or attached sheds, barns, or other structures that are utilized to store any equipment, tools, commodities, or other items that are maintained or used in conjunction with equine activities.

ESTABLISHMENT, ADULT ORIENTED
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, sexual encounter center, or any combination, or any combination of the foregoing or any like or similar use as same are defined in Section 11-39 Town of Summerfield Code, entitled “Ordinance Regulating Adult Oriented Establishments,” as amended.

FAMILY
One (1) or more persons occupying a dwelling unit and living as a single household.

FAMILY CARE HOME
A home meeting the North Carolina Residential Building Code with support and supervisory personnel that provides room and board, personal care and habilitation services in a family environment for six (6) or less resident handicapped persons, pursuant to NCGS 168-21.

FARMERS MARKET
A market which is usually open air, but may include some permanent semi-enclosed structures, where individual sellers offer primarily farm and farm related fresh products for sale to the public. Such fresh products typically include fruits, vegetables, and flowers, as well as certain value added agriculturally related products such as jams, honey, home baked goods, meats and cheeses.

FENCE
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 SERVICES (SEE SERVICES, FINANCIAL)

FITNESS CENTER
Any person, firm, corporation, organization, club, or association engaged in the sale of instruction, training, or assistance in a program of physical exercise or weight reduction, which may include the use of a sauna, whirlpool bath, weight lifting room, massage, steam room, or other exercising or weight reduction machine or device.

FLEA MARKET
A market held in an open area or structure where individual sellers offer goods for sale to the public. Such sellers may set up temporary stalls or tables for the sale of their products. Such sales may involve new and/or used items and may include the sale of fruits, vegetables, and other edible items. A farmer’s market, where food items predominate, is different than a flea market. This also differs from a garage sale or yard sale that is
conducted on a residentially developed lot by members of a household, or civic groups selling primarily donated items.

**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 (6) feet.

**FLYING FIELD, PRIVATE (ACCESSORY USE)**

A private airstrip used for individual aircraft takeoff and landing that is 1) located on the same lot with a permitted principal use; 2) intended for the exclusive use of the owner; 3) subject to all Accessory Use Area requirements of Section 4-5.4; and 4) that cannot be used or operated as a commercial airport.

**FOOT-CANDLE**

A quantitative unit of measure referring to the measurement of illumination incident at a single point. One foot-candle is equal to one lumen uniformly distributed over an area of one square foot. All references are considered horizontal foot-candles unless noted otherwise.

**FRESH FOODS SELLER**

A sales site set up by one retailer for the purpose of selling fresh foods directly to the consumer. Examples include seafood and produce sellers operating from a site unrelated to the location where the fresh product is grown or harvested. (Also see PRODUCE STAND)

**GLARE**

The sensation produced by luminance within the visual field that is sufficiently greater than the luminance to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance and visibility.

**GRADE, FINISHED**

The final elevation of the ground surface after development.

**GRADE, NATURAL**

The elevation of the ground surface in its natural state before man-made alterations.

**GREEN ROOF**

A roof of a building that is partially or completely covered with vegetation and a growing medium, planted over a waterproofing membrane. There are two types of green roofs: intensive roofs, which are thicker and can support a wider variety of plants but are heavier and require more maintenance, and extensive roofs, which are covered in a light layer of vegetation and are lighter than an intensive green roof.

**GREENWAY**

A greenway is a linear open space established along either a natural corridor, such as a riverfront, stream valley, or ridgeline, or overland along a railroad right-of-way converted to recreational use, a canal, scenic road, or other route. Typically greenways provide a natural or landscaped course for pedestrian or bicycle passage. Greenways often link parks, nature reserves, cultural features, or historic sites with each other and with populated areas. Greenways may be publicly or privately owned. A public greenway is (1) owned and maintained by a government authority and (2) has been designated on an officially adopted greenway plan.

**GRID-INTERTIE SOLAR SYSTEM**

A photovoltaic solar system that is connected to an electric circuit served by an electric utility company.
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 (30) people.

GROUP HOME, SMALL
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 (30) 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 (2) 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.

HALFWAY HOUSE
A residence designed to assist persons, especially those leaving institutions, to reenter society and learn to adapt to independent living. Halfway houses aim to assist in community transition, and may provide vocational training, counseling, and other services. They usually require residents to follow certain rules, such as sign in and sign out procedures and curfews. A halfway house may allow residents to go out to work or study during daytime and return at night.*

*Note: The Federal Fair Housing Act makes it unlawful “to discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling because of a handicap.” Also, the Americans With Disabilities Act describes alcoholics/drug addicts as people with disabilities. Therefore, zoning laws used to discriminate against halfway houses may be in violation of these laws.

HOMELESS SHELTER
A facility, the primary purpose of which is to provide temporary or transitional shelter for the homeless. The facility provides overnight sleeping accommodations with or without charge; does or does not provide meals and ancillary social, educational or health services. The facility is staffed.

HISTORIC STRUCTURE
Any structure that is: 1) listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior), or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register; 2) certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district, or a district preliminarily determined by the Secretary to qualify as a registered historic district; 3) individually listed on a state inventory of historic places; 4) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified (a) by an approved state program as determined by the Secretary of Interior or (b) directly by the Secretary of Interior in states without approved programs.

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. Accessory structures may be included in the definition of a home occupation.
HORSE FARM (ALSO SEE EQUESTRIAN FACILITY)
Property and structures used primarily for the breeding and caring of horses. Ancillary to that primary purpose, a horse farm may also offer boarding and training of horses as well as the instruction and training of riders. Spectator events and competitions are not usually associated with a horse farm. Structures that may be associated with a horse farm include, but are not limited to, free standing or attached sheds, barns, or other structures that are utilized to store any equipment, tools, commodities, or other items that are maintained or used in conjunction with equine activities.

JUNK/SALVAGE YARD
Any land or area used, in whole or in part, for the storage, keeping, or accumulation of material, including scrap metals, waste paper, rags, or other scrap materials, or used building materials, for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof.

LANDFILL, CONSTRUCTION OR DEMOLITION DEBRIS (C-D), MAJOR
A disposal site, other than a Minor Construction or Demolition Landfill, for solid waste resulting from construction, remodeling, repair, or demolition operations on pavement, buildings, or other structures, and which complies with all Sanitary Landfill requirements of Section 15.5-5 of the Town of Summerfield Code and with all zoning and Special Use Permit requirements of this Ordinance.

LANDFILL, CONSTRUCTION OR DEMOLITION DEBRIS (C-D), MINOR
A disposal site for solid waste that meets the following criteria:

(1) The waste results solely from construction, remodeling, repair or demolition operations on pavement, buildings, or other structures located on the same property and under the same ownership, and does not include inert debris, land-clearing, or yard trash.

(2) The disposal site must be one (1) acre or less.

LANDFILL, LAND CLEARING AND INERT DEBRIS (LCID) (MAJOR)
A disposal site other than a Minor Land Clearing and Inert Debris Landfill as defined in this ordinance for stumps, limbs, leaves, concrete, brick, untreated wood and uncontaminated earth. Disposal of any other types of wastes must be approved by the State Division of Solid Waste Management.

LANDFILL, LAND CLEARING AND INERT DEBRIS (LCID) (MINOR)
A disposal site that meets all of the following conditions:

(1) The fill material consists of debris strictly limited to concrete, brick, concrete block, uncontaminated soil, rock, gravel, limbs, leaves, and stumps; and

(2) The fill activity will cover two (2) acres or less, be in operation one (1) year or less.

Any disposal site not meeting all the requirements listed above shall be considered a Landfill, Land Clearing and Inert Debris (LCID) Major.

LANDFILL, SANITARY/SOLID WASTE
A site for solid waste disposal from residential, industrial or commercial activities.

LIGHT FIXTURE, OUTDOOR.
Outdoor artificial illuminating device, outdoor fixture, lamp or other device, permanent or portable, used for illumination, direction or advertisement. Such devices shall include, but are not limited to search, spot, or flood lights for:
(1) buildings and structures, including canopies and overhangs;
(2) recreational areas;
(3) parking lot lighting;
(4) landscape lighting; and
(5) signs, including billboards, display and service areas, roadways and sidewalks.

LIGHT, FULL CUTOFF.
A light fixture which cuts off all upward transmission of light.

LIGHT, FULLY SHIELDED,
Fixtures that are shielded in such a manner that light emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted. This means that a fully shielded fixture is one used in such a way that it allows no direct or internally reflected light to shine above the light fixture.

LIGHTING, HID.
High Intensity Discharge lighting, a family of bulb type including mercury vapor, metal halide, high pressure or low pressure sodium, which glow when electric current is passed through a gas mixture inside a bulb.

LIGHT, INSTALLED.
The initial installation of outdoor light fixtures defined herein.

LIGHT BULB OR LAMP.
The component of a luminaire that produces light.

LIGHT TRESPASS.
Light projected onto a property from a fixture not located on that property.

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, BUILDABLE OR 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 planting yards.

LOT, CORNER
A lot abutting two (2) or more streets at their intersection.

LOT COVERAGE
The portion of a lot covered by buildings(s) and/or structure(s)

LOT DEPTH
The distance measured along the perpendicular bisector of the smallest possible rectangle enclosing the lot. See Figure 2-C.
LOT, FLAG
A lot, created by a subdivision, with less street frontage than is required by Article 4 (Zoning), 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.

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, REVERSE FRONTAGE
A through lot which is not accessible from one of the parallel or non-intersecting streets upon which it fronts.

LOT, THROUGH
A lot abutting two (2) streets that do not intersect at the corner of the lot.

LOT, TOWNHOUSE
A parcel of land intended as a unit for transfer of ownership, and lying underneath, or underneath and around, a townhouse, patio home, or unit in nonresidential group development.

LOT WIDTH
The mean width measured at right angles to its depth at the building line. (See Figure 11(LD and LW)

Definitions continued on next page
Article 11: Definitions

**LUMEN.**
A standard unit of measurement referring to the amount of light energy emitted by a light source, without regard to the effectiveness of its distribution.

**LUMINAIRE.**
A complete lighting unit consisting of a lamp or lamps together with the components designed to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply. A luminaire is also commonly referred to as a fixture.

**MANUFACTURED DWELLING**
A dwelling that 1) is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis; 2) exceeds forty feet in length and eight feet in width; 3) is constructed in accordance with the National Manufactured Home Construction and Safety Standards; and 4) is not constructed in accordance with the standards of the North Carolina Uniform Residential Building Code for One- and Two-Family Dwellings. (See Article 5 for Use-Specific Development Standards for Class AA, A, B, and C Manufactured Homes.)
MANUFACTURED DWELLING PARK
A group development site with required improvements and utilities for the long-term location of manufactured dwellings which may include services and facilities for the residents.

MANUFACTURED DWELLING SPACE
A designated area of land within a manufactured dwelling park designed for the accommodation of a single manufactured dwelling home in accordance with the requirements of this Ordinance.

MASTER DEVELOPMENT PLAN
(See PLANNED DEVELOPMENT)

MIXED DEVELOPMENT
A mixture of residential and permitted office and/or commercial uses in the GB, HB, SC, and OSMU Districts.

MOTOR VEHICLE, BUSINESS AND PERSONAL USE OF
A motor vehicle used for transportation at least once every seven (7) days.

MOTOR VEHICLE, JUNKED
A motor vehicle that does not display a current license plate and is one or more of the following: 1) is partially dismantled or wrecked; or 2) cannot be self-propelled or moved in the manner in which it originally was intended to move; or 3) more than five (5) 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. Except that a motor vehicle junked, that is not visible from the public right-of-way or from an adjoining property shall be excluded from this definition.

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 STRUCTURE(S)
A structure that does not conform to the requirements of this Ordinance. The nonconformity may result from adoption of this Ordinance or any subsequent amendment.

NONCONFORMING USE
A use which once was a permitted use on a parcel of land or within a structure, but which is not now a permitted use. The nonconformity may result from the adoption of this Ordinance, or any subsequent amendment.

NURSING 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.
OFF-GRID SOLAR SYSTEM
A photovoltaic solar system in which the circuits energized by the solar system are not electrically connected in any way to electric circuits that are served by an electric utility company.

OPEN SPACE.
Any parcel of land or water that is essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment, the protection or preservation of natural resources, vistas or the environment, and/or the protection of animal movement corridors.

OWNER
A holder of any legal or equitable estate in the premises, whether alone or jointly with others, and whether in possession or not.

PASSIVE SOLAR SYSTEM
A solar energy system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.

PEDESTRIAN WAY
A right-of-way or easement dedicated to public use to facilitate pedestrian access to adjacent streets and properties.

PENNANT
Any lightweight plastic, fabric or other material, whether or not containing a message of any kind, suspended from a rope, wire or string, usually in series, designed to move in the wind.

PERSON
Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, or public or private institution, utility, cooperative, interstate body or other legal entity.

PERSONAL TRAINER      SEE FITNESS CENTER

PHOTOMETRIC PLAN.
A point by point plan depicting the intensity and location of lighting on the property.

PHOTOVOLTAIC SYSTEM
An active solar energy system that converts solar energy directly into electricity.

PLANNED DEVELOPMENT (MASTER DEVELOPMENT PLAN, UNIFIED DEVELOPMENT)
Planned developments, also known as master planned developments or unified developments, are developments that are planned and developed under unified control and in accordance with more flexible standards and procedures that are more conducive to creating more mixed-use, pedestrian-oriented, and otherwise higher quality development than could be achieved through general use (base) zoning district regulations.

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 Appendix 2 (Map Standards), which is presented for local government approval and subsequent recordation in the Guilford County Register of Deeds Office.

PLAT, PRELIMINARY
A map indicating the proposed layout of the subdivision or site showing lots, streets, water, sewer, storm drainage, and any other requirements of Appendix 2 (Map Standards), which is presented for preliminary approval.

PLAN, SKETCH
A rough sketch map of a proposed subdivision or site, showing streets, lots, and any other information required in Appendix 2 (Map Standards) of sufficient accuracy to be used for discussion of the street system and the proposed development pattern.

PLOT PLAN
A graphic rendering of affected property showing location and interrelationship between structures, rights-of-way and property lines.

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 zone lot on which it is located.

PRODUCE STAND
A building or structure used for the retail sale of fresh fruits, vegetables, flowers, herbs and/or plants. Such use may also involve the accessory sale of other unprocessed foodstuffs and home processed food products. (See Development Standards Article 5) Such uses also include “pick your own” establishments where customers gather their own produce from the fields for purchase and off-site consumption.

PROFESSIONAL SERVICES, (See SERVICES, PROFESSIONAL)

PUBLIC SQUARE OR PLAZA
A central open space generally fronted upon by surrounding buildings and readily accessible to the public and used by pedestrians as an outdoor meeting or gathering place. Such uses may be provided with amenities such as shelters, seating, fountains, art, and landscaping.

RECREATIONAL VEHICLE
A vehicle which is built on a single chassis, designed to be self-propelled or permanently towable by a light duty vehicle, and designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use.

RECREATIONAL VEHICLE PARK
Any site or tract of land, of contiguous ownership, upon which fifteen (15) or more recreational vehicles or tent spaces are provided for occupancy according to the requirements set forth in this ordinance.
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 DROP-OFF STATION
A collection and temporary storage facility where recyclable materials are accepted from the public. Typical items collected include cardboard, glass or plastic containers, aluminum cans, newspapers magazines and other paper recyclables. Under this definition, recycling drop off stations do not include thrift store collection boxes and trucks.

RECYCLING PROCESSING CENTER
A facility used for collection and processing of recyclable materials. Processing means the preparation of materials for efficient shipments, or to an end-user’s specification, by such means as baling, briquetting, compacting, flattening, grinding, crushing, sorting, shredding, and cleaning.

RENEWABLE ENERGY EASEMENT, SOLAR ENERGY EASEMENT
An easement that limits the height or location, or both, of permissible development on the burdened land in terms of a structure or vegetation, or both, for the purpose of providing access for the benefited land to wind or sunlight passing over the burdened land.

RENEWABLE ENERGY SYSTEM
A solar energy or wind energy system. Renewable energy systems do not include passive systems that serve a dual function, such as a greenhouse or window.

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 or conveyance.

RESERVE STRIP
A narrow parcel of ground separating a street from other adjacent properties.

RESIDENTIAL COMPOUND
A residential development consisting of up to 4 principal dwelling units and appurtenant structures on a single parcel of land, all of which is in single or common ownership.

RESTAURANT, WITH INDOOR AND/OR OUTDOOR SEATING
An establishment where meals or prepared food, including beverages and confections, are served to customers for consumption on the premises. Such a facility may include indoor and/or outdoor seating, but no drive-through service.

RESTAURANT, WITH DRIVE-THROUGH SERVICE
An establishment where provision is made on the premises for the ordering, selling, dispensing, or serving of food and refreshments to persons driving by the structure in their motor vehicles.

ROOF LINE
The top edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.
ROOF PITCH
The final exterior slope of a building roof calculated by the rise over the run, typically but not exclusively expressed in twelfths such as 3/12, 9/12, 12/12.

ROOMING UNIT
A room designed, occupied, or intended for occupancy as separate living quarters with sleeping, but not necessarily cooking and sanitary facilities provided within the room.

RURAL FAMILY OCCUPATION
A small business located on the same parcel of land as the principal residence of the business owner. A Rural Family Occupation differs from a HOME OCCUPATION due to its larger scale and number of non-resident employees permitted to work at the business. (See Use-Specific Development Standard in Article 5)

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 inoperative vehicles or parts there from.

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.

SEATING CAPACITY
The actual seating capacity of an area based upon the number of seats, or one seat per eighteen (18) 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.

SERVICES, BUSINESS
A room, or group of rooms used for conducting the affairs of a general business establishment, other than financial services and professional services. Business service uses are customarily offices for retail and wholesale establishments.

SERVICES, FINANCIAL
A room or group of rooms used for conducting the affairs of a business offering financial services, such as banking services, investment banking, stock brokerage, investment services, credit card services, and the like.

SERVICES, PROFESSIONAL
A room or group of rooms used for conducting the affairs of a business, profession, or service industry. Examples of professional services offices include offices for lawyers, accountants, engineers, architects, doctors, dentists, and similar professions.

SETBACK See Figure 11.(DBS)
The minimum required horizontal distance between a structure or activity and the property line, street right-of-way line, or street centerline.

SETBACK, INTERIOR See Figure 11 (DBS)
A setback from any property line not alongside a street.
**SETBACK, STREET** See Figure 11.(DBS)
Any setback from a street, road, or lane.

**SETBACK, REAR** See Figure 11.(DBS)
A setback from an interior property line lying on the opposite side of the lot from the front street setback.

**SETBACK, SIDE** See Figure 11.(DBS)
Any interior property line setback other than a rear setback.

**SETBACK, ZERO SIDE** See Figure 11.(DBS)
An alternate form of dimensional requirements that allows a dwelling unit to have one (1) side setback of zero (0) from a side property line. This definition does not include townhouses.

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**SEWER, PRIVATE**
A system which provides for collection and/or treatment of wastewater from a development, or property, and which is not maintained with public funds.
SEWER, PUBLIC
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.

SHELTER FOR THE HOMELESS
A facility operating year-round with 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: 1) the facility shall be contained within the building and operated by a government agency or nonprofit organization; 2) a minimum floor space of fifty (50) square feet shall be provided for each individual sheltered; and 3) the facility operator(s) shall provide continuous on-site supervision by an employee(s) and/or volunteer(s) during the hours of operation.

SHELTER, EMERGENCY
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.

SHELTER, TEMPORARY
A facility which provides temporary lodging during times of life-threatening weather conditions for indigent individuals and/or families with no regular home or residential address; and which complies with the following requirements: 1) the facility shall be contained within the building of and operated by a government agency or nonprofit organization; 2) a minimum floor space of fifty (50) square feet shall be proved for each individual sheltered; and 3) the facility operator(s) shall provide continuous on-site supervision by an employee(s) and/or volunteer(s) during the hours of operation.

SIGHT DISTANCE EASEMENT
An easement which grants to the Town Council the right to maintain unobstructed view across property located at a street or lane intersection.

SIGN
Any object, device, display or structure, or part thereof, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including but not limited to words, letters, pennants, banners, emblems, trademarks, trade names, insignias, numerals, figures, design symbols, fixtures, colors, illumination or projected images, or any other attention directing device.

SIGN, ANIMATED
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.

SIGN, BANNER
A temporary sign of lightweight fabric or similar material which is rigidly mounted to a pole or a building by a rigid frame at two or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.
SIGN, BILLBOARD
A freestanding sign designed for the display of information and/or advertising and erected as a principal use in accordance with the provisions of this Ordinance.

SIGN, 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.

SIGN, CANOPY (SEE FIGURE 11. (TOS))
Any sign which is a part of 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.

![Figure 11. (TOS) Types of Signs](image)

* Illustration for sign types only, not an illustration of conforming uses.

SIGN, 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.

SIGN, DIRECTIONAL
Any sign with no commercial message that indicates the direction to churches, hospitals, colleges and similar institutional uses.

SIGN, ELECTRONIC CHANGEABLE COPY
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 nay message or display remains stationary for a minimum of one (1) second on streets where the speed limit is fifty-five (55) miles per hour or greater, or two (2) seconds on streets where the speed limit is less than fifty-five (55) miles per hour. 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 of one (1) second on streets where the speed limit is fifty-five (55) miles per hour or greater, or two (2) seconds on streets where the speed limit is less than fifty-five (55) miles per hour, shall be considered a flashing sign.
SIGN, FLASHING
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 electronic changeable copy sign is not a flashing sign.

SIGN, FREESTANDING See Figure 11. (TOS)
Any sign which is supported by structures or supports which are placed on, or anchored in the ground, and which structures or supports are the independent from any building or other structure.

SIGN, GOVERNMENTAL
Any sign erected by or on behalf of a government body to post a legal notice, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic.

SIGN, IDENTIFICATION
Any sign used to display: the name, address, logo, or other identifying symbol of the individual, family, business, institution, service, or organization occupying the premises; the profession of the occupant; the name of the building on which the sign is attached; or directory information in group developments or buildings with multiple tenants.

SIGN, INFORMATION BOARD
Signs which display messages in which the copy may be arranged or rearranged by hand.

SIGN, INSTRUCTIONAL
Any sign with no commercial message that provides assistance with respect to the premises on which it is maintained, or for the instruction, safety, or convenience of the public such as “entrance”, “exit”, “one way”, “telephone”, “parking” and similar information.

SIGN, MARQUEE See Figure 11. (TOS)
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.

SIGN, NONCONFORMING
Any sign which does not conform to size, height, location, design, construction, or other requirements of this Ordinance. The nonconformity may result from adoption of the Ordinance or any subsequent amendment.

SIGN OWNER
Any person holding legal title or legal right to occupy or carry on business in a structure or any facility, and shall include each and every person who shall have title to or benefit of a sign, or for whose benefit any type sign is erected or maintained. Where there is more than one (1) owner, as defined, their duties and obligations under this chapter are joint and several, and shall include the responsibility for such sign.

SIGN, PORTABLE
Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including but not limited to signs: designed to be transported by means of wheels; converted to A- or T- Frames; menu and sandwich board signs; gas or hot-air filled balloons; umbrellas used for advertising; signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day to day operation of the business.
SIGN, PROJECTING
Any sign which is end mounted or otherwise attached to an exterior wall of a building which forms an angle with said wall.

SIGN, ROOF
Any sign erected and constructed wholly on and over the roof on a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

SIGN, SUSPENDED
A sign which is suspended from the underside of a horizontal plane surface and is supported by such surface.

SIGN, TEMPORARY
Any sign that is displayed for a limited period of time and is not permanently mounted.

SIGN, VEHICLE
Any sign on a vehicle which is parked in a location which is visible to the public, and for a period of time which indicates that the principal use of the vehicle is for advertising rather than transport.

SIGN, WALL
Any sign attached parallel to, painted on the wall surface of, or erected and confined within the limits of the outside wall, mansard roof structure, penthouse, or parapet of any building or structure, which is supported by such wall, building, or structure, but does not extend vertically above the highest portion of the roof, and which displays only one sign surface.

SIGN, WARNING
Any sign with no commercial message that displays information pertinent to the safety or legal responsibilities of the public such as sign warning or high voltage, "no trespassing," and similar directives.

SIGN, WINDOW
Any sign, pictures, symbols, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale or service, placed inside a window or upon the window panes of glass and which is visible from the exterior of the window.

SINGLE-FAMILY DETACHED DWELLING
A separate, detached building designed for and occupied exclusively by one (1) family.

SINGLE ROOM OCCUPANCY (SRO) RESIDENCE
A building containing twenty-five (25) or more rooming units, which are available for rental occupancy for periods of seven (7) days or longer, in which on-site management is provided on a twenty-four (24) hour basis. The building shall contain common space such as recreation areas, lounges, living rooms, dining rooms, or other congregate living spaces at a rate of five (5) square feet per rooming unit, but totaling not less than two hundred and fifty (250) square feet. Bathrooms, laundries, hallways, the main lobby, vending areas, and kitchens shall not be counted as common space. This term does not include boarding houses, tourist homes, motels, hotels, private dormitories, congregate care facilities, family care homes and group care facilities.

SITE SPECIFIC DEVELOPMENT PLAN
A plan of land development submitted to the appropriate approval authority for the purpose of obtaining one of the following zoning or land use permits or approvals pursuant to NCGS 154A-334.1

(1) A Special Use Permit;
Article 11: Definitions

(2) a conditional use zoning sketch or site plan;

(3) a Planned Development – Residential or Planned Development – Mixed unified development plan;

(4) a preliminary plat for a major subdivision;

(5) a major site plan prepared in accordance with Section 3-11 (Site Plan and Plot Plan Procedures), but not including a master or common sign plan, a watershed development plan, or a landscaping plan;

(6) a preliminary plat for a minor subdivision;

(7) a plot plan;

(8) a minor site plat in accordance with Section 3-11 (Site Plan and Plot Plan Procedures);

(9) a master or common sign plan prepared in accordance with Section 6-1.8 (Master or Common Site Plan);

(10) a watershed development plan prepared in accordance with Section 7-1.5 (Watershed Development Plan); or

(11) a landscaping plan prepared in accordance with Appendix 2 (Map Standards).

SLOPE
An inclined ground surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance, commonly expressed as “two to one”, (2:1), and “one and one half to one”, (1.5:1) etc.

SOIL SCIENTIST
A Soil Scientist certified and licensed by the State of North Carolina under NCGS 89F.

SOLAR ACCESS
A view of the sun, from any point on the collector surface, which is not obscured by any vegetation, building, or object located on parcels of land other than the parcel upon which the solar collector is located, between the hours of 9:00 AM and 3:00 PM Standard time on any day of the year.

SOLAR COLLECTOR
A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.

SOLAR COLLECTOR SURFACE
Any part of a solar collector that absorbs solar energy for use in the collector’s energy transformation process. Collector surface does not include frames, supports and mounting hardware.

SOLAR ENERGY
Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

SOLAR ENERGY SYSTEM
A device or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generating, or water heating.

SOLAR FARM (PRINCIPAL USE)
A device or devices for which the primary purpose is to transform solar radiant energy into electrical energy for interconnection with the power grid to permit offsite energy consumption.
SOLAR HOT WATER SYSTEM (ALSO REFERRED TO AS SOLAR THERMAl)
A system that includes a solar collector and a heat exchanger that heats or preheats water for building heating systems or other hot water needs, including residential domestic hot water and hot water for commercial processes.

SOLAR MOUNTING DEVICES
Devices that allow the mounting of a solar collector onto a roof surface or the ground.

SOLID WASTE
Garbage, refuse and other discarded solid materials.

SPECIAL EVENTS FACILITY
A parcel of land where activities of a limited duration or use are held. The site may or may not include a permanent structure to house the event. Such activities may include banquets, weddings, parties, company gatherings, one-day conferences, etc. It is intended that the site be used on an ongoing basis for these activities and are not single events.

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.

STREET, COLLECTOR See Figure 11(SC) Item (3)
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 See Figure 11(SC) Item (6)
A short local street having one end open to traffic and the other end permanently terminated by a vehicular turnaround.

Figure 11 (SC) Street Classifications
STREET, LOCAL See Figure 11(SC) Item (5)
A street whose primary function is to provide access to abutting properties.

STREET, MAJOR THOROUGHFARE See Figure 11(SC) Item (1)
Major thoroughfares consist of interstate, other freeway, expressway, or parkway links, and major streets that provide for the expeditious movement of high volumes of traffic within and through urban areas.

STREET, MINOR THOROUGHFARE See Figure 11(SC) Item (2)
Minor thoroughfares collect traffic from collector, subcollector, and local streets and carrying 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, PRIVATE DRIVE See Figure 11(SC) Item (9)
A vehicular travelway not dedicated or offered for dedication as a public street, providing access to parking lot(s) for two (2) or more principal buildings in a group housing or group nonresidential development.

STREET, PRIVATE LANE See Figure 11(SC) Item (8)
A private cul-de-sac for vehicular traffic serving four (4) or fewer residential lots in a minor subdivision and maintained pursuant to NCGS 136-102.6.

STREET, PRIVATE See Figure 11(SC) Item (7)
A vehicular travelway 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.

STREET, PUBLIC
A dedicated public right-of-way for vehicular traffic which 1) has been accepted by NCDOT for maintenance, or 2) 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 RIGHT-OF-WAY
A strip of land occupied or intended to be occupied by a travelway 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.

STREET, SUBCOLLECTOR See Figure 11(SC) Item (4)
A street whose principal function is to provide access to abutting properties, but which is also designed to be used to connect local streets with collector or higher classification streets.

STRUCTURE
Anything constructed, erected, or placed.

SUBDIVIDER
Any person who subdivides land.

SUBDIVISION
All divisions of a tract or parcel of land into two (2) or more lots, building sites, or other divisions when any one or more of those divisions is 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 street or a change in existing streets; however, the following are not included within this definition and are not subject to any subdivision approval regulations in this Ordinance:

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 the Ordinance;

2. The division of land into parcels greater than ten (10) acres if no street right-of-way dedication is involved;

3. The public acquisition by purchase of strips of land for the widening or opening of streets; and

4. The division of a tract in single ownership, the entire area of which is not greater than two (2) acres into not more than three (3) lots, if no street right-of-way dedicated is involved, and if the resultant lots are equal to or exceed the standards of this Ordinance.

SUBDIVISION, MAJOR
A subdivision involving more than four (4) lots, or requiring new public street(s) for access to interior property, or requiring extension of public sewer or water line, or requiring a waiver or variance from any requirement of this Ordinance.

SUBDIVISION, MINOR (PRIVATE)
A subdivision involving not more than four lots, all or some of which may have access on a private lane.

SUBDIVISION, MINOR (PUBLIC)
A subdivision involving not more than four (4) lots fronting on an existing approved public street(s), not requiring any new public street(s) for access to interior property, not requiring extension of public sewer or water line.

SWIMMING POOL
A water-filled enclosure, permanently constructed or portable, having a depth of more than eighteen (18) inches below the level of the surrounding land, or an above-surface pool, having a depth of more than thirty (30) inches designed, used, and maintained for swimming and bathing.

SWIMMING POOL, NONPERMANENT
A swimming pool that is so constructed that it may be readily disassembled for storage and reassembled to its original integrity.

TEMPORARY BUILDING OR STRUCTURE
Any building or structure of an impermanent nature or which is designed for use for a limited time, including any tent or canopy.

TEMPORARY 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, outdoor religious events and other similar activities.

TENANT
Any person who alone, or jointly, or severally with others, or occupies a building under a lease or holds a legal tenancy.
**THOROUGHFARE PLAN**
A plan adopted by the Town 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.

**TOURIST HOME**
A private residence in which accommodations are provided for lodging and may include meals for overnight guests for a fee.

**TOWER, COMMUNICATIONS**
A structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, stealth tower structures and the like.

**TOWN MANAGER**
The Town Manager of the Town of Summerfield or the Town Manager's designee.

**TRACT**
All contiguous 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.

**UNDERSTORY TREE**
A species of tree which normally grows to a mature height of fifteen (15) to thirty-five (35) feet in height.

**UNIFIED DEVELOPMENT**
See PLANNED DEVELOPMENT

**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, MIXED**
Occupancy of building or land by more than one use.

**USE, ACCESSORY(S)**
A structure or use that:

1. is clearly incidental to and customarily found in connection with a principal building or use;
2. is subordinate to and serves a principal building or a principal use;
3. is subordinate in area, extent, or purpose to the principal building or principal use served;
4. contributes to the comfort, convenience, or necessity of occupants, business, or industry, in the principal building or principal use served; and
5. is located on the same zone lot as the principal building or use served.

**USE(S), PRINCIPAL**
The primary purpose or function that a lot or structure serves or is proposed to serve.
UTILITY
The system of collection and/or distribution of a service provided by grant of authority to a government organization, a utility company, or sanitary district to serve all consumers by means of an overhead, or underground pipeline or conduit. Services provided under this definition include electricity, natural gas, gas, heat, steam, communication, transportation, water, sewage collection, or any other service defined by NCGS Chapter 62 or amendments thereto. This definition shall not include 1) sewage treatment systems for use by an individual, firm, business, enterprise or group development designed for processing less than 3,000 gallons per day, 2) wells with less than 15 connections or serving less than 25 persons, 3) any other systems of collection and/or distribution for sole use by an individual, firm, business, or enterprise and whose service is not for sale to or use by the public for compensation, or 4) any other service defined by NCGS Chapter 62 or amendments thereto.

UTILITY, MAJOR
Infrastructure services providing regional or community-wide service that normally entail the construction of new buildings or structures such as water towers, waste treatment plants, potable water treatment plants, solid waste facilities, and electrical substations.

UTILITY, MINOR
Infrastructure services that need to be located in or near the neighborhood or Use Type where the service is provided. Examples of Minor Utilities include water and sewage pump stations, storm water retention and detention facilities, telephone exchanges, and surface transportation stops such as bus stops and park-and-ride facilities.

VARIANCE
Official permission from the Board of Adjustment to depart from the requirements of this Ordinance.

WAIVER
Official permission from any designated body, other than the Board of Adjustment, to depart from the requirements of this Ordinance.

WALL, RETAINING
A structure, either masonry, metal or treated wood, designed to prevent the lateral displacement of soil, rock, fill or other similar material.

WATER, PRIVATE
A system which provides for the supply and/or distribution of potable water for use by a development, project, or owner, (Including both single user and multiple user systems).and which is not operated or maintained with public funds.

WATER, PUBLIC
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.

WINERY
A winery is a facility specifically designed, at a minimum, for one or more of the following: crushing, fermentation, and barrel aging of wine. A winery may include any of the following: a tasting room, barrel rooms, bottling rooms, tank rooms, laboratories, and offices. Uses that are clearly incidental to the production of wine are allowed accessory uses to a winery. These may include, but are not limited to, the following: bottling, case goods storage, retail and/or wholesale sales of wine, employee day care, tours, ancillary retail
sales, public display of art to wine related items, picnic areas, and food service. Food service is not to include restaurants, unless otherwise allowed in the zoning district, and specifically approved as such.

WINE BAR
A retail operation in the business of selling wine by the glass directly to consumers. Full food service may be provided as permitted. Such operations are treated in like manner with other bars selling alcoholic beverages directly to the consumer by the drink.

WINE TASTING ROOM
A space set aside at a winery, as defined herein, in which customers sample small amounts of different wines with the intent of purchasing whole, uncorked bottles of wine for consumption off the premises. Full food service operations are not permitted unless otherwise allowed in the zoning district and specifically approved for the location.

WIRELESS COMMUNICATIONS FACILITY
Any combination of one or more antennas, towers and/or structures with equipment used for the transmission of wireless communications except for commercial radio and TV, amateur radio, wireless communication facilities used by a governmental agency for its governmental functions, wireless communication facilities used exclusively by public educational institutions for its communication purposes and devices necessary for the use of a subscription to a commercial wireless provider service such as wireless Internet and satellite TV.

WIRELESS COMMUNICATIONS FACILITY, COLLOCATION ON EXISTING TOWER
Collocation is a situation in which two or more different wireless communication service providers place wireless communication antenna(s) and/or other wireless communications equipment on a common antenna supporting structure (building, tower, or other stationary device).

WIRELESS COMMUNICATIONS FACILITY, PLACEMENT ON EXISTING BUILDING
The placement of a wireless telecommunications antenna on an existing building or structure.

WIRELESS COMMUNICATIONS FACILITY, MODIFICATION
Modifications shall be permitted upon existing telecommunications tower facilities as of October 1, 2013 provided they do not exceed any of the following criteria:

(a.) Increase in vertical height of the greater of either: 1) ten percent (10%), or 2) the height of one additional antennae array with separation from the nearest existing array of not more than twenty (20) vertical feet; provided the maximum height of 200 vertical feet is not exceeded.

(b.) Addition of an appurtenance protruding the greater of either: 1) more than twenty (20) feet, or 2) more than the width of the wireless support structure at the elevation of the appurtenance, unless:

(i.) necessary to shelter an antenna, and/or

(ii.) necessary to connect the antenna to the tower via cable

(c.) Increasing the square footage of the existing equipment compound by more than 2,500 square feet; provided all applicable minimum yard area, buffering and screening provisions are maintained.

WIRELESS COMMUNICATIONS FACILITY, FREESTANDING TOWER
A structure erected on the ground and used primarily for the support of antennas for wireless telephone, and similar communication purposes and utilized by commercial, governmental, or other public or quasi-public users. The term includes microwave towers, common-carrier towers, cellular telephone towers, alternative
tower structures, and the like. The term does not include private home use of satellite dishes and television antennas, or amateur radio operators as licensed by the FCC.

**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 building, and development standards are prescribed.

**ZONING VESTED RIGHT**
A right pursuant to NCGS 153A-344.1 to undertake and complete the development and use of property under the terms and conditions of an approved site development plan.