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GUILFORD COUNTY DEVELOPMENT ORDINANCE

AMENDED THROUGH JULY 1, 1997

PREPARED BY THE GUILFORD COUNTY PLANNING & DEVELOPMENT DEPARTMENT

ADOPTED BY THE
GUILFORD COUNTY BOARD COMMISSIONERS
APPROVED NOVEMBER 19, 1990
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ARTICLE 1

PURPOSE AND AUTHORITY

1–1 SHORT TITLE

This Ordinance shall be known and may be cited as the "Guilford County Development Ordinance", except as referred to herein, where it shall be known as "this Ordinance".

1–2 REPEALS AND ENACTMENT

1–2.1 Repeal of Inconsistency

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relate to zoning, subdivision, and land use which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

1–2.2 Enactment

This Ordinance is hereby enacted and shall be the Development Ordinance for Guilford County.

1–2.3 Effective Date

This Ordinance shall become effective on January 1, 1992.

1–3 PURPOSE

1–3.1 General Purpose

It is the purpose of this Ordinance to promote the health, safety, morals, and general welfare of the residents of Guilford County through the regulations of this Ordinance.

1–3.2 Zoning Regulation Purpose

The zoning regulations, adopted and prescribed in this Ordinance, are found by the Governing Body to be necessary and appropriate to:

(A) Lessen congestion in the streets;

(B) Secure safety from fire, panic and other dangers;

(C) Provide adequate light and air;

(D) Prevent the overcrowding of land;

(E) Avoid undue concentration of population;

(F) Facilitate the adequate and economic provision of transportation, water, sewage, schools, park, and other public services;

(G) Protect water quality within watershed critical areas and/or designated municipal watersheds;

(H) Preserve and enhance visual attractiveness and economic vitality; and

(I) Require appropriate setbacks for buildings and other structures to facilitate the safe movement of vehicular and pedestrian traffic, provide adequate fire lanes and ensure adequate distance from dust, noise and fumes created by vehicular traffic.

(J) Establish a zoning vested right upon the approval of a site specific development plan pursuant to NCGS 153A–344.1

1–3.3 Cluster and Zero Side Setback Regulation Purpose

The single family dwelling cluster and zero side setback regulations, adopted and prescribed in this Ordinance, are found by the Governing Body to be necessary and appropriate to:

(A) Encourage innovation in residential development by providing efficient, attractive, flexible and environmentally sensitive design;

(B) Lower the costs of housing by reducing the lot size and the per dwelling unit linear footage of streets, water lines, storm sewers and sanitary sewers;

(C) Reduce the future cost of infrastructure maintenance and, therefore, the burden upon taxpayers and ratepayers;

(D) Encourage development in areas which have major streets and utility lines in place, but are experiencing little or no development;

(E) Protect water quality, preserve wildlife habitats, and protect natural features such as streams, lakes, wetlands, and trees; and

(F) Reduce the amount of grading necessary for site preparation.

1–3.4 Planned Unit Development Purpose

The planned unit development regulations, adopted and prescribed in this ordinance, are found by the Governing Body to be necessary and appropriate to:

(A) Promote all of the purposes listed in Section 1–3.3 (Cluster and Zero Side Setback Regulation Purpose);

(B) Allow diversification of uses in developments intended as cohesive, unified projects;

(C) Allow variation in the relationship of residential and nonresidential uses and structures in such cohesive, unified projects;

(D) Reduce travel time by providing opportunities for employment and services closer to residences; and

(E) Encourage innovation by offering flexibility in design and layout requirements to achieve a greater choice of living and working environments.

1–3.5 Historic District Overlay Purpose

The historic district overlay regulations, adopted and prescribed in this Ordinance, are found by the Governing Body to be necessary and appropriate to:

(A) Protect, safeguard and conserve the heritage of the community;

(B) Promote the sound and orderly preservation of historic areas as a whole, and of the individual properties therein, which embody important elements of social, economic, political or architectural history for the education, pleasure and enrichment of all citizens; and

(C) Enhance property values within historic areas.

1–3.6 Scenic Corridor Overlay Purpose

The scenic corridor overlay regulations, adopted and prescribed in this Ordinance, are found by the Governing Body to be necessary and appropriate to:

(A) Preserve and enhance the appearance and operational characteristics of certain designated roadways; and

(B) Address development issues of special concern with specific requirements which relate to land use, traffic movement, access, environment, signage, landscaping, visual quality and aesthetics.

1–3.7 Manufactured Housing Overlay Purpose

The manufactured housing overlay regulations, adopted and prescribed in this Ordinance, are found by the Governing Body to be necessary and appropriate to:

(A) Provide alternative, affordable housing opportunities for low and moderate income residents in residential areas by allowing for the use of manufactured dwellings;

(B) Establish requirements designed to assure acceptable similarity in exterior appearance between manufactured dwellings and single family dwellings that have been or might be constructed on adjacent or nearby lots; and

(C) Protect property values and preserve the character and integrity of the community or individual neighborhoods within the community.

1–3.8 Subdivision Regulation Purpose

The subdivision (including group development) regulations, adopted and prescribed in this Ordinance, are found by the Governing Body to be necessary and appropriate to:

(A) Promote orderly growth and development;

(B) Provide for suitable residential and nonresidential developments with adequate streets and utilities and appropriate building sites;

(C) Provide for the distribution of population and traffic in a manner which shall avoid congestion and overcrowding;

(D) Provide for the coordination of streets within subdivisions with existing or planned streets and with other public facilities;

(E) Provide for the dedication or reservation of rights–of–way or easements for street and utility purposes;

(F) Provide for the dedication or reservation of adequate spaces for public lands and buildings;

(G) Encourage design that is protective of environmental quality;

(H) Provide for the dedication or reservation of recreation, park and greenway areas; and

(I) Provide proper land records for the convenience of the public and for better identification and permanent location of real property boundaries.

1–3.9 Sign Regulation Purpose

The sign regulations, adopted and prescribed in this Ordinance, are found by the Governing Body to be necessary and appropriate to:

(A) Encourage the effective use of signs as a means of visual communication;

(B) Promote a positive community appearance for the enjoyment of all citizens;

(C) Maintain and enhance the aesthetic environment and the community's ability to attract sources of economic development and growth;

(D) Protect the public from damage or injury attributable to distractions and/or obstructions caused by improperly designed or located signs; and

(E) Protect existing property values in both residential and nonresidential areas.

1–3.10 Off–Street Parking, Stacking, and Loading Regulation Purpose

The off–street parking, stacking, and loading regulations, adopted and prescribed in this Ordinance, are found by the Governing Body to be necessary and appropriate to:

(A) Ensure a sufficient amount of off–street parking, stacking, and loading areas for various land uses;

(B) Ensure easy, convenient circulation of vehicles within parking and loading areas;

(C) Minimize the potential for conflict with traffic on public streets; and

(D) Permit the shared use of parking areas by establishments and/or activities which have different hours of operation.

1–3.11 Planting Yard Purpose

The planting yard regulations, adopted and prescribed in this Ordinance, are found by the Governing Body to be necessary and appropriate to:

(A) Create a better quality of life for the community by encouraging preservation of existing trees and vegetation;

(B) Provide visual buffering and enhance beautification;

(C) Establish appropriate separation between land uses;

(D) Provide the separation necessary to permit certain land uses to coexist harmoniously which might not do so otherwise;

(E) Safeguard and enhance property values and protect public and private investment;

(F) Enhance the community's competitive position in economic development and tourism by improving views, particularly along streets;

(G) Reduce the negative impact of glare, noise, trash, odors, overcrowding, traffic, lack of privacy, and visual disorder when incompatible land uses adjoin one another; and

1–3.12 Watershed Protection Purpose

The watershed protection regulations, adopted and prescribed in this Ordinance, are found by the Governing Body to be necessary and appropriate to:

(A) Protect those portions of designated water supply watersheds which lie closest to existing and proposed water supply reservoirs from activities which could degrade water quality in the reservoirs;

(B) Reduce the volume of nutrients and other chemicals which could enter the water supply by reducing the amount of runoff which any given development will generate;

(C) Minimize land disturbance to reduce the amount of sediment washing into streams and lakes and to enhance the infiltration of runoff into soil;, thus alleviating the sedimentation of water supply lakes which reduces their storage capacity, shortens their useful life, and makes them less able to withstand drought;

(D) Reduce the probability of the release of harmful chemicals into water supply reservoirs, either through natural catastrophe or human error; and

(E) Provide for natural and engineered methods for managing the stormwater which flushes contaminants off of built–upon areas in the designated water supply watersheds and which may reach water supply reservoirs unless controlled.

1–3.13 Soil Erosion and Sedimentation Control Purpose

The soil erosion and sedimentation control regulations, adopted and prescribed in this Ordinance, are found by the Governing Body to be necessary and appropriate to:

(A) Regulate certain land–disturbing activity to control accelerated erosion and sedimentation to prevent the pollution of water and other damage to lakes, watercourses and other public and private property by sedimentation; and

(B) Establish procedures through which the purposes of soil erosion and sedimentation control can be fulfilled.

1–3.14 Flood Damage Prevention Purpose

The flood damage prevention regulations, adopted and prescribed in this Ordinance, are found by the Governing Body to be necessary and appropriate in order to:

(A) Permit only that development within the floodplain which is appropriate in light of the probability of flood damage and which represents a reasonable social and economic use of land in relation to the hazards involved; and

(B) Minimize public and private losses due to flood conditions in specific areas by enactment of provisions designed to:

1) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

3) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;

4) Control filling, grading, dredging and other development which may increase erosion or flood damage;

5) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands;

6) Protect human life and health;

7) Minimize expenditure of public money for costly flood control projects;

8) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

9) Minimize prolonged business interruptions;

10) Minimize damage to public facilities and utilities such as water, sewer, gas, electric, and telephones lines and streets and bridges located in flood plains;

11) Help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas;

12) Permit and encourage the retention of open land uses which will be so located and designed as to constitute a harmonious and appropriate part of the physical development of the community and which will not impede the flow of floodwaters; and

13) Ensure that potential buyers are notified whenever property is in a flood hazard area.

1–4 JURISDICTION

The provisions of this Ordinance shall apply to all the territory encompassed in Guilford County, North Carolina herein referred to as "the Jurisdiction", except for those areas within incorporated municipalities and their extraterritorial jurisdiction, and property owned by the Greensboro–High Point–Winston–Salem Airport Authority. This Ordinance shall govern the development and use of land and structures therein, except for farm land and structures as provided for by NCGS 153A (Counties).

1–5 AUTHORITY

This Ordinance is adopted pursuant to portions of one or more of the following authorities in NCGS: Chapter 63 (Aeronautics), Chapter 69 (Fire Protection), Chapter 74 (Environmental Controls), Chapter 95 (Department of Labor and Labor Regulations), Chapter 106 (Agricultural Regulations), Chapter 113A (Pollution Control and Environment), Chapter 119 (Gasoline and Oil Inspection and Regulations), Chapter 121 (Environmental Controls), Chapter 130A (Public Health), Chapter 133 (Public Works), Chapter 136 (Roads and Highways), Chapter 143 (State Departments, Institutions, and Commissions), Chapter 153A (Counties), Chapter 157 (Housing Authorities), Chapter 168 (Handicapped Persons). This Ordinance may be amended from time to time as required or allowed by subsequent legislative enactments.

1–6 ABROGATION

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

1–7 INTERPRETATION OF ORDINANCE

1–7.1 Minimum Requirements

In the interpretation and application of this Ordinance, all provisions shall be considered to be minimum requirements and deemed neither to limit nor repeal any other powers granted under state statutes.

1–7.2 Greater Restrictions Govern

These regulations shall be the minimum requirements for administration, enforcement, procedures, restrictions, standards, uses, variances, and all other areas addressed by this Ordinance. If any federal or state law or any other existing ordinance or regulation allows lesser regulation this Ordinance shall govern so that, in all cases, the more restrictive limitation or requirement shall govern. Whenever regulations imposed by this Ordinance are less restrictive than regulations imposed by any governmental authority through regulation, rule or restriction, the regulations imposed by that authority shall govern. Regardless of any other provision of this Ordinance, no land shall be developed or used, and no structure shall be erected or maintained in violation of any state or federal regulation.

1–7.3 Rounding of Numbers

All calculations that result in a part or fraction of a whole number shall be rounded up to the next highest whole number, unless otherwise provided in this Ordinance.

1–7.4 Density

(A) Rounding: In calculating density, all calculations that result in a part or fraction of a whole number shall be rounded down to the next lowest whole number.

(B) Dwelling Unit Equivalence:

1) Congregate Care Facilities and Private Dormitories: For the purpose of calculating density for congregate care facilities and private dormitories, two (2) bedrooms shall be equivalent to one (1) dwelling unit.

2) Single Room Occupancy (SRO) Residences: For the purpose of calculating density for single room occupancy (SRO) residences, a rooming unit of less than one hundred and fifty (150) square feet shall be equivalent to one–half (1/2) a dwelling unit and a rooming unit of one hundred and fifty (150) square feet or more shall be equivalent to one (1) dwelling unit.

1–7.5 Figures

The figures provided in this Ordinance are designed to provide a visual explanation to selected Sections of the Ordinance. If any illustration appears to be in conflict with the text of the Ordinance, the text shall govern.

1–8 RULES OF CONSTRUCTION

1–8.1 Word Interpretation

Words not defined in this Ordinance shall be given their ordinary and common meaning.

1–8.2 Rules of Construction

For the purposes of this Ordinance, the following rules of construction shall apply:

(A) Tense: Words used in the present tense include the future tense;

(B) Singular and Plural: Words used in the singular number include the plural number, and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise;

(C) Mandatory Meaning: The words "shall," "will," and "must" are mandatory in nature implying an obligation or duty to comply with the particular provision;

(D) Gender: Words used in the male gender include the female gender; and

(E) References: Any reference to an Article or Section shall mean an Article or Section of this Ordinance, unless otherwise specified.

1–9 COMPLIANCE

1–9.1 Compliance

No building, premises, or structure shall be constructed, erected, modified, converted, occupied, placed, maintained or moved, and no land use shall be commenced, maintained, or modified, except as authorized by this Ordinance.

1–9.2 Voluntary Compliance

Nothing in this Section shall be deemed to preclude voluntary compliance with the provisions of this Ordinance for development approved prior to the effective date of this Ordinance.

1–9.3 Conformance with Requirements

Except as herein provided, no applicable permit shall be issued or granted that does not conform to the requirements of this Ordinance. Developments which have received Technical Review Committee or staff approval, Enforcement Officer approval, or a building permit prior to the effective date of this Ordinance, may proceed in accordance with such approval or permit while such approval or permit remains in effect.

1–10 RELATION TO THE COMPREHENSIVE PLAN

The administration, enforcement and amendment of this Ordinance shall be accomplished with consideration of recommendations presented in the documents comprising the Comprehensive Plan. These documents include, but are not limited to the following: land use plan, thoroughfare plan, collector street plan, small area plans, community facilities plan, capital improvement plan, economic development strategies, housing assistance plan, recreation plan, greenways plan, drainage and open space plan and watershed management plan.

1–11 ESTABLISHMENT OF OFFICIAL ZONING MAP

1–11.1 Official Zoning Map

The Jurisdiction is hereby divided into zones, or districts, as established in Article IV (Zoning).

1–11.2 Map Certification

The Official Zoning Map shall be identified by the signature of the Chairman of the Board of County Commissioners, attested by the Clerk, and bear the seal of the Jurisdiction, together with the effective date of this Ordinance.

1–11.3 Map Changes

If changes are made in district boundaries or other matters portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map.

1–11.4 Unauthorized Changes

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

1–11.5 Map Location

Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map, which shall be located in the Planning Department, shall be the final authority as to the current zoning of property within the Jurisdiction.

1–11.6 Map Damage and Replacement

In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Governing Body may by resolution adopt a replacement Official Zoning Map which shall supersede the prior Official Zoning Map. Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant remaining parts thereof, shall be preserved, together with all available records pertaining to its adoption or amendment.

1–11.7 Replacement of Official Zoning Map

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

1–12 INTERPRETATION OF DISTRICT BOUNDARIES

1–12.1 Boundary Interpretation

Where uncertainty exists as to the boundaries of any district shown on the Official Zoning Map, the following rules shall apply:

(A) Centerline: Where a boundary line lies within and follows a 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 in the edge of such street or alley right–of–way, railroad right–of–way, or utility easement. If such a street or alley right–of–way, railroad right–of–way, or utility easement forming the boundary between two separate zoning districts is abandoned or removed from dedication, the district boundaries shall be construed as following the edge of the abandoned or vacated road bed or utility easement.

(C) Lot Line: Boundaries indicated as approximately following lot lines shall be construed as following such lot lines. In the event that a district boundary line divides a lot or tract, each part of the lot or tract so divided shall be used in conformity with the regulations established by this Ordinance for the district in which said part is located.

(D) City Limits: Boundaries indicated as approximately following city limits or extraterritorial boundary lines shall be construed as following the city limits or extraterritorial boundary lines.

(E) County Line: Boundaries indicated as approximately following county lines shall be construed as following the county line.

(F) Watercourses: Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines.

(G) Extensions: Boundaries indicated as parallel to, or as extensions of street or alley rights–of–way, channelized waterways, railroad rights–of–way, utility easements, lot lines, city limits, county lines, or extraterritorial boundaries, shall be so construed.

(H) Scaling: Where a district boundary does not coincide with any boundary lines as above and no distances are described by specific ordinance, the boundary shall be determined by the use of the scale appearing on the map. In the case of Flood Zones, Corps of Engineers work maps, if available, shall be used for scaling.

(I) 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.

1–12.2 Interpretation by Board of Adjustment

Where existing natural or man-made features on the ground are at variance with those shown on the Official Zoning Map, or are not covered by Section 1–12.1 (Boundary Interpretation), the Board of Adjustment shall interpret the district boundary.

1–12.3 Annexation

If any portion of the territory subject to county jurisdiction under this Ordinance shall be annexed by a municipality, or taken into a municipality's extraterritorial jurisdiction by act of the General Assembly, or in accordance with NCGS 160A, Article 4A or NCGS 160A–360, county regulations and powers or enforcement shall remain in effect until:

(A) The municipality has adopted regulations for said annexed or extraterritorial area; or

(B) A period of sixty (60) days has elapsed following the effective date of annexation or extension of extraterritorial jurisdiction.

1–13 SEVERABILITY

1–13.1 Invalidation

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

1–13.2 Prejudicial Application

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

1–13.3 Lawful Presumption

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

ARTICLE II

DEFINITIONS

2–1 DEFINITIONS

These definitions are grouped in the following functional groups 1) Building and Structure, 2)Drainage and Watershed Protection, 3)Dwelling, 4)Easements, 5)Erosion and Sedimentation Control, 6)Flood Damage Prevention, 7)General, 8)Hazardous Waste, 9)Lot, 10)Setback, 11) Signs, and 12)Streets, Drives, and Lanes. Refer to Section 2–2 (Definition Index) for location of specific words.

2–1.1 Building and Structure

(A) 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.

(B) ACCESSORY STRUCTURE. A detached subordinate structure(s), the use of which is incidental to that of the principal structure and located on the same lot therewith

(C) BUILDING. Any structure having a roof supported by walls or columns constructed or used for residence, business, industry or other public or private purposes.

(D) BUILDING HEIGHT. The vertical distance measured from the average elevation of the finished grade to the topmost section of the roof. See Figure 2–A.

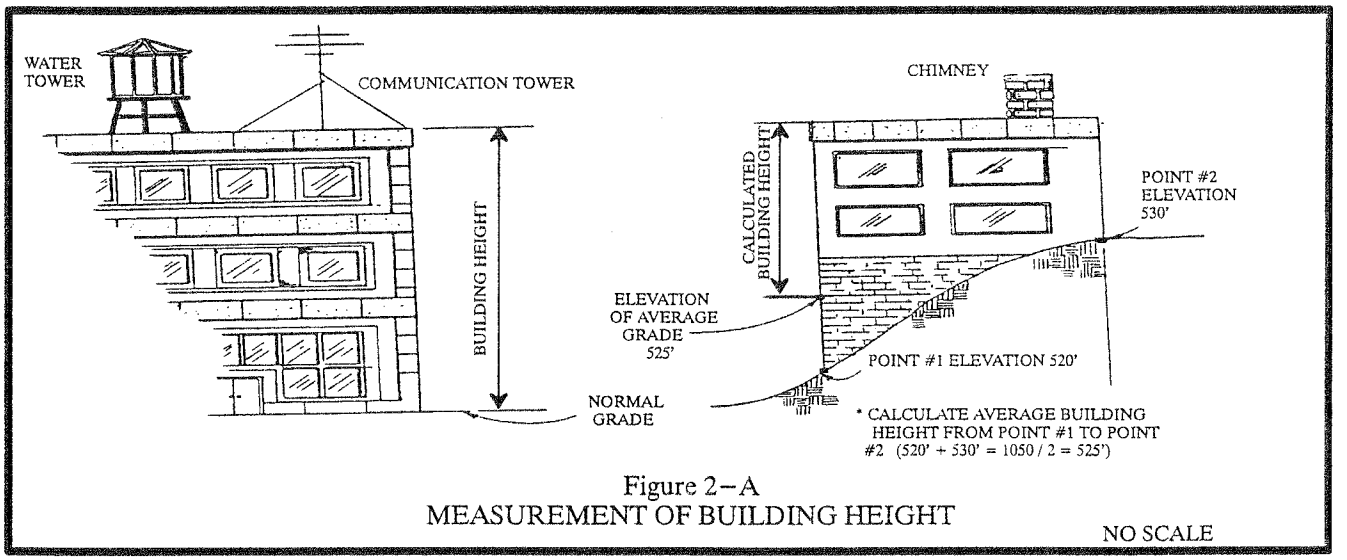


Figure 2–A
MEASUREMENT OF BUILDING HEIGHT

NO SCALE

(E) 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 Figure 2–B.

(F) BUILDING SEPARATION. The minimum required horizontal distance between buildings.

(G) PRINCIPAL BUILDING A building in which is conducted the principal use of the zone lot on which it is located or, in a group development, of the building site on which it is located. Any dwelling is considered a principal building unless it is an accessory dwelling in compliance with Section 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).

(H) PRINCIPAL STRUCTURE. A structure(s) in which is conducted the principal use(s) of the zone lot on which it is located.

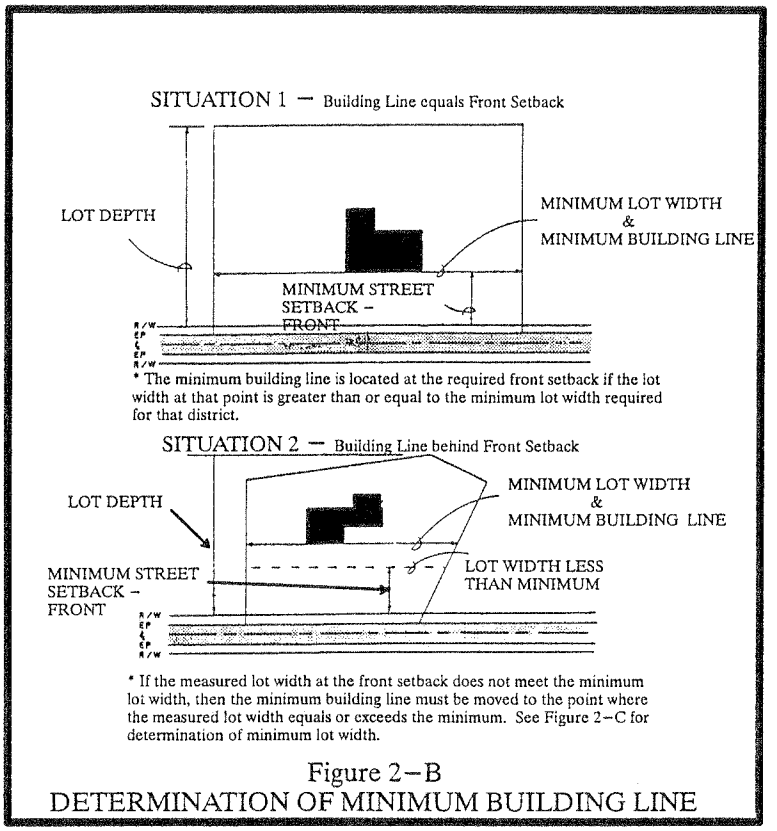


Figure 2–B
DETERMINATION OF MINIMUM BUILDING LINE

NO SCALE

(I) STRUCTURE. Anything constructed, erected, or placed.

(J) TEMPORARY BUILDING. Any building of an impermanent nature, or which is designed for use for a limited time, including any tent or canopy.

(K) TEMPORARY STRUCTURE. Any structure for an impermanent nature or which is designed for use for a limited time, including any tent or canopy.

2–1.2 Drainage and Watershed Protection

(A) 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.

(B) 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.)

(C) DETENTION POND. A pond which collects stormwater runoff, filters the water, and releases it slowly over a period of hours or days. It does not have a permanent pool and is sometimes referred to as a dry pond or wet weather pond.

(D) DEVELOPMENT, EXISTING. Those projects that are built and those projects that, at a minimum, have established a vested right under N. C. zoning law as of January 1, 1994, 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.)

(E) DEVELOPMENT, NEW. Any land-disturbing activity which adds to or changes the amount of built-upon area. (This definition applies only with respect to watershed protection regulations.).

(F) 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.

(G) DRAINAGEWAY AND OPEN SPACE AREA, DEDICATED. The area designated for floodplain and open space purposes on a recorded subdivision plat, and thereby dedicated to the public for such purposes.

(H) DRAINAGE, DISPERSED. Drainage spread out, as opposed to collected in channels, so as to effect increased sheet flow and overland flow.

(I) DRAINAGE, ENHANCED. Drainage carried by existing natural drainageways which have been enhanced to resist soil erosion and stream bank degradation.

(J) DRAINAGE, REQUIRED CHANNEL. The theoretical stream bed section which is required to carry and discharge the runoff from a one-hundred-year storm.

(K) DRAINAGE, TYPICAL REQUIRED CHANNEL SECTION. A cross-sectional view of a required drainage channel.

(L) DRAINAGEWAY. Any natural or man-made channel that carries surface runoff from precipitation.

(M) DRAINAGEWAY, IMPROVED. Drainage channeled by impervious surfaces such as curb and gutter or concrete (gunite, bituminous, etc.) channels.

(N) DRAINAGEWAY, PROTECTED. A natural channel that is protected against stream bank erosion and excessive runoff velocity by any one or a combination of the following: 1) rip-rap channel stabilization; 2) establishment of soil-stabilizing vegetation; 3) velocity reduction structures (stilling pools and drop structures, for example)

(O) 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

(P) HIGH DENSITY OPTION. A density or intensity option for new development wherein the density or intensity exceeds the applicable limit for development under the Low Density Option (see definition below and Table 2-1-1 below), thereby imposing a requirement for engineered stormwater controls (runoff control structures) in conformance with the requirements of the Water Supply Watershed Protection Rules as adopted by the N.C. Environmental Management Commission and the requirements of Article VII (Environmental Regulations) of this Ordinance.

(Q) LOW DENSITY OPTION. A density or intensity option for new 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 the Water Supply Watershed Protection Rules as adopted by the N.C. Environmental Management Commission . The limits vary depending upon the classification of the watershed and upon which overlay zone, Watershed Critical Area (WCA) or General Watershed Area (GWA), is applicable. The limits in effect on July 1, 1993 are shown in Table 2-1-1.

TABLE 2-1-1
DENSITY AND INTENSITY LIMITS
FOR LOW DENSITY AND HIGH DENSITY OPTIONS

WATERSHED CLASSIFICATION	OVERLAY ZONE	LOW DENSITY OPTION		HIGH DENSITY OPTION
		DU/AC	% BUILT-UPON AREA	% BUILT-UPON AREA
WS-IV	WCA	2	24	24-50
WS-IV	GWA	2 [a]	24 [a]	24-70
WS-III	WCA	1	12	12-30
WS-III	GWA	2	24	24-50 [b]

NOTES:
[a] Three (3) DU/AC or thirty-six (36%) percent built-upon area is allowed for projects without a curb and gutter street and driveway system.

■ Refer to Section 7-2.3(B)1) for additional allocation options.

(R) MAXIMUM RUNOFF RETENTION. The passage of approximately one hundred (100%) percent of channelized runoff through permanent retention or wet detention pond(s).

(S) MODERATE RUNOFF RETENTION. The passage of at least seventy-five (75%) percent of runoff through permanent retention or wet detention pond(s).

(T) RETENTION POND. A pond that has a permanent pool.

(U) RUNOFF DETENTION IN EXCESS OF EROSION CONTROL ORDINANCE. The passage of at least fifty (50%) percent of runoff through permanent wet detention or retention ponds.

(V) RUNOFF DETENTION EQUAL TO MINIMUM REQUIREMENTS. Velocity control of runoff.

(W) 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

(X) STABILIZING VEGETATION. Any vegetation that protects the soil against erosion.

(Y) 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.

(Z) STORM, TEN(10)-YEAR. The surface runoff resulting from a rainfall of an intensity expected to be equalled or exceeded, on the average, once in ten (10) years and of a duration which will produce the maximum peak rate of runoff for the watershed of interest under average antecedent wetness conditions.

(AA) STORM, ONE-HUNDRED(100)-YEAR. The surface runoff resulting from a rainfall of an intensity expected to be equalled or exceeded, on the average, once in one hundred (100) years and of a duration which will produce the maximum peak rate of runoff for the watershed of interest under average antecedent wetness conditions.

(AB) STORMWATER RUNOFF. The direct runoff of water resulting from precipitation in any form.

(AC) STREAM. A water course that collects surface runoff.

(AD) 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 bank of each side of streams or rivers. (This definition applies only with respect to watershed protection regulations.)

(AE) 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.

(AF) 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 for the purposes of watershed protection scoresheet evaluation. (This definition applies only with respect to Watershed Protection Regulations.)

(AG) 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.

(AH) MODIFICATION, MAJOR WATERSHED. Modification of the existing regulations that does not meet the definition of a Minor Watershed Modification.

(AI) MODIFICATION, MINOR WATERSHED. Modification of the existing regulations that meets one of the following criteria: (A) Modification of any standard present in the Ordinance but not in the State Water Supply Watershed Protection Rules; (B) Modification 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 modification does not lower the level of performance below that required by the State regulations; or (C) Modification of the State 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.

(AJ) 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.

(AK) 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 proposed Randleman Dam reservoir.

(AL) WATERSHED CRITICAL AREA. That portion of the watershed within the lake basin of the water supply reservoir as delineated in Article VII (Environmental Regulations).

(AM) WET DETENTION POND. A pond that has a permanent pool and also collects stormwater runoff, filters the water, and releases it slowly over a period of days.

2-1.3 Dwelling

(A) 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.

(B) 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.

(C) 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.

(D) 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.

1) Class AA: A manufactured home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the U. S. Department of Housing and Urban Development that were in effect at the time of construction, and that satisfies the following additional criteria:

a) Is occupied only as a single family dwelling;

b) Has a minimum width of sixteen (16) feet;

c) Has a length not exceeding four (4) times its width, with length measured along the longest axis, and width measured perpendicular to the longest axis at the narrowest part;

d) Has a minimum of seven hundred (700) square feet 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 ten (10) degree deflection of being parallel to the lot frontage, unless other orientation is permitted by the Board of Adjustment following a public hearing;

g) Is is set up in accordance with the standards established by the North Carolina Department of Insurance. In addition, a continuous, permanent masonry foundation or masonry curtain wall constructed in accordance with the standards of the North Carolina Uniform Residential Building Code for One– and Two– Family Dwellings, unpierced except for required ventilation and access, shall be installed under the perimeter;

h) Has exterior siding, comparable in composition, appearance durability to the exterior siding commonly used in standard residential construction, consisting of one or more of the following: 1)vinyl or aluminum lap siding (whose reflectivity does not exceed that of flat white paint); 2) cedar or other wood siding; 3)wood grain, weather resistant press board siding; 4) stucco siding; or 5) brick or stone siding;

i) Has a roof pitch minimum vertical rise of three and one–half (3 1/2) feet for each twelve (12) feet 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) All roof structures shall provide an eave projection of no less than six inches, which may include a gutter; and

l) Stairs, porches, entrance platforms, ramps and other means of entrance and exit are installed or constructed in accordance with the standards set by the North Carolina State Building Code, 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 or twenty–four (24) square feet. The use of wood stairs only is prohibited at any entrance.

2) Class A: A manufactured home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the U. S. Department of Housing and Urban Development that were in effect at the time of construction and that meet or exceed criteria (a), (c), (d), (e), (g), (h), (i), (k), and (l) for Class AA manufactured dwellings above.

3) Class B: A manufactured home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the U. S. Department of Housing and Urban Development that were in effect at the time of construction, and that meet or exceed criteria (e), (g) and (h) for Class AA manufactured dwellings above.

4) Class C: Any manufactured home that does not meet the above definition and criteria of a Class AA, Class A or Class B manufactured dwelling. Class C Manufactured Dwellings, except those used as housing for migrant labor as part of a bona fide farm operation and are certified for migrant labor in accordance with Department of Labor regulations, are not allowed to be located or placed in any zoning district as it does not meet the construction standards of the N.C. Building Code nor those promulgated by the U.S. Department of Housing and Urban Development.

(E) MODULAR DWELLING. 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.

(F) MULTI-FAMILY DWELLING. 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.

(G) 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.

(H) ROOMING UNIT. A room designed, occupied, or intended for occupancy as separate living quarters with sleeping, but not necessarily cooking and sanitary facilities provided therein.

(I) SHELTER FOR THE HOMELESS. A facility operating year-round which provides lodging and supportive services including, but not limited to, a community kitchen; assistance in obtaining permanent housing; medical counseling, treatment, and/or supervision; psychological counseling, treatment, and/or supervision; assistance in recuperating from the effects of or refraining from the use of drugs and/or alcohol; nutritional counseling; employment counseling; job training and placement; and child care for indigent individuals and/or families with no regular home or residential address; and which complies with the following requirements: 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.

(J) 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.

(K) SHELTER, TEMPORARY. A facility which provides temporary lodging during times of life-threating 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 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 or operation.

(L) SINGLE-FAMILY DETACHED DWELLING. A separate, detached building designed for and occupied exclusively by one (1) family.

(M) 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.

(N) TENANT DWELLING. 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.

(O) TOWNHOUSE DWELLING. 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.

(P) TWIN HOME DWELLING. 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.

(Q) TWO–FAMILY DWELLING. A building on one zone lot arranged and designed to be occupied by two (2) families living independently of each other.

2–1.4 Easements

(A) ACCESS EASEMENT. An easement which grants the right to cross property.

(B) DRAINAGE EASEMENT. An easement which grants the right of water drainage to pass in open channels or enclosed structures.

(C) DRAINAGE MAINTENANCE EASEMENT. 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.

(D) 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.

(E) PEDESTRIAN WAY. A right–of–way or easement dedicated to public use to facilitate pedestrian access to adjacent streets and properties.

(F) SIGHT DISTANCE EASEMENT. An easement which grants to the Governing Body the right to maintain unobstructed view across property located at a street or lane intersection.

(G) UTILITY EASEMENT. 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.

(H) WATER QUALITY CONSERVATION EASEMENT. 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.

2–1.5 Soil Erosion and Sedimentation Control

(A) ACT. The North Carolina Sedimentation Pollution Control Act of 1973 NCGS ss 113A–50 et seq., and all rules and orders adopted pursuant to it.

(B) ACTIVE CONSTRUCTION. Activities which contribute directly to the completion of facilities contemplated or shown on the construction plans.

(C) BEING CONDUCTED. A land–disturbing activity has been initiated and permanent stabilization of the site has not been completed.

(D) BERM, EROSION CONTROL. A mound of material and/or ditch, the purpose of which is to divert the flow of run-off water.

(E) BORROW. Fill material which is required for on-site construction and is obtained from other locations.

(F) BUFFER. An area of land planted or constructed to separate uses.

(G) BUFFER ZONE. The strip of land adjacent to a lake or natural watercourse.

(H) 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.

(I) COMMISSION, SEDIMENTATION. The North Carolina Sedimentation Control Commission.

(J) 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.

(K) DEPARTMENT (DEHNR). The North Carolina Department of Environment, Health and Natural Resources.

(L) DIRECTOR (DEHNR). The Director of the Division of Land Resources of the Department of Environment, Health and Natural Resources.

(M) DISCHARGE POINT. That point at which runoff leaves a tract of land.

(N) DISTRICT, SOIL AND WATER CONSERVATION. The Guilford Soil and Water Conservation District created pursuant to NCGS 139.

(O) 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.

(P) EROSION. The wearing away of land surface by the action of wind, water, gravity, or any combination thereof.

(Q) EROSION, ACCELERATED. Any increase over the rate of natural erosion as a result of land-disturbing activities.

(R) 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.

(S) EROSION, NATURAL. The wearing away of the earth's surface by water, wind, or other natural agents under natural environmental conditions undisturbed by man.

(T) GRADING. Any operation or occurrence by which the existing site elevations are changed, or where any ground cover, natural or man-made, is removed, or any buildings or other structures are removed, or any water course or body of water, either natural or man-made, is relocated on any site, thereby creating an unprotected area. The term "grading" is interchangeable with "land-disturbing activity".

(U) GRADING, PHASE OF. One (1) of the two (2) types of grading, rough or fine.

(V) 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.

(W) GROUND COVER. Any vegetation, masonry, paving, riprap, or other material or materials which render the soil surface stable against accelerated erosion.

(X) 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).

(Y) 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.

(Z) 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.

(AA) 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.

(AB) 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.

(AC) 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.

(AD) 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.

(AE) 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.

(AF) 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.

(AG) 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.

(AH) SITE or TRACT. All contiguous land and bodies of water being disturbed or to be disturbed as a unit, regardless of ownership.

(AI) TWENTY–FIVE (25) YEAR STORM. The surface runoff resulting from a rainfall of an intensity expected to be equalled 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.

(AJ) UNCOVERED. The removal of ground cover from, on or above the soil surface.

(AK) 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.

(AL) 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.

(AM) WASTE. Surplus materials resulting from on–site construction and disposed of at other locations.

(AN) WORKING DAYS. Days exclusive of Saturday and Sunday during which weather conditions or soil conditions permit land–disturbing activity to be undertaken.

2–1.6 Flood Damage Prevention

(A) AREA OF SPECIAL FLOOD HAZARD. The land in the flood plain within a community subject to a one (1%) percent or greater chance of flooding in any given year. It includes both the floodway and the floodway fringe.

(B) BASE FLOOD. The flood having a one (1%) percent chance of being equalled or exceeded in any given year (100-year flood).

(C) BASE FLOOD ELEVATION. The elevation to which structures and uses regulated by this Ordinance are required to be elevated or flood proofed.

(D) BASEMENT. The lowest level or story which has its floor subgrade on all sides. (This definition applies only with respect to flood damage prevention regulations.)

(E) ELEVATED BUILDING. A non-basement building built to have the top of the elevated floor above the ground by means of fill, solid foundation with openings sufficient to facilitate the unimpeded flow of floodwaters, perimeter walls, pilings, columns (post and piers), shear walls parallel to the flow of water, or breakaway walls.

(F) FLOOD AND FLOODING. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters, or the unusual and rapid accumulation of runoff of surface waters from any source.

(G) FLOOD BOUNDARY AND FLOODWAY MAP. An official map of the community, issued by the Federal Emergency Management Agency, where the one hundred (100) - year flood boundary has been designated and further delineated as a floodway and floodway fringe area.

(H) FLOOD INSURANCE RATE MAP (FIRM). An official map of the community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

(I) FLOOD INSURANCE STUDY. The official report provided by the Federal Emergency Management Agency (FEMA). The report contains flood profiles, as well as the Flood Boundary/Floodway Map, and the water surface elevation of the base flood.

(J) FLOOD PLAIN. The relatively flat area or low land adjacent to the channel of a river, stream, or watercourse, lake or other body of standing water, which has been or may be covered by flood water.

(K) FLOOD PROTECTION ELEVATION. The elevation to which structures and uses regulated by Section 7-5 (Flood Damage Prevention) are required to be elevated or flood proofed.

(L) FLOODING, AREA OF SHALLOW. A designated AO or VO Zone on a community's Flood Insurance Rate Map (FIRM), with base flood depths from one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

(M) FLOODPROOFING. A combination of structural provisions, changes, or adjustments to properties and/or structures subject to flooding primarily for the reduction or elimination of flood damage.

(N) FLOODWAY. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

(O) FLOODWAY FRINGE. The land area located between the floodway and maximum elevation subject to inundation by the base flood as defined herein.

(P) FLOOR. The top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

(Q) HIGHEST ADJACENT GRADE. The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of the structure.

(R) LEVEE. A man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

(S) LOWEST FLOOR. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

(T) MANUFACTURED DWELLING. 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 does not include recreational vehicle. (This definition applies only with respect to flood damage prevention regulations.)

(U) MANUFACTURED DWELLING PARK. A parcel (or contiguous parcels) of land divided into two or more manufactured dwelling spaces for rent. (This definition applies only with respect to flood damage prevention regulations.)

(V) MEAN SEA LEVEL. The average height of the sea for all stages of the tide. It is used as reference for establishing various elevations within the flood plain. For purposes of this Ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD).

(W) NATIONAL GEODETIC VERTICAL DATUM (NGVD). The vertical control used as a reference for establishing varying elevations within the flood plain.

(X) NEW CONSTRUCTION. Structures for which the "start of construction" commenced on or after the effective date of this Ordinance, including any subsequent improvements to such structures.

(Y) OBSTRUCTION. Any dam, wall, embankment, levee, dike, pile, abutment, spoil material, bridge, conduit, culvert building, wire, fence, refuse, fill, structure or matter in, along, across or projecting onto any channel, watercourse, or regulatory flood hazard area which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream to the damage of life or property.

(Z) OBSTRUCTION, NATURAL. Any rock, tree, gravel, or analogous natural matter that is an obstruction and has been located in the floodway by a nonhuman cause.

(AA) START OF CONSTRUCTION. Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, or improvement was within one hundred and eighty (180) days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footing, installation of piles, 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 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.)

(AB) STRUCTURE. A walled and roofed building, a manufactured home including a gas or liquid storage tank, or other man-made facilities or infrastructures that are principally above ground. (This definition applies only with respect to flood hazard regulations.)

(AC) SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure 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." (This definition applies only with respect to flood hazard regulations.)

(AD) SUBSTANTIAL IMPROVEMENT. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which 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 actual repair work performed. The term does not, however, include either: (1) any project for improvement of a structure to comply with existing state and local health, sanitary, or safety code specifications which have been identified by the Enforcement Officer 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 damage prevention regulations.)

2–1.7 General

(A) ADDRESS. The official street number assigned by the Jurisdiction for a specific lot, building or portion thereof.

(B) 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 air freight or passengers.

(C) ASSEMBLY. A joining together of completely fabricated parts to create a finished product.

(D) ATHLETIC FIELD. Outdoor sites, often requiring equipment, designed for formal athletic competition in field sports (e.g. softball, soccer, football).

(E) AUTO WRECKING. A person that provides open storage, disassembling, or salvaging for more than two (2) junked motor vehicles.

(F) 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.

(G) 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.

(H) BASEMENT. A story of a building or structure having one–half or more of its clear height below grade.

(I) BLOCK. The land lying within an area bounded on all sides by streets.

(J) BOARD OF ADJUSTMENT. A quasi–judicial body, appointed by the Governing Body, that is given certain powers under this Ordinance.

(K) BOARDING HOUSE. A dwelling or part thereof, in which lodging is provided by the owner or operator to more than three (3) boarders.

(L) 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.

(M) 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.

(N) 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.

(O) CERTIFICATE OF COMPLIANCE/OCCUPANCY. A statement, signed by the Enforcement Officer, 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.

(P) 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.

(Q) 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.

(R) COUNTY. Refers to Guilford County, North Carolina.

(S) 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 dripline.

(T) 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.

(U) 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.

(V) DEVELOPER. A person engaging in development.

(W) 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.

(X) 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.

(Y) DORMITORY, PRIVATE. A multiple unit residential accommodation which is established directly or indirectly in association with a college, business college, trade school or university, for the purpose of housing students registered and attending such as institution. A private dormitory may contain food preparation and eating facilities primarily for the use of its occupants.

(Z) DRIPLINE. A vertical line extending from the outermost portion of a tree's canopy to the ground.

(AA) 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 Guilford County Code, entitled "Ordinance Regulating Adult Oriented Establishments," as amended.

(AB) FAMILY. One (1) or more persons occupying a dwelling unit and living as a single household.

(AC) 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.

(AD) 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.

(AE) 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.

(AF) FLYING FIELD, PRIVATE (accessory use). A private airstrip used for individual aircraft take off 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 aRe requirements of Section 4–5.4; and 4)that cannot be used or operated as a commercial airport.

(AG) GRADE, FINISHED. The final elevation of the ground surface after development.

(AH) GRADE, NATURAL. The elevation of the ground surface in its natural state before man-made alterations.

(AI) GREENWAY. Public open space owned and maintained by the local government which has been designated on an officially adopted greenway plan.

(AJ) 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.

(AK) 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.

(AL) 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.

(AM) 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.

(AN) 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.

(AO) LANDFILL, 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.

(AP) 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 Guilford County Code and with all zoning and Special Use Permit requirements of this Ordinance.

(AQ) 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.

(AR) 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, wood and uncontaminated earth. Disposal of any other types of wastes must be approved by the State Division of Health Services.

(AS) 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 and be in operation one (1) year or less.

Any disposal site not meeting all the requirements listed above shall be considered a Major Land Clearing and Inert Debris (LCID) Landfill.

(AT) LANDFILL, SANITARY/SOLID WASTE. A site for solid waste disposal from residential, industrial or commercial activities.

(AU) 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.

(AV) 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.

(AW) MIXED DEVELOPMENT. A mixture of residential and permitted office and/or commercial uses in the GB, HB, SC, and CP Districts.

(AX) MOTOR VEHICLE, BUSINESS AND PERSONAL USE OF. A motor vehicle used for transportation at least once every seven (7) days.

(AY) 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 of 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.

(AZ) 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.

(BA) 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.

(BB) 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.

(BC) 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.

(BD) 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.

(BE) OWNER. A holder of any legal or equitable estate in the premises, whether alone or jointly with others, and whether in possession or not.

(BF) 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.

(BG) PLANNED UNIT DEVELOPMENT. An area of land under unified ownership or control to be developed and improved as a single entity under a Unified Development Plan in accordance with and subject to the requirements of this Ordinance.

(BH) PLANNING DEPARTMENT. The Planning and Development Department of Guilford County.

(BI) PLAT. A surveyed map or plan of a parcel of land which is to be, or has been subdivided.

(BJ) 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.

(BK) 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.

(BL) 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.

(BM) PRIVATE SEWER. A system which provides for collection and/or treatment of wastewater from a development, or property, and which is not maintained with public funds.

(BN) PRIVATE WATER. A system which provides for the supply and/or distribution of potable water for use by a development, project, or owner, and which is not operated or maintained by a government organization or utility district.

(BO) PUBLIC SEWER. 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.

(BP) PUBLIC WATER. 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

(BQ) 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.

(BR) 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.

(BS) 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.

(BT) RECYCLING COLLECTION POINT. An incidental use that serves as a neighborhood drop–off point for temporary storage of recoverable resources.

(BU) 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.

(BV) 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.

(BW) ROOF LINE. The top edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.

(BX) SALVAGE YARD, AUTO PARTS. Any establishment listed in the Standard Industrial Classification Manual under Industry Number 5015. Also, any land or area used, in whole or part, for the storage, keeping, accumulation, dismantling, demolition, or abandonment of inoperable vehicles or parts therefrom.

(BY) 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.

(BZ) 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.

(CA) 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;
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 plan 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).

(CB) 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...

(CC) SOIL SCIENTIST. The Soil Scientist of Guilford County or his designated agents(s).

(CD) SOLID WASTE. Garbage, refuse and other discarded solid materials.

(CE) SUBDIVIDER. Any person who subdivides land.

(CF) SUBDIVISION. All divisions of a tract or parcel of land into two (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 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;

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 dedication is involved, and if the resultant lots are equal to or exceed the standards of this Ordinance.

(CG) 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.

(CH) SUBDIVISION, MINOR (PRIVATE). A subdivision involving not more than four lots, all or some of which may have access on a private lane.

(CI) 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.

(CJ) 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.

(CK) SWIMMING POOL, NONPERMANENT. A swimming pool that is so constructed that it may be readily disassembled for storage and reassembled to its original integrity.

(CL) TENANT. Any person who alone, or jointly, or severally with others, or occupies a building under a lease or holds a legal tenancy.

(CM) TOURIST HOME. A private residence in which accommodations are provided for lodging and may include meals for overnight guests for a fee.

(CN) 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.

(CO) UNDERSTORY TREE. A species of tree which normally grows to a mature height of fifteen (15) to thirty-five (35) feet in height.

(CP) 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.

(CQ) USE, MIXED. Occupancy of building or land by more than one use.

(CR) 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.

(CS) USE(S), PRINCIPAL. The primary purpose or function that a lot or structure serves or is proposed to serve.

(CT) VARIANCE. Official permission from the Board of Adjustment to depart from the requirements of this Ordinance.

(CU) WAIVER. Official permission from any designated body, other than the Board of Adjustment, to depart from the requirements of this Ordinance.

(CV) WALL, RETAINING. A structure, either masonry, metal, or treated wood, designed to prevent the lateral displacement of soil, rock, fill or other similar material.

(CW) 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.

(CX) 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.

2–1.8 Hazardous Waste

(A) DISPOSAL (OF HAZARDOUS OR TOXIC SUBSTANCE(S)). The destruction, discharge, deposit, injection, dumping, spilling, leaking, or placing of any hazardous waste or toxic substance into or on any air, land, or water.

(B) DISPOSAL FACILITY. A facility or part of a facility at which hazardous waste or toxic substance is intentionally placed into or on any land or water, and at which hazardous waste or toxic substance will remain after closure.

(C) HAZARDOUS WASTE GENERATOR. Any person whose act or process produces hazardous waste or toxic substance identified or listed in Part 261 of the North Carolina Hazardous Waste Management Rules, or whose act first causes a hazardous waste or toxic substance to become subject to regulation, provided that "generator" does not include a facility which accepts hazardous waste or toxic substances for the purpose of treatment, storage, or disposal, and in that process creates a different hazardous waste or toxic substance.

(D) HAZARDOUS OR TOXIC SUBSTANCE. Any solid waste as defined in NCGS 130A–290(18), or any substance regulated under the Federal Toxic Substance Control Act of 1976, (PL 94–476), as amended from time to time, which because of its quantity, concentration, or physical chemical or infectious characteristic(s) may: 1.) cause or significantly contribute to an increase in serious irreversible or incapacitating illness, or; 2) pose a substantial present or potential threat to the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

(E) HAZARDOUS WASTE LONG–TERM STORAGE FACILITY. Any facility or any portion of a facility constructed for storage of the residuals of the treatment of hazardous waste, on or in land.

(F) HAZARDOUS WASTE MANAGEMENT. The systematic control of the collection, source separation, storage, transportation, processing, treatment, recovery and disposal of hazardous wastes.

(G) HAZARDOUS WASTE TREATMENT FACILITY. A facility which is established and operated for the recovery, recycling, treatment, storage during collection and prior to treatment, short–term storage after treatment, collection, processing, volume reduction, source separation, or transportation used exclusively in connection with the facility, of hazardous waste; and which facility includes several of the following

equipments and processes: incinerators, rotary kilns, drum handling, washing and crushing facilities, raw waste tank storage, reduction, neutralization, detoxification, wastewater treatment facilities, including settling systems, aerobic digesters, anaerobic digesters, clarifiers, neutralization facilities, solidifying facilities, evaporators, reactions to facilitate "reuse" or recycling, analytical capabilities, and other similar appropriate technologies, activities and processes as may now exist or be developed in the future.

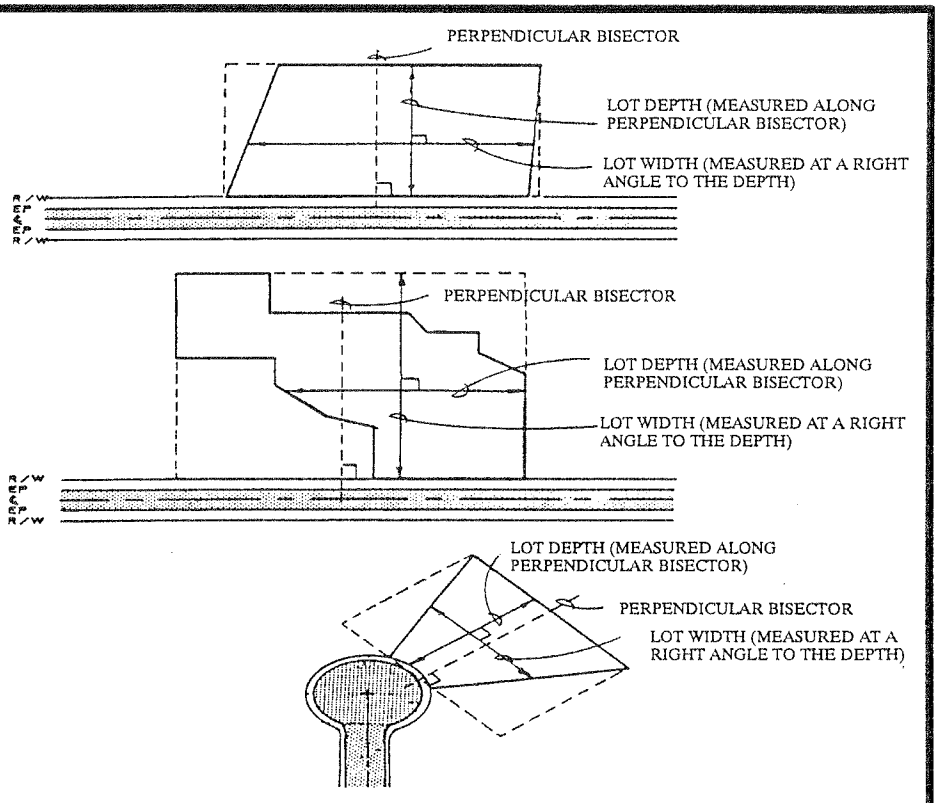
(H) LONG–TERM RETRIEVABLE STORAGE OF HAZARDOUS WASTE. The storage in closed containers in facilities (either above or below ground) with adequate lights; impervious cement floors; strong visible shelves or platforms; passageways to allow inspection at any time; adequate ventilation if underground or in closed buildings; protection from the weather; accessible to monitoring with signs on both individual containers and sections of storage facilities; and adequate safety and security precautions for facility personnel, inspectors and invited or permitted members of the community.

2–1.9 Lot

(A) BUILDABLE OR ZONE LOT. 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.

(B) CORNER LOT. A lot abutting two (2) or more streets at their intersection.

(C) FLAG LOT. A lot, created by a subdivision, with less street frontage than is required by Article IV (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.



* Enclose the lot in the smallest possible square or rectangle.
* Draw a perpendicular bisector through the square or rectangle.
* The lot depth is measured along the perpendicular bisector.
* The lot width is measured at a right angle to the lot depth.

Figure 2–C
MEASUREMENT OF LOT DEPTH AND LOT WIDTH
NO SCALE

(D) 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."

(E) LOT COVERAGE. The portion of a lot covered by buildings(s) and/or structure(s)

(F) LOT DEPTH. The distance measured along the perpendicular bisector of the smallest possible rectangle enclosing the lot. See Figure 2–C.

(G) 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.

(H) LOT WIDTH. The mean width measured at right angles to its depth at the building line. See Figure 2–C.

(I) REVERSE FRONTAGE LOT. A through lot which is not accessible from one of the parallel or non–intersecting streets upon which it fronts.

(J) THROUGH LOT. A lot abutting two (2) streets that do not intersect at the corner of the lot.

(K) TOWNHOUSE LOT. 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.

2–1.10 Setback – See Figure 2–D.

(A) INTERIOR SETBACK. A setback from any property line not alongside a street.

(B) STREET SETBACK. Any setback from a street, road, or lane.

(C) REAR SETBACK. A setback from an interior property line lying on the opposite side of the lot from the front street setback.

(D) SETBACK. The minimum required horizontal distance between a structure or activity and the property line, street right–of–way line, or street centerline.

(E) SIDE SETBACK. Any interior property line setback other than a rear setback.

(F) ZERO SIDE SETBACK. 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.

2–1.11 Signs – See Figure 2–E.

(A) ANIMATED SIGN. Any sign which flashes, revolves, rotates or swings by mechanical means, or which uses a change of lighting to depict action, or to create a special effect or scene.

(B) 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.

(C) 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.

(D) 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.

(E) CANOPY SIGN. 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.

(F) 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.

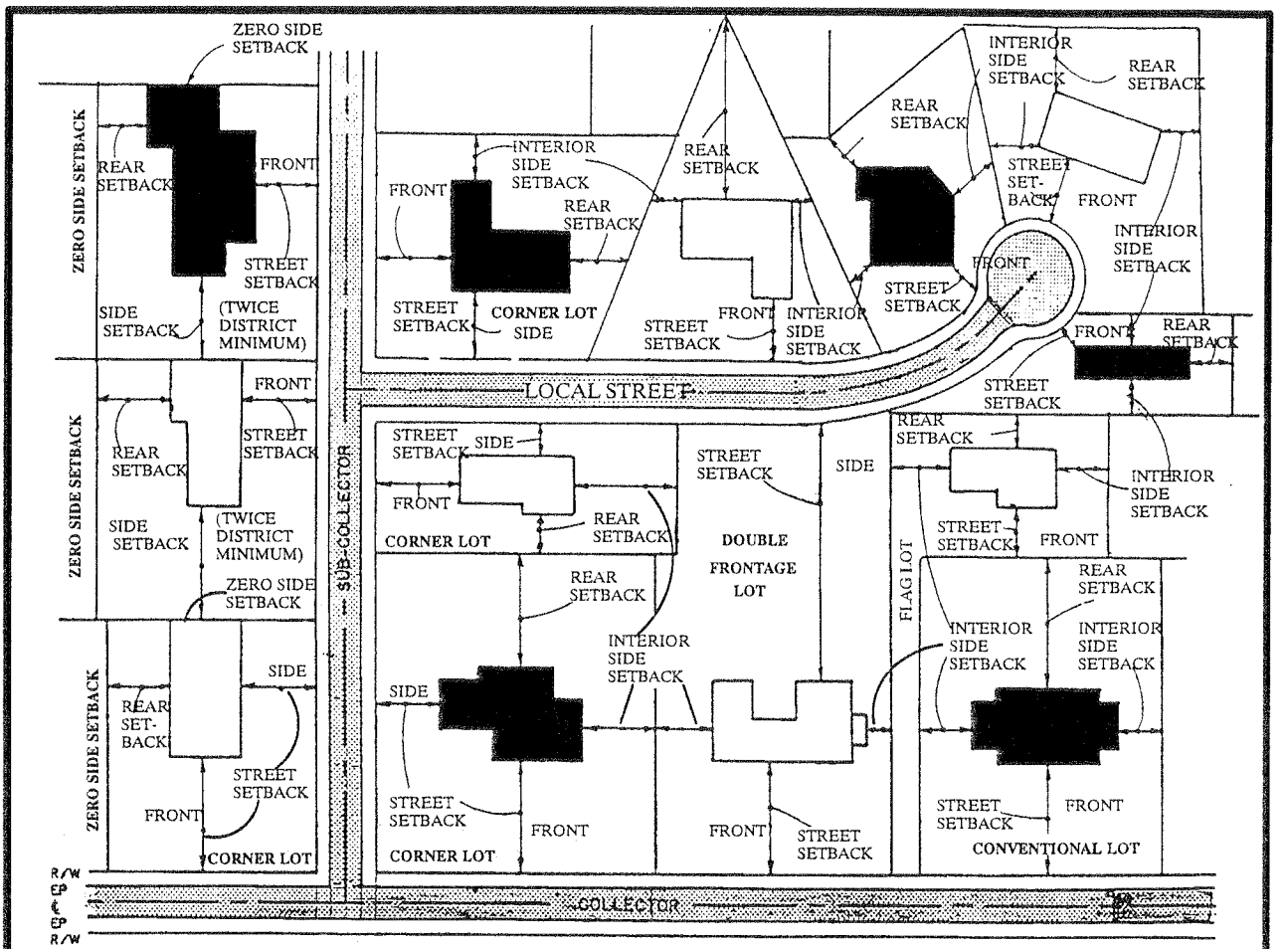


Figure 2–D
DETERMINATION OF BUILDING SETBACKS NO SCALE

(G) DIRECTIONAL SIGN. Any sign with no commercial message that indicates the direction to churches, hospitals, colleges and similar institutional uses.

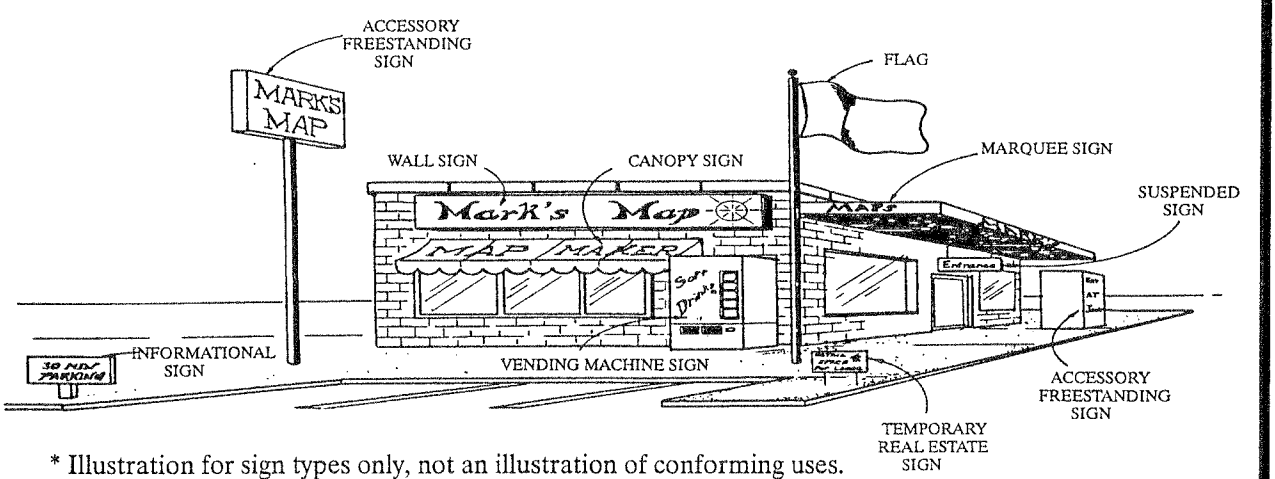
(H) ELECTRONIC CHANGEABLE COPY SIGN. A sign on which the copy changes automatically on a lampbank, such that the message or display does not run continuously in the travel mode, and any message or display remains stationary for a minimum or one (1) second on streets where the speed limit is fifty–five (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.

(I) FLASHING SIGN. A type of animated sign which contains an intermittent, blinking, scintillating, or flashing light source, or which includes the illusion of intermittent or flashing light, or an externally mounted intermittent light source. An electronic changeable copy sign is not a flashing sign.

(J) FREESTANDING SIGN. Any sign which is supported by structures or supports which are placed on, or anchored in the ground, and which structures or supports are independent from any building or other structure.

(K) GOVERNMENTAL SIGN. Any sign erected by or on behalf of a governmental body to post a legal notice, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic.

(L) IDENTIFICATION SIGN. 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.



* Illustration for sign types only, not an illustration of conforming uses.

Figure 2–E
TYPES OF SIGNS

(M) INFORMATION BOARD. Signs which display messages in which the copy may be arranged or rearranged by hand.

(N) INSTRUCTIONAL SIGN. 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.

(O) MARQUEE. Any permanent roof–like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

(P) MARQUEE SIGN. Any sign attached to, in any manner, or made a part of a marquee.

(Q) MULTI–TENANT BUILDING. A building that is used for two or more occupancies, provided each occupancy is separated by construction having fire–resistive ratings in compliance with the NC Building Code.

(R) NONCONFORMING SIGN. 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.

(S) 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

(T) PLAYBILL. Any sign announcing entertainment offered, or to be offered, at a business location on the site where the sign is displayed

(U) PORTABLE SIGN. 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.

(V) PROJECTING SIGN. Any sign which is end mounted or otherwise attached to an exterior wall of a building which forms an angle with said wall.

(W) ROOF SIGN. 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.

(X) 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, tradenames, insignias, numerals, figures, design, symbols, fixtures, colors, illumination or projected images, or any other attention directing device.

(Y) 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.

(Z) 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.

(AA) SUSPENDED SIGN. A sign which is suspended from the underside of a horizontal plane surface and is supported by such surface.

(AB) TEMPORARY SIGN. Any sign that is displayed for a limited period of time and is not permanently mounted.

(AC) 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.

(AD) VEHICLE SIGN. 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.

(AE) WALL SIGN. 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.

(AF) WARNING SIGN. Any sign with no commercial message that displays information pertinent to the safety or legal responsibilities of the public such as signs warning or high voltage, "no trespassing," and similar directives.

(AG) WINDOW SIGN. 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 or glass and which is visible from the exterior of the window.

2–1.12 Streets, Drives, and Lanes – See Figure 2–F. (The numbers in parenthesis indicate the street classification, with "1" being the highest and "9" being the lowest.

(A) ALLEY. A roadway which affords only a secondary means of access to abutting property.

(B) 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.

(C) COLLECTOR STREET (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.

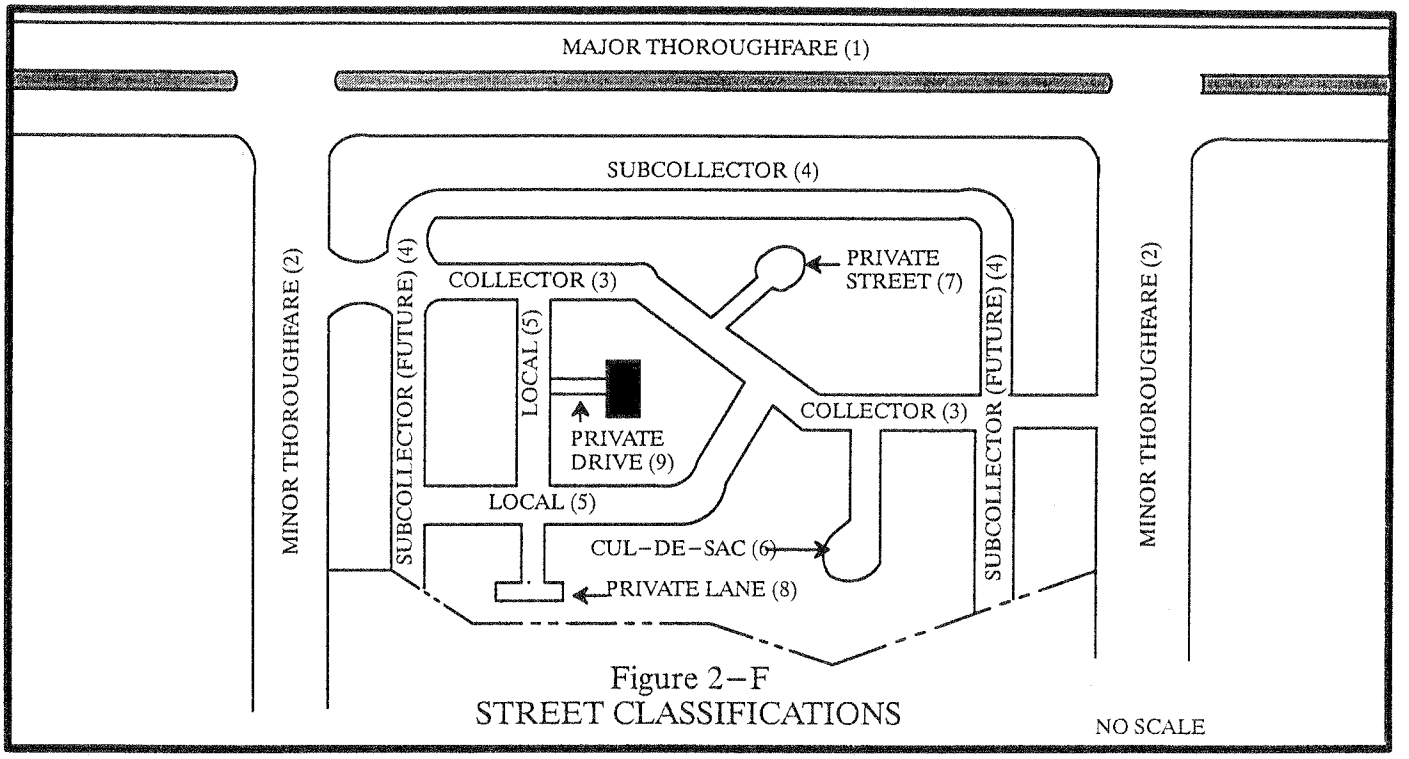


Figure 2–F
STREET CLASSIFICATIONS

NO SCALE

(D) CUL–DE–SAC STREET (6). A short local street having one end open to traffic and the other end permanently terminated by a vehicular turnaround.

(E) LOCAL STREET (5). A street whose primary function is to provide access to abutting properties.

(F) MAJOR THOROUGHFARE STREET (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.

(G) MINOR THOROUGHFARE STREET (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.

(H) PRIVATE DRIVE (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.

(I) PRIVATE LANE (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.

(J) PRIVATE STREET (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.

(K) PUBLIC STREET. 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.

(L) 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.

(M) SUBCOLLECTOR STREET (4). A street whose principal function is to provide access to abutting properties, but which is also designed to be used or is used to connect local streets with collector or higher classification streets.

(N) THOROUGHFARE PLAN. A plan adopted by the Governing Body 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.

2-1.13 Historic Districts

(A) CONTRIBUTING STRUCTURE. A structure listed as historically and architecturally significant in the OAK RIDGE DESIGN GUIDELINES.

(B) NONCONTRIBUTING STRUCTURE. A structure listed as not historically and architecturally significant in the OAK RIDGE DESIGN GUIDELINES.

(C) MINOR WORK. Work activities which do not result in a substantial or irreversible alteration to the general exterior appearance of a structure , its grounds, or site when viewed from the street right of way; therefore not requiring design review by the Historic Preservation Commission, but requiring approval of a Certificate of Appropriateness by the Enforcement Officer.

(D) MAJOR WORK. Work activities which could result in a substantial or irreversible alteration to the general exterior appearance of a structure, its grounds or site when viewed from the street right of way; therefore, requiring design review and approval of a Certificate of Appropriateness by the Historic Preservation Commission

(E) ROUTINE MAINTENANCE. Work activities not already listed under minor or major work and which include ordinary repair and replacement when there is no change in the design, materials, or general exterior appearance of a structure, its grounds or a site when viewed from the street right-of-way; therefore, not requiring design review or application for a Certificate of Appropriateness.

2–2 DEFINITION INDEX

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ARTICLE III

PERMITS AND PROCEDURES

3–1 PERMIT REQUIRED

No person shall undertake any development activity subject to this Ordinance without first obtaining a permit from the Enforcement Officer(s).

3–2 PERMIT EXEMPTIONS

3–2.1 Building Permit Exemptions

The following are exempt from building permit requirements:

(A) Farm buildings (other than residences) for farm use;

(B) Facilities for storing, handling and utilizing liquified petroleum gases for fuel and anhydrous ammonia or other liquid fertilizers; but not including tanks and tank farms;

(C) Facilities of a public utility or an electric or telephone membership corporation (except buildings);

(D) Accessory buildings with no horizontal dimension greater than twelve (12) feet; and

(E) Federal or State owned buildings.

3–2.2 Grading Permit Exemptions

The following land–disturbing activities are exempt from grading permit requirements:

(A) For the purpose of fighting fires;

(B) For the stock piling of raw or processed sand, stone, or gravel in material processing plants and storage yards, provided that sediment control measures have been utilized to protect against off–site damage;

(C) Areas that do not exceed one (1) acre in surface area. In determining the area, lands under one or diverse ownership being developed as a unit shall be aggregated;

(D) Those undertaken on agricultural land for the production of plants and animals useful to man, including but not limited to: forage and sod crops, grain and feed crops, tobacco, cotton and peanuts; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules or goats, including the breeding and grazing of any or all such animals; bees and aviary products; fur animals;

(E) Those undertaken on forest land for the production and harvesting of timber and timber products and which are conducted in accordance with Forest Practice Guidelines Related to Water Quality (best management practices) as adopted by the North Carolina Department of Environment, Health and Natural Resources (DEHNR). If land–disturbing activity undertaken on forestland for the production and harvesting of timber and timber products is not conducted in accordance with Forest Practice Guidelines Related to Water Quality, the provisions on this Ordinance shall apply to such activity and any related land–disturbing activity on the tract;

(F) Mining activity undertaken by persons as defined in NCGS 113A–52(8) who are otherwise regulated by the provisions of The Mining Act of 1971, NCGS 74–46 through 74–68; and

(G) Land–disturbing activity over which the State has exclusive regulatory jurisdiction as provided in NCGS 113A–56(a).

3–2.3 Sign Permit Exemptions

No sign permit shall be required for signs exempted by Section 6–1 (Sign Regulation).

3–3 PERMIT APPLICATIONS

3–3.1 General Requirements

(A) Submission: Unless otherwise specified, all applications for permits under this Ordinance shall be submitted by the owner of the property or the authorized agent of such owner. The Enforcement Officer may require reasonable proof of agency from any person submitting an application as an agent.

(B) Form of Submission: An application for any permit under this Ordinance shall be submitted in such form, number of copies and format as required by Appendix 3 (Table of Required Information for Obtaining a Permit), together with such fees as required.

(C) Waiver of Submission Requirements: The Enforcement Officer may waive submission of required elements of information when in his opinion such information is otherwise available or is not necessary to review the application. The Enforcement Officer may refuse to process an incomplete application.

(D) Processing: All applications for permits shall be submitted, reviewed and processed in accordance with the requirements of this Ordinance.

(E) Approved Plans: A copy of required plans or information submitted with the application shall be returned to the applicant after the Enforcement Officer has marked the copy either approved or disapproved and attested to same. A similarly marked copy shall be retained by the Enforcement Officer.

(F) Improvement Permit and Authorization to Construct Required: A permit for any building or use for which a State or County Health Department Improvement Permit for installation of a well and/or an Improvement Permit/Authorization to Construct a new sewage disposal system is required shall not be issued until such Improvement Permit or Authorization to Construct has been issued by the State or County Health Department.

(G) Conformance with "Airport Overlay District": The Enforcement Officer shall not issue a building, sign, or use/location permit or Certificate of Occupancy for any building or sign not in conformity with the provisions of the "Airport Zoning Overlay District," except upon written order of the Board of Airport Zoning Appeals.

3–3.2 Building, Sign, Use/Location Permits

Application for a building, sign, and use/location permits shall be made to the Enforcement Officer.

3–3.3 Event Permit

(A) Application: Application for an event permit shall be made to the Enforcement Officer at least three (3) working days prior to the start of the event.

(B) Permit Required: An event permit shall be obtained for non–permanent facilities and activities which will have a duration more than three (3) days but not more than thirty (30) days. Examples of this type of event uses are: a carnival, a turkey shoot, a revival or similar activity conducted on a short term basis. Turkey shoots may have a duration not to exceed ninety (90) days. Refer to Section 6–4 (Development Standards) for additional requirements for Turkey Shoots.

(C) Purpose of Permit: The purpose of this permit will be to authorize a specific use for a defined period of time; and to coordinate health, traffic, and other code specific inspections necessary to the safe and healthful operation of the event.

(D) Permit Issuance: The event permit shall not be issued until evidence is shown that the following conditions have been or will be complied with:

1) Ample off–street parking shall be provided for the event, in addition to required parking for the use or uses located at the event site;

2) The owner of the property where the event is to be held, or his agent, shall provide to the Enforcement Officer written authorization that the event may take place on the property;

3) An event held outside of a building and within five hundred (500) feet of any residence shall cease operation by 10:00 p.m;

4) Noise shall be controlled so that no adjoining property owner or occupant is unduly disturbed by the event; and

5) Licenses and/or permits required by other agencies shall be obtained prior to the issuance of the event permit.

(E) Maximum Number of Permits: No more than three (3) permits may be issued on the same property for the same event in any one calendar year.

3–3.4 Grading Permit

Application for a grading permit shall be made to the Enforcement Officer, in accordance with provisions of Section 7–4 (Soil Erosion and Sedimentation Control). A Certificate of Erosion Control Performance is required in accordance with Section 3–8.3.

3–3.5 Floodplain Development Permit

Application for a Floodplain Development Permit shall be made to the Enforcement Officer on appropriate forms prior to any development activities, and shall include, but not be limited to the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

(A) Where base flood elevation data is provided in accordance with Article 7–5.3(B), the application for a Floodplain Development Permit shall show:

1) The elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures, and
2) If a nonresidential structure has been floodproofed in accordance with Article 7–5.6,(B)2), the elevation (in relation to mean sea level) to which the structure was floodproofed.

(B) Base Flood Elevation not Provided: Where base flood elevation data are not provided, the application for a development permit must show construction of the lowest floor at least two (2) feet above the highest adjacent grade.

(C) Watercourse Alteration or Relocation: Where any watercourse will be altered or relocated as a result of proposed development in a flood hazard area, the application for a development permit shall include: a description of the extent of watercourse alteration or relocation; a report certified by a registered professional engineer on the effects of the proposed project on the flood–carrying capacity of the watercourse and the effects on properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation.

(D) Certificate Required: A floor elevation or flood–proofing certificate is required in accordance with Section 3–8.4. When a nonresidential structure is floodproofed, the applicant shall provide a certificate from a registered professional engineer or architect that the nonresidential floodproofed structure meets the floodproofing criteria.

(E) Temporary Structure: Prior to the issuance of a floodplain development permit for a temporary structure, the following requirements must be met:

1) All applicants must submit to the Enforcement Officer a plan for the removal of such structure(s) in the event of a hurricane or flash flood notification. The plan must include the following information:

a) The name, address and phone number of the individual responsible for the removal of the temporary structure;

b) The time frame prior to the event at which a structure will be removed;

c) A copy of the contract or other suitable instrument with a trucking company to insure the availability of removal equipment when needed; and

d) Designation, accompanied by documentation, of a location outside the floodplain to which the temporary structure will be moved.

(F) Accessory Structure: When accessory structures (sheds, detached garages, etc.) with a value of three thousand dollars ($3,000) or less are to be placed in the floodplain, the following criteria shall be met:

1) Accessory structures shall not be used for human habitation;

2) Accessory structures shall be designed to have low flood damage potential;

3) Accessory structures shall be firmly anchored in accordance with Section 7–5.6; and

4) Section facilities, such as electrical and heating equipment, shall be elevated in accordance with Section 7–5.6.

3–4 PERMIT ISSUANCE

3–4.1 Permit Sequence

(A) Order of Review and Issuance: The order of permit issuance shall be as follows:

1) A Grading Permit may be issued in advance of other permits and plan approvals, except watershed development plans;

2) If required, a Health Department Improvement Permit/Authorization to Construct for well or septic, driveway permit, sewer and water construction plans, site or plot plan, and watershed development plan shall be issued, approved, or authorized prior to issuance of a building, sign, use, location or occupancy permit.

(B) Recordation of Final Plats: Recordation of Final Plats may be deferred on group development projects and projects in excess of fifty thousand (50,000) square feet of gross floor area. A Certificate of Occupancy may not be issued until all platting requirements are met.

(C) Phasing of Projects: Phased projects may be occupied in phases as long as compliance is achieved in each phase, and access and other requirements are met.

(D) Permits Prior to Final Plan Approval: The Enforcement Officer may issue permits for model homes, temporary construction trailers, safety structures, and other customary construction mobilization structures prior to site plan and final plat approval.

(E) Concurrent Review: Review of plans may be concurrent.

3–4.2 Fees

The Governing Body may establish a Schedule of Fees, charges and expenses, and a collection procedure, for building permits, sign permits, use/location permits, conditional use and special use permits, grading permits, variances, waivers, appeals and other matters pertaining to this Ordinance. No permit, certificate, variance etc. shall be issued unless or until such costs, charges, fees, or expenses as established, have been paid in full, nor shall any action be taken on proceedings before the administrative board authorized by this Ordinance unless or until charges and fees have been paid in full.

3–5 PERMIT APPEALS

3–5.1 Permit Denial

Any owner or occupant who has been denied a permit may appeal the denial by giving notice of appeal in writing to the Enforcement Officer within (15) days, in accordance with Section 9–8 (Appeals).

3–5.2 Appellant Body

An appeal from permit denial shall be made to the appropriate body in accordance with Section 9–8 (Appeals).

3–6 INSPECTIONS AND INVESTIGATIONS

3–6.1 Periodic Inspections

The Enforcement Officer shall have the right, upon presentation of proper credentials, or inspection warrant if necessary, to enter on any premises within the jurisdiction of the Governing Body at any reasonable hour for the purposes of inspection, determination of plan compliance or other enforcement action.

3–6.2 Investigation

The Enforcement Officer shall have the power to conduct such investigation as he may reasonably deem necessary to carry out his duties as prescribed in this Ordinance, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigating and inspecting the sites of any complaints or alleged violations of this Ordinance.

3–6.3 Written Statements

The Governing Body or its agent shall also have the power to require written statements, certificates and certifications or the filing of reports under oath, with respect to pertinent questions relating to complaints or alleged violations of this Ordinance.

3–7 PERMIT EXPIRATION

3–7.1 Building, Sign, Use/Location Permit Expiration

(A) Start of Construction: If the work authorized by a building, sign, use, or location permit has not begun within one–hundred and eighty (180) days from the date of issuance thereof, the permit shall be void and a new permit, consistent with all provisions of this Ordinance, shall be required. For purposes of this Section, construction shall be deemed to have begun at the time of completion of an approved foundation inspection.

(B) Permit Continuance: If, after start of construction, the work is discontinued for a period of one (1) year, the permit shall immediately expire. No work authorized by any permit that has expired shall thereafter be performed until a new permit has been secured.

(C) Posting: The building sign, use, or location permit must by posted in a prominent place on the site at all times it is in effect.

3–7.2 Grading Permit Expiration

(A) Expiration: A grading permit shall be valid for one (1) year unless it is revoked by the Enforcement Officer or the grading project is completed and a Certificate of Compliance is issued by the Enforcement Officer within the one (1) year period.

(B) Renewal: The grading permit may be reissued for an additional one hundred eighty (180) day period, if adequately justified, by making a written request to the Enforcement Officer. No permit fee will be required for reissuance of a grading permit; however, the applicable surety shall remain in effect.

(C) Eighteen (18) Month Limit: If grading or protection of the site is not completed within eighteen months, the person conducting the land–disturbing activity shall be required to obtain a new grading permit by following the same procedures whereby the original permit was issued.

(D) Posting: The grading permit must be posted in a prominent place on the site of the land–disturbing activity at all times it is in effect.

3–7.3 Improvements Permit Expiration

(A) Application Expiration: The application and pertinent information prepared as necessary to obtain an Improvements Permit becomes invalid two (2) years from the date of application or expires upon expiration of the Preliminary Plat whichever comes first.

(B) Permit Expiration:

1) Improvements Permits for which a plot plan is provided shall be valid without expiration.

2) Improvements Permits for which a health drawing is provided shall be valid for five (5) years.

3) An Improvement Permit, once approved, may be revoked, pursuant to Section 8–4.6, if there has been alternation of the site or soil conditions, changes to the proposed famility, or document falisification causing revocation of the permit.

3–8 CERTIFICATE REQUIREMENTS

3–8.1 Certificate of Occupancy and Compliance

(A) Certificate of Occupancy Required: No land, building, or sign shall be structurally altered, erected, moved, occupied, or its use changed until a Certificate of Occupancy is issued by the Enforcement Officer. This certificate shall state that the building and/or proposed use thereof complies with the provisions of this Ordinance. Farm uses and buildings, except residences, are exempt from the provisions of this Ordinance outside municipalities.

(B) Nonconforming Use: A Certificate of Occupancy shall be required for the purpose of renewing or altering a nonconforming use.

(C) Certificate of Occupancy Application: A Certificate of Occupancy shall be applied for concurrently with the application for a building, sign, use/location permit.

(D) Issuance: A Certificate of Occupancy shall be issued as soon as practical after completion of construction or alterations of such building or sign after:

1) Inspection by the Enforcement Officer to determine compliance with all applicable provisions of this Ordinance;

2) If required, issuance of an Operations Permit for a septic system or other approved sanitary disposal method by the County or State Health Department;

3) Compliance with all applicable provisions of related health, building, and fire codes.

(E) Certificate of Occupancy and Compliance: A Certificate of Occupancy may also serve as a Certificate of Compliance under the building code, in which case it shall be known as a Certificate of Occupancy and Compliance.

3–8.2 Temporary Certificate

A Temporary Certificate of Occupancy may be issued by the Enforcement Officer 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 Temporary Certificate of Occupancy may be for a time period as the Enforcement Officer deems appropriate to complete the work, but not to exceed one hundred eighty (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 Temporary Certificate of Occupancy.

(C) Work Incomplete: If the work is not completed within the period of the Temporary Certificate of Occupancy, the Enforcement Officer shall notify the owner. The owner shall cease use of the building and

land immediately and shall not resume such use until a Certificate of Occupancy has been issued. Failure to cease use shall subject the owner or operator to civil penalties and other enforcement actions available under this Ordinance.andCompliance 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.

3–8.3 Certificate of Erosion Control Performance

A Certificate of Erosion Control Performance shall be issued after initial soil erosion and sedimentation control devices have been installed, inspected and certified to be installed and functioning properly in accordance with an approved grading plan. After issuance of a grading permit, grading on the site shall be limited to that required to install soil erosion and sedimentation control devices until the Certificate of Erosion Control Performance is issued.

3–8.4 Certificate of Floor Elevation/Flood Proofing

If the property is located in a flood hazard area, a Certificate of Floor Elevation or Flood Proofing after the lowest floor is completed shall be provided within twenty–one (21) days of establishment of the flood–proofing by whatever construction means. It shall be the duty of the permit holder to submit to the Enforcement Officer a certificate of the elevation of the lowest floor, flood–proofed elevation, or the elevation of the bottom of the horizontal structural members of the lowest floor, whichever is applicable, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When flood–proofing is utilized for a particular building, said certification shall be prepared by or under direct supervision of a professional engineer or architect and certified by same. Any work done within the twenty–one (21) day period and prior to submission of the certification shall be at the permit holder's risk. The Enforcement Officer shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make corrections required hereby shall be cause to issue a stop–work order for the project.

3–8.5 Certificate of Appropriateness

A Certificate of Appropriateness shall be required for all activities specified in Section 4–11.1 (Historic District Overlay) whether a building permit is otherwise required or not.

3–8.6 Record

A record of all certificates shall be kept on file by the Enforcement Officer.

3–8.7 Construction and Use

Construction and use as provided in the Certificate of Occupancy, building permit, use/location permit, sign permit or grading permit issued on the basis of approved plans or applications authorizes only the use, arrangement, and construction set forth in such approved plans or applications. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation.

3–9 DEDICATION OR RESERVATION OF RIGHT–OF–WAY

3–9.1 Dedication of Right–of–Way with Density Transfer

Whenever a tract of land located within the Jurisdiction is proposed for subdivision or for use pursuant to a special use permit, and a portion of it is embraced within a corridor for a street or highway on a plan established and adopted pursuant to NCGS 136–66.2, the Jurisdiction may provide for the dedication of right–of–way within that corridor pursuant to any applicable legal authority, or:

1) The Jurisdiction may require an applicant for subdivision plat approval or for a special use permit, or for any other permission pursuant to a land use control ordinance authorized by local act to dedicate for street or highway purpose, the right–of–way within such corridor if the Jurisdiction allows the applicant to transfer density credits attributable to the dedicated right–of–way to contiguous land owned by the applicant. No dedication of right–of–way shall be required pursuant to this Section unless the board or

agency granting final subdivision plat approval or the special use permit, or permission shall find, prior to the grant, that the dedication does not result in the deprivation of a reasonable use of the original tract and that the dedication is either reasonably related to the traffic generated by the proposed subdivision or use of the remaining land or the impact of the dedication is mitigated by measures provided in this Ordinance.

2) If the Jurisdiction does not require the dedication of right-of-way within the corridor pursuant to subsection 1) of this Section or other applicable legal authority, but an applicant for subdivision plat approval or a zoning or building permit, or any other permission pursuant to land use control ordinance authorized by local act elects to dedicate the right-of-way, the Jurisdiction may allow the applicant to transfer density credits attributable to the dedicated right-of-way to contiguous land that is part of a common development plan.

3-9.2 Reservation of Right-of-Way Through Official Roadway Corridor Maps

(A) Authority: Under the authority granted by NCGS 136-2E Governing Bodies or NC Department of Transportation may from time to time adopt, amend, supplement, or change a roadway corridor official map for any streets or roadways identified on the adopted Thoroughfare Plan.

(B) Effect of Roadway Corridor Official Map

1) After a roadway corridor official map is filed with the Register of Deeds, no building permit shall be issued for any building or structure or part thereof located within the roadway corridor, nor shall approval of a subdivision, as defined in Article V (Subdivisions: Procedures and Standards), be granted with respect to property within the roadway corridor. The provisions of this Section shall not apply to valid building permits issued prior to the effective date of this Section, or to building permits for buildings and structures which existed prior to the filing of the roadway corridor, provided the size of the building or structure is not increased and the type of building code occupancy as set forth in the NC Building Code is not changed.

2) No application for building permit issuance or subdivision plan approval shall be delayed by the provisions of this Section for more than three (3) years from the date of the original building permit or subdivision plan submittal.

3) Real property that lies within a roadway corridor marked on an official map is designated a special class of property and is taxable at twenty (20%) percent of the general tax rate levied on real property by the taxing unit in which the property is situated if:

a) As of January 1, no building or other structure is located on the property; and

b) The property has not been subdivided, as defined in Article V (Subdivisions: Procedures and Standards), since it was included in the corridor.

3-10 SURETIES OR IMPROVEMENT GUARANTEES

3-10.1 Agreement and Security

(A) Financial Guarantee in Lieu of Immediate Installation for Approval: In lieu of requiring the completion, installation, and dedication of all improvements prior to final plat approval or issuance of the Certificate of Occupancy, the Jurisdiction may enter into an agreement with the developer whereby the developer shall complete all required improvements. Once said agreement is signed by the developer and the security required herein is provided, the final plat may be approved or the Certificate of Occupancy may be issued, if all other requirements of this Ordinance are met. To secure this agreement, the developer shall provide, any or a combination of the following guarantees to cover the costs of the uncompleted improvements;

1) Surety Performance Bond(s)

a) The developer shall obtain a surety bond from a surety bonding company authorized to issue said bonds in North Carolina.

b) The bond shall be payable to the Jurisdiction and shall be in an amount equal to the entire estimated cost as approved by the Jurisdiction, of installing all uncompleted improvements.

2) Cash or Equivalent Security

a) The developer shall deposit cash, an irrevocable letter of credit or other instrument readily convertible into cash at face value, either with the Jurisdiction or in escrow with a financial institution. The use of any instrument other than cash shall be subject to approval of the Jurisdiction. The amount of deposit shall be equal to the entire estimated cost, as approved by the Jurisdiction, of installing all uncompleted improvements.

b) If cash or other instrument is deposited in escrow with a financial institution as provided above, then the developer shall file with the Jurisdiction an agreement between the financial institution and himself guaranteeing the following:

i) that said escrow account shall be held in trust until released by the Jurisdiction and may not be used or pledged by the developer in any other matter during the term of the escrow; and

ii) that in case of a failure on the part of the developer to complete said improvements, the financial institution shall, upon notification by the Jurisdiction immediately pay the funds deemed necessary by the Jurisdiction to complete the improvements, up to the full balance of the escrow account, or deliver to the Jurisdiction any other instruments fully endorsed or otherwise made payable in full to the Jurisdiction.

(B) Duration of Financial Guarantees

1) The duration of a financial guarantee shall be of a reasonable period to allow for completion and acceptance of improvements. In no case shall the duration of the financial guarantee for improvements exceed two (2) years.

2) All developments whose improvements are not completed and accepted fourteen (14) days prior to the expiration of the financial guarantee shall be considered to be in default. Said guarantee may be extended with the consent of the Jurisdiction, if such extension takes place prior to default.

(C) Default

1) Upon default, the surety bonding company or the financial institution holding the escrow account shall, if requested by the Jurisdiction, pay all or any portion of the bond or escrow fund to the Jurisdiction up to the amount deemed necessary by the Jurisdiction to complete the improvements. Upon payment, the Jurisdiction shall expend such funds or portion thereof to complete all or any portion of the required improvements. The Jurisdiction shall return any funds not spent in completing the improvements. Default on a project does not release the developer from liability and responsibility for completion of the improvements.

2) Release of Guarantee Security: The Jurisdiction may release a portion or all of any security posted as the improvements are completed and approved by the Jurisdiction.

3–10.2 Oversized Improvements

The Jurisdiction may require installation of certain oversized utilities or the extension of utilities to adjacent property when it is in the interest of future development. If the Jurisdiction requires the installation of oversized improvements, the Jurisdiction shall reimburse the developer for the oversizing based on the rates set by the Jurisdiction.

3–11 SITE PLAN AND PLOT PLAN PROCEDURES

3–11.1 Applicability

(A) Health Drawing/Plot Plan Required: No building permit for a single–family or two–family dwelling and their accessory(s) on a single lot shall be issued until an Authorization to Construct, if required; and a Plot Plan, prepared in accordance with Appendix 2 (Map Standards), has been approved.

(B) Site Plan Required: No other building permit shall be issued on a lot until a Site Plan, prepared in accordance with Appendix 2 (Map Standards), has been approved for the development. Except that no

new or amended Site Plan shall be required if an adequate Site Plan is already on file, no change in the parking requirements is required, and no increase in built–upon area is proposed or required.

3–11.2 Submission of Site Plans

(A) Timing: Site Plans for review by the Technical Review Committee shall be submitted to the Planning Department at least seven (7) days prior to the next scheduled meeting.

(B) Site Plan Compliance: Site Plans shall contain all applicable information listed in Appendix 2 (Map Standards). The Site Plan shall consist of four sheets: a site layout, a water and sewer utility plan, a conceptual landscaping plan showing planting yard areas, types of plantings (i.e. canopy trees, understory trees, shrubs), and number of plantings, and a grading, erosion control and watershed development plan, if required. Depending on the scale or complexity of the development, any or all of the sheets may be combined. A site layout meeting the requirements of Article V (Subdivision:Procedures and Standards) of this Ordinance may also serve as the preliminary subdivision plat.

(C) Fees: All fees shall be due and payable when the Site Plan is submitted according to the Schedule of Fees.

3–11.3 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; an application for Certificate of Appropriateness; an application for a grading permit, or other applications for approvals required for the particular project.

3–11.4 Site Plan and Plot Plan Approval

(A) Approval of Site/Plot Plan: The Site Plan or Plot Plan shall be approved when it meets all requirements of this Ordinance or proper waivers and/or variances are obtained.

(B) Approval Authority:

1) Site Plans submitted for developments, or additions to existing developments, of less than fifteen thousand square feet (15,000 ft.^{2}) of gross floor area, but not more than eight (8) dwelling units in a single building; or for open uses of land, or expansions of open uses of land, involving less than forty thousand square feet (40,000 ft^2); may be approved by the Planning Department.

2) Site Plans submitted for developments, or additions to existing developments, with fifteen thousand square feet (15,000 ft.^{2}) or more of gross floor area; or for open uses of land, or expansions of open uses of land involving forty thousand square feet (40,000 ft^2) or more; may be approved by the Technical Review Committee.

(C) Action by Technical Review Committee: If the Site Plan is approved, the applicant may proceed with other requirements necessary to obtain a Building Permit. If The Technical Review Committee denies the Site Plan, reasons for the denial shall be stated in writing and the Site Plan may be revised and resubmitted. The Technical Review Committee shall take action within thirty (30) days of reviewing the Site Plan. If the Site Plan is denied or granted conditional approval, or if no action is taken within thirty (30) days by the Technical Review Committee, the applicant may appeal the Site Plan to the Planning Board. The appeal may be made within fifteen (15) days after denial, conditional approval, or lack of action by the Technical Review Committee.

(D) Action by Planning Board: If a Site Plan is appealed to the Planning Board, it shall be scheduled, subject to filing deadlines, to be reviewed at the next regularly scheduled meeting. If the Site Plan is denied, or granted conditional approval, or if no action is taken by the Planning Board, the applicant may appeal the Site Plan to the Governing Body within fifteen (15) days after Planning Board action.

(E) Conditional Approvals: If the Site Plan is granted conditional approval by the Planning Department, Technical Review Committee, Planning Board or Governing Body, the applicant shall revise and resubmit the Site Plan. The Planning Department shall review the revised Site Plan and, if it meets all the approval conditions and is otherwise substantially unaltered, shall signify on the plan the change from conditional approval to approval. If the Site Plan is not revised within sixty (60) days to meet the approval conditions, or the applicant notifies the Planning Department that he is unwilling to revise the Site Plan, it shall be deemed denied.

(F) Expiration of Site Plan or Plot Plan Approval: If construction or development does not begin within two (2) years following site plan or plot plan approval; or is begun within two (2) years and then discontinued for a period greater than one-hundred and eighty (180) days; such approval shall expire, and a new site plan or plot plan must be submitted in accordance with the procedures in this Section.

3-11.5 Street and Utility Construction

(A) Plans: When required street and utility construction plans for all public or private streets, and water, sanitary sewer, and storm sewer facilities shall be submitted to the Jurisdiction 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 that section and being required to serve that section.

(B) 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.

(C) Inspections: Work performed pursuant to approved street and utility construction plans shall be inspected and approved by the appropriate authority.

3-11.6 Runoff Control Structures and Soil Erosion and Sedimentation Control Devices Installation

Any approved permanent runoff control structure(s) and soil erosion and sedimentation control device(s) may be installed prior to approval of street and utility construction plans.

3-11.7 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.

3-12 ZONING MAP AND TEXT AMENDMENTS

3-12.1 General Requirements

(A) Amendments and Modifications: Zoning regulations, restrictions, and zone boundaries as shown on the Official Zoning Map may from time to time be amended, supplemented, changed, modified or repealed according to the provisions of this Ordinance.

(B) Prior Building Permit Approval: Amendments, modifications, supplements, repeal or other changes in zoning regulations and zone boundaries shall not be applicable or enforceable without the consent of the owner with regard to lots for which building permits have been issued, pursuant to state law, prior to the enactment of the ordinance making the change or changes, so long as the permits remain valid and unexpired or not revoked.

(C) Authorized Submission: The Governing Body, any Local Board, Commission or Department or any person who resides or owns property within the zoning jurisdiction of Guilford County may petition for an amendment to this Ordinance.

3-12.2 Requirements for Zoning Map Amendments

(A) General Requirements: Any person authorized to seek an ordinance amendment shall submit an application according to a form provided by the Planning Department, along with other required information pursuant to Appendix 2 (Map Standards) in cases where sketch plans or site plans are required.

(B) Fee: All fees shall be due and payable when the application is made according to the Schedule of Fees.

(C) Filing of Application:

1) No application for rezoning to the same district shall be filed within a one (1) year period from the date of final action on the previous rezoning request (other than a withdrawal, subject to the

provisions of Section 3–12.2(F) Application Withdrawal, prior to the public hearing) on a given parcel of land or portion thereof unless the Planning Board determines that evidence submitted to them merits consideration for a public hearing at their next meeting.

2) A second request for the same parcel of land or portion thereof for a different zoning district may occur within a one (1) year period from final action on the initial request.

3) Under no circumstances may more than two (2) zoning map amendments be filed for rezoning a given parcel of land or any portion thereof within any one (1) year period.

(D) Notification: The posting of signs, publishing of legal notices and other procedures as provided in Article IX (Administration) shall be followed.

(E) Public Hearing: The Planning Board shall hold a public hearing on the application. The Planning Department shall present the application to the Planning Board, together with the Planning Department's recommendations, at the first regularly scheduled meeting following proper filing and notice of the application.

(F) Application Withdrawal:

1) An application for amendment may be withdrawn by the applicant anytime before submission of the public notice to the newspaper announcing the public hearing.

2) After submission of such notice, an application may be withdrawn at the discretion of the Planning Board or Governing Body at the public hearing.

3) No more than two (2) withdrawals may occur on the same parcel of land or portion thereof within a one (1) year period.

4) No application shall be filed on the same parcel of land or portion thereof within a one (1) year period after the date of the second withdrawal.

(G) Continuance: The Planning Board may continue a rezoning request for up to two (2) months provided the reason for said continuance is stated in the motion to continue. Nothing in this Section shall prohibit a continuance being granted for a greater period of time provided it is mutually agreed upon by all parties concerned. Upon failure of the Planning Board to act on a request immediately following all proper continuances, or if no action is taken, the petitioner may take the rezoning application to the Governing Body without a recommendation from the Planning Board.

(H) Voting:

1) A favorable 5/7's vote, from the Planning Board shall constitute final action unless appealed in accordance with Article IX (Administration).

2) Applications receiving less than a 5/7's favorable vote, but a majority favorable vote from the Planning Board members present and voting shall constitute a favorable recommendation of the application and shall be forwarded to the Governing Body.

3) Applications receiving less than a majority favorable vote or unfavorable from the Planning Board shall constitute denial of the application unless appealed in accordance with Section 9–8 (Appeals).

4) Applications receiving less than a 5/7's favorable vote from the Planning Board, appealed applications and their decisions shall be scheduled for a public hearing before the Governing Body.

5) Applications that are denied by the Planning Board and subsequently appealed to the Governing Body shall require a simple majority vote to be approved.

(I) Appeals:

1) Any decision of the Planning Board may be appealed to the Governing Body.

2) Such Appeals shall be made within fifteen (15) days of the decision by filling with the Clerk to the Governing Body a written notice of appeal.

3-12.3 Amendments to the Flood Zoning Map

(A) Authorization to Amend: The location of any floodway zone or floodway fringe zone may be amended in cases where:

1) A flood control project of the federal, state, county or city government has substantially altered the flood hazard;

2) Flood data indicates that the boundaries or either of the zones as shown on the official flood zoning map are no longer correct;

3) A private individual, corporation, firm or governmental agency has submitted plans to the appropriate local authority, state agencies, and the Federal Emergency Management Agency for a channel improvement or relocation or a street or bridge which would affect the location of the existing zone boundaries as shown on the Official Flood Zoning Map. Any development activity requiring as a prerequisite an amendment to the Official Flood Zoning Map shall not be allowed until the amendment to the Official Flood Zoning Map is approved; or

4) Amendment approval is a prerequisite whenever the proposed development or proposed use combined with the allowable encroachment of the floodway fringe and with any previously placed or previously approved encroachment in the floodway will increase the base flood elevation by more than one (1) foot. The increase in base flood elevation due to the allowable encroachment of the floodway fringe is listed in the Floodway Data Table in the Flood Insurance Study prepared by the Federal Emergency Management Agency (FEMA)

(B) Application Process: Application for an amendment to the Official Flood Zoning Map shall be processed in the same manner as an amendment to the official zoning map. The applicant shall be responsible for submitting the proposed amendment and supporting documentation to the Federal Emergency Management Agency (FEMA) for its approval. The application for flood zone map amendments shall be deemed incomplete if not accompanied by a letter of approval from FEMA.

(C) Conformance to State Statutes: The Official Flood Zoning Map and all amendments thereto shall be filed in accordance with NCGS 143-215.56(c).

3-12.4 Requirements for Text Amendments

(A) Submission of Application: Applications to amend the text of this Ordinance shall be submitted to the Planning Department.

(B) MDOC Recommendations: The Planning Department shall refer such applications to the Multi-jurisdictional Development Ordinance Committee (MDOC) for a recommendation. The MDOC shall make its recommendation to the Planning Board within sixty (60) days of said referral.

(C) Planning Board Procedure: Applications for text amendments shall be processed, considered and voted upon in the same procedure as that required for zoning map amendments except that the Planning Board does not have authority to approve a text amendment.

(D) Planning Board Recommendation: The Planning Board shall make a recommendation to the Governing Body concerning the proposed text amendment after receipt of the recommendation from MDOC.

(E) Application Approval: The Governing Body shall approve or disapprove the text amendment after receipt of the recommendation from the MDOC and Planning Board.

(F) Amendments to Soil Erosion and Sedimentation Control Requirements: Guilford County shall incorporate revisions required by the Commission within eight (8) months following receipt of the required revisions. If standards and provisions of this Ordinance currently meet or exceed the required revisions, the Commission shall be so notified within ninety (90) days of their receipt.

(G) Amendments to Water Supply Watershed Regulations: Amendments to the water supply watershed regulations found in this Ordinance are required by G.S. 143-214.5 to be reviewed and approved by the N.C. Environmental Management Commission (EMC). The Planning Department shall refer copies of all amendments upon adoption to the Supervisor of the Classifications and Standards Group, Water Quality Section, N.C. Division of Environmental Management. Amendments to the water supply watershed regulations shall not be effective until approved by the EMC.

3-12.5 Amendments to the Designated Water Supply Watershed Maps

(A) Authorization to Amend: The Water Supply Watershed Maps may be amended in cases where:

1) A new water supply watershed is established;

2) A Watershed Critical Area boundary is changed;

3) A Watershed Critical Area tier line is shifted; or

4) A water supply watershed classification is changed.

(B) Application Process: Applications for Water Supply Watershed Map amendments shall be processed in accordance with the same procedures used for Zoning Map amendments.

3-13 CONDITIONAL USE DISTRICTS AND SPECIAL USE PERMITS

3-13.1 Purpose of Conditional Use Districts

If the regulations and restrictions of a zoning district permitting a proposed use are inadequate to ensure the compatibility of the proposed development with the immediately surrounding neighborhood in accordance with the principles of this ordinance and applicable adopted plans, the property owner may apply for rezoning to a Conditional Use District bearing the same designation as a standard zoning district but subject to additional conditions. The owner shall in such application specify the nature of the proposed development and shall propose conditions to ensure compatibility between the development and the surrounding neighborhood.

3-13.2 General Requirements

(A) Conditional Use District Application: A Conditional Use District application shall be considered only upon request by the property owner(s)

(B) Other Regulations Apply: Within a Conditional Use District, all standards and requirements of the corresponding zoning district shall be met, except to the extent that the conditions imposed are more restrictive than those standards.

(C) Uses Within District: Within an approved Conditional Use District, no use shall be permitted except pursuant to the conditions imposed on the Conditional Use District in the approval of the rezoning.

(D) Conditions: The conditions imposed may limit the uses which are permitted on the property to some one or more use(s) otherwise permitted in the zone. Such conditions may further specify the location on the property of the proposed use, the number of dwelling units, the location and extent of supporting facilities such as parking lots, driveways, and access streets, the location and extent of buffer areas and other special purpose areas, the timing of development, the location and extent of right-of-ways and other areas to be dedicated for public purposes, and other such matters as the applicant may propose as conditions upon the request.

(E) Non-compliance to District Conditions: Any violation of a condition included in the approval of a Conditional Use District shall be treated the same as any other violation of this Ordinance and shall be subject to the same remedies and penalties as any such violation. Any violation of such a condition shall be deemed to be the same type of violation as the use of a property for a use not permitted under the district regulations, for the reason that any use permitted in a Conditional Use District is permitted only subject to the specified conditions.

3–13.3 Procedure

Applications for Conditional Use Districts shall be processed, considered, and voted upon in the same procedure as that required for zoning map amendments.

3–13.4 Special Use Permits

(A) Approval Procedure: Applications for Special Use Permits shall be processed in accordance with the procedures used for the review of applications for zoning map amendments. All evidence presented at the public hearing in regard to applications for Special Use Permits shall be under oath. The Chairman of the Board or any member temporarily acting as Chairman shall administer oaths to witnesses.

(B) Conditions for Approval: An application for a Special Use Permit shall be approved by the Planning Board if and only if the Planning Board finds that:

1) The proposed use is represented by an "S" in the column for the district in which it is located on the Permitted Use Schedule in this Ordinance.

2) The proposed conditions meet or exceed the development standards found in Article VI (Development Standards).

3) Either the use as proposed, or the use as proposed subject to such additional conditions as the owner may propose or the Planning Board may impose, is consistent with the purposes of the District and compatible with surrounding uses.

4) The Special Use Permit shall be granted when each of the following Findings of Fact have been made by the Planning Board:

a) That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan submitted;

b) That the use meets all required conditions and specifications;

c) That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and

d) That the location and character of the use, if developed according to the plan submitted, will be in harmony with the area in which is is to be located and in general conformity with the plan of development of the Jurisdiction and its environs.

(C) Greater Restrictions: In granting a Special Use Permit, the Planning Board may impose more restrictive requirements upon such permit as it may deem necessary in order that the purpose and intent of this Ordinance are served.

(D) Permit Denial: If the Planning Board fails to make the findings required by paragraph (B) or makes other findings inconsistent with the required findings, then such proposed permit shall be denied.

(E) Permit Applicability: Any Special Use Permit so authorized shall be perpetually binding upon the property included in such permit unless subsequently changed or amended through application for a new or amended Special Use Permit or until a use otherwise permitted in the district is established.

(F) Compliance with Approved Permit: No building or other subsequent permit or approval shall be issued for any development on property subject to a Special Use Permit except in accordance with the terms of the permit and the district.

(G) Submission of Site Plans: Site plans for any development made pursuant to any Special Use Permit shall be submitted for review in the same manner as other development plans required by this Ordinance.

(H) Minor Modification(s): In approving such Site Plans, the Technical Review Committee may make minor modifications to the requirements of such Special Use Permit where such modification will result in equal or better performance and provided that the objective and purpose of the requirements and conditions of the Special Use Permit are maintained.

(I) Amendment of Permit: The Planning Board may change or amend any Special Use Permit subject to the same consideration as provided for in this Ordinance for the original issuance of a Special Use Permit.

(J) Timing of Amendment Proposal: No proposal to change or amend any Special Use Permit shall be considered within a one (1) year period after the date of the original authorization of such permit or within a one (1) year period after the hearing of any previous proposal to change or amend any such permit.

(K) Effect of Invalidity: If for any reason any condition imposed pursuant to these regulations is found to be illegal or invalid, such Special Use Permit shall be null and void and of no effect.

(L) Non-compliance with Permit Conditions: If after receiving a Notice of Violation for violation of the terms or conditions of a Special Use Permit, the owner fails to correct such violations within a reasonable time, then the Special Use Permit may, after a hearing, be revoked by the Planning Board. The Planning Board shall revoke such permit on all or part of a development if it finds that there has been a violation that: was intentional; or continued for an unreasonable time after the owner had notice thereof; or was substantially inconsistent with the purposes of the district and continued for any time after the owner had notice thereof and the opportunity to cure. All of the other remedies of this ordinance for a zoning violation shall apply to a violation of the terms of a Special Use Permit. Civil and/or criminal penalties may accrue pending the correction of a violation of a Special Use Permit, notwithstanding the fact that the owner may correct the violation within a reasonable time for purposes of the revocation provisions of this paragraph.

3-14 NONCONFORMING LOTS, USES, AND STRUCTURES

3-14.1 Nonconforming Lots of Record

(A) Single Lot of Record:

1) When a lot has an area or width which does not conform to the dimensional requirements of the district where located, but such lot was of record at the time of adoption of this Ordinance or any subsequent amendment which renders such lot nonconforming, then such lot may be used for a use permitted in the district where located, provided the following are complied with, setback dimensions and other requirements, except area or width.

2) In residential zones, only a single family dwelling shall be permitted on the nonconforming lot.

3) Nothing contained herein exempts a lot from meeting the applicable provisions of the Guilford County Board of Health regulations.

(B) Lots with Contiguous Frontage in One Ownership;

1) 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.

2) 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.

(C) Reduction of a Lot of Record: A lot of record reduced to less than the required area, width, or setback dimension as the result of a condemnation or purchase by a local or state government agency shall become a non-conforming lot of record.

3-14.2 Nonconforming Use of Land

(A) Continuance of Nonconforming Use of Land: Any nonconforming use legally existing at the time of adoption or amendment of this Ordinance, 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 3-14.2(B).

(B) Conditions for Continuance: Such nonconforming use of land shall be subject to the following conditions;

1) No nonconforming use shall be changed to another nonconforming use unless such use is determined to be of equal or less intensity. In determining whether a nonconforming use is of equal or less intensity, the Board of Adjustment shall consider:

a) probable traffic of each use;

b) parking requirements of each use;

c) probable number of persons on the premises of each use at a time of peak demand;

d) off–site impacts of each use, such as noise, glare, dust, vibration or smoke.

2) 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.

3) No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Ordinance.

4) If any nonconforming use of land ceases for any reason for a continuous period of more than one (1) year, any subsequent use of such land shall be a permitted use in the district in which such land is located.

5) The resumption of a nonconforming use of land shall not be permitted if such nonconforming use is superseded by a permitted use for any period of time.

6) No additional structure(s) not conforming to the requirements of this Ordinance shall be erected in connection with such nonconforming use of land.

(C) Junked Motor Vehicles: Any junked motor vehicle made nonconforming by subsequent amendment to this chapter shall be discontinued within 365 days following the date of such amendment. If the owner or occupant of a property fails to comply with a Notice of Violation concerning a junked motor vehicle any penalty assessed by the Enforcement Officer for a violation under the subsection shall be stayed until all appeals are resolved.

3–14.3 Nonconforming Structures

(A) 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 3–14.2(B).

(B) Conditions for Continuance: Such nonconforming structures shall be subject to the following conditions:

1) No nonconforming structure may be enlarged or altered in any way which increases its dimensional deficiencies; however any nonconforming structure or portion thereof may be altered to decrease its dimensional deficiencies. Any enlargement of the structure shall conform to the current dimensional requirement.

2) In the event of damage by fire or other causes to the extent exceeding fifty (50%) percent of its tax value prior to such damage as established by the County Tax Department, reconstruction of a nonconforming structure shall be permitted only in compliance with the dimensional provisions of this Ordinance.

3) In the event of damage by fire or other causes to the extent causing less than fifty (50%) percent of its tax value prior to such damage as established by the County Tax Department, reconstruction of a nonconforming structure shall be permitted provided it is constructed:

a) in the same manner in which it originally existed; or

b) in compliance with the dimensional requirements.

4) No nonconforming structure shall be moved or relocated unless it is made to comply with the dimensional and use requirements of the district in which it is relocated.

(C) Preservation of Safe or Lawful Conditions: Nothing in this Ordinance shall prevent the strengthening or restoration to a safe or lawful condition any part of any building declared unsafe or unlawful, by the Building Inspector or other duly authorized official.

3–14.4 Nonconforming Situation Resulting from Governmental Acquisition

Any zone lot reduced in size by municipal, county or state condemnation or purchase of land shall obtain nonconforming lot or building status to the extent that said condemnation or purchase causes noncompliance with any provisions of this Ordinance.

3–15 HISTORIC DISTRICTS

Request for changes in the zoning classification of property within a historic district shall be processed and considered in the same manner and procedure as set forth in this Ordinance for rezoning requests, except that the Historic Preservation Commission shall forward a recommendation to the Planning Board prior to Planning Board taking action on any such request.

3–16 ZONING VESTED RIGHTS

3–16.1 Establishment of a Zoning Vested Right

(A) Establishment of Vested Right: A zoning vested right shall be deemed established upon the valid approval, or conditional approval, by the appropriate approval authority as specified in Section 3–16.2 of a site specific development plan, following notice and public hearing by the Planning Board.

(B) Approval of Site Specific Development Plan:

1) The approving authority may approve a site specific development plan upon such terms and conditions as may reasonably be necessary to protect the public health, safety and welfare.

2) Notwithstanding subsections (A) and (B) above, approval of a site specific development plan with the condition that a variance be obtained shall not confer a zoning vested right unless and until the necessary variance is obtained.

(C) Effective Date of Approval: A site specific development plan shall be deemed approved upon the effective date of the approval authority's action or ordinance relating thereto.

(D) Effect of Additional, New or Amended Regulations: The establishment of a zoning vested right shall not preclude the application of overlay zoning that imposes additional requirements but does not affect the allowable type or intensity of use, or ordinances or regulations that are general in nature are applicable to all property subject to land use regulation by the Jurisdiction including, but not limited to, building, fire, plumbing, electrical and mechanical codes. Otherwise, the application of new or amended regulations shall become effective with respect to property that is subject to a site specific development plan upon the expiration or termination of the vested right in accordance with this Ordinance.

(E) Vested Right Runs with Property: A zoning vested right is not a personal right, but shall attach to and run with the applicable property. After approval of a site specific development plan, all successors to the original landowner shall be entitled to exercise such right while applicable.

3–16.2 Approval Procedures

(A) Notice and Public Hearing: Notice of any proposed approval for a zoning vested right shall be as provided in Section 9–1.2(A)4). The Planning Board shall hold a public hearing on the matter in accordance with Section 9–2.3(A).

(B) Approval by Enforcement Officer: The following plans shall be vested for two (2) years from the date of approval by the Enforcement Officer following notice and public hearing by the Planning Board:

1) a preliminary plat for a minor subdivision;

2) a plot plan;

3) minor site plans in accordance with Section 3–11.4.

4) a master or common sign plan;

5) a watershed development plan; or

6) a landscaping plan.

(C) Approval by Technical Review Committee: The following plans shall be vested for two (2) years from the date of approval or conditional approval by the Technical Review Committee following notice and public hearing by the Planning Board:

1) a preliminary plat for a major subdivision; or

2) a major site plan approved in accordance with Section 3–11.4 but not including master or common sign plans, watershed development plans or landscaping plans.

(D) Approval by Planning Board: The following plans shall be vested for two (2) years from the date of approval by the Planning Board or Governing Body, whichever is appropriate, following notice and public hearing:

1) a Special Use Permit; or

2) a Planned Development – Residential or Planned Development – Mixed unified development plan.

3–16.3 Plans Not Vested

(A) Conceptual Plans: Because the following plans frequently lack sufficient detail, they are not vested under this Ordinance:

1) a Planned Development – Residential or Planned Development – Mixed sketch plan; or

2) a subdivision master plan or sketch plan.

(B) Plans Not Relating to Type and Intensity of Use: The following types of plans are reviewed and approved under statues not related to the type and intensity of use in the context of NCGS 153A–334.1 and, therefore, are not considered vested in the meaning of this Ordinance:

1) soil erosion and sedimentation control plans;

2) utility and street construction plans; or

3) building and other construction plans.

3–16.4 Compliance

(A) Conformance Review: Following approval or conditional approval of a site specific development plan, nothing in this Ordinance shall exempt such a plan from subsequent reviews and approvals to ensure compliance with the terms and conditions of the original approval, provided that such reviews and approvals are not inconsistent with the original approval.

(B) Noncompliance: Nothing in this Ordinance shall prohibit the revocation of the original approval or other remedies for failure to comply with applicable terms and conditions of the approval or the zoning Ordinance.

(C) Life of Building Permit: A building permit shall not expire or be revoked because of the running of time while a zoning vested right under this Section is outstanding.

3–16.5 Termination

A zoning right that has been vested as provided in this Ordinance shall terminate:

(A) at the end of the applicable vesting period with respect to buildings and uses for which no valid building permit application has been filed;

(B) with the written consent of the affected landowner;

(C) upon findings by the Governing Board that natural or man–made hazards on or in the immediate vicinity of the property, if uncorrected, would pose a serious threat to the public health, safety, and welfare if the project were to proceed as contemplated in the site specific development plan;

(D) Upon payment to the affected landowner of compensation for all costs, expenses, and other losses incurred by the landowner, including, but not limited to, all fees paid in consideration of financing, and all architectural, planning, marketing, legal, and other consultant's fees incurred after approval by the Jurisdiction together with interest thereon at the legal rate until paid. Compensation shall not include any diminution in the value of the property which is caused by such action;

(E) upon findings by the Governing Board that the landowner or his representative intentionally supplied inaccurate information or made material misrepresentations which made a difference in the approval by the approval authority of the site specific development plan; or

(F) upon the enactment or promulgation of a State or Federal law or regulation that precludes development as contemplated in the site specific development plan, in which case the approval authority may modify the affected provisions, upon a finding that the change in State or Federal law has a fundamental effect on the plan.

ARTICLE IV

ZONING

4–1 DISTRICTS ESTABLISHED

In order to achieve the purposes of this Ordinance as set forth, all property within the jurisdiction of Guilford County except property owned by the Piedmont Triad International Airport Authority, is divided into districts with the designations and purposes listed in Section 4–2 (District Descriptions).

4–2 DISTRICT DESCRIPTIONS

4–2.1 General Use Districts

(A) Agricultural

AG AGRICULTURAL DISTRICT

The AG, Agricultural District, is primarily intended to accommodate uses of an agricultural nature, including farm residences and farm tenant housing. It also accommodates scattered non–farm residences on large tracts of land. It is not intended for major residential subdivisions. 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 discourage scattered commercial and industrial land uses;
3) to concentrate urban development in and around area growth centers, thereby avoiding premature conversion of farmland to urban uses;
4) to discourage any use which, because of its character, would create premature or extraordinary public infrastructure and service demands.

(B) Single–Family Residential: In the following districts the number refers to the minimum lot size in thousands of square feet.

1) RS–40 RESIDENTIAL SINGLE–FAMILY DISTRICT

The RS–40, Residential Single–Family District is primarily intended to accommodate single–family detached dwellings on large lots in areas without access to public water and wastewater services. The district is established to promote single–family detached residences where environmental features, public service capacities or soil characteristics necessitate very low density single–family development. The overall gross density in RS–40 areas will typically be 1.0 unit per acre or less.

2) RS–30 RESIDENTIAL SINGLE–FAMILY DISTRICT

The RS–30, Residential Single–Family District is primarily intended to accommodate low density single–family detached dwellings on large lots in areas without access to public water and wastewater services. The overall gross density in RS–30 areas will typically be 1.3 units per acre or less.

The following districts require public sewer service:

3) RS–20 RESIDENTIAL SINGLE–FAMILY DISTRICT

The RS–20, Residential Single–Family District is primarily intended to accommodate low to moderate density single–family detached dwellings in suburban areas at an overall maximum density of 1.9 units per acre.

The following districts require public water and sewer service:

4) RS–15 RESIDENTIAL SINGLE–FAMILY DISTRICT

The RS–15, Residential Single–Family District is primarily intended to accommodate moderate density single–family detached dwellings in suburban areas at a maximum overall density of 2.5 units per acre.

5) RS–12 RESIDENTIAL SINGLE–FAMILY DISTRICT

The RS–12, Residential Single–Family District is primarily intended to accommodate moderate density single–family detached dwellings in suburban or urban areas at a maximum overall density of 3.0 units per acre.

6) RS–9 RESIDENTIAL SINGLE–FAMILY DISTRICT

The RS–9, Residential Single–Family District is primarily intended to accommodate moderate to high density single–family detached dwellings in urban areas with a maximum overall density of 4.0 units per acre.

7) RS–7 RESIDENTIAL SINGLE–FAMILY DISTRICT

The RS–7, Residential Single–Family District is primarily intended to accommodate high density single–family detached dwellings in urban areas at a maximum overall density of 5.0 units per acre.

8) RS–5 RESIDENTIAL SINGLE–FAMILY DISTRICT

The RS–5, Single–Family Residential District is primarily intended to accommodate high density single–family detached dwellings in urban areas at a maximum overall density of 7.0 units per acre.

(C) Multi–Family Residential: In the following districts the number refers to dwelling units per gross acre. Public water and sewer service is required in all districts.

1) RM–5 RESIDENTIAL MULTI–FAMILY DISTRICT

The RM–5, Residential Multi–Family District is primarily intended to accommodate duplexes, twin–homes, townhouses, cluster housing and similar residential uses at a maximum overall density of 5.0 units per acre.

2) RM–8 RESIDENTIAL MULTI–FAMILY DISTRICT

The RM–8, Residential Multi–Family District is primarily intended to accommodate duplexes, twin–homes, townhouses, cluster housing and similar residential uses at a maximum overall density of 8.0 units per acre.

3) RM–12 RESIDENTIAL MULTI–FAMILY DISTRICT

The RM–12, Residential Multi–Family District is primarily intended to accommodate multi–family uses at a maximum overall density of 12.0 units per acre.

4) RM–18 RESIDENTIAL MULTI–FAMILY DISTRICT

The RM–18, Residential Multi–Family District is primarily intended to accommodate multi–family uses at a maximum overall density of 18.0 units per acre.

5) RM–26 RESIDENTIAL MULTI–FAMILY DISTRICT

The RM–26, Residential Multi–Family District is primarily intended to accommodate multi–family uses at a maximum overall density of 26.0 units per acre.

(D) Office, Commercial, and Industrial

1) LO LIMITED OFFICE DISTRICT

The LO, Limited Office District is primarily intended to accommodate low intensity medical, professional, administrative and government office uses on small to mid–sized sites near residential areas.

2) GO–M GENERAL OFFICE MODERATE INTENSITY

The GO–M, General Office Moderate Intensity District is primarily intended to accommodate moderate intensity office and institutional uses, moderate density residential uses at a maximum of 12.0 units per acre, and supporting service and retail uses.

3) GO–H GENERAL OFFICE HIGH INTENSITY

The GO, General Office High Intensity District is primarily intended to accommodate high intensity office and institutional uses, high density residential uses at a maximum of 26.0 units per acre, and supporting service and retail uses.

4) NB NEIGHBORHOOD BUSINESS DISTRICT

The NB, Neighborhood Business District is primarily intended to accommodate very low intensity office, retail and personal service uses within residential areas. The district is established to provide convenient locations for businesses which serve the needs of surrounding residents without disrupt-

ing the character of the neighborhood. It is not intended to accommodate retail uses which primarily attract passing motorists. Compatibility with nearby residences is reflected in design standards for both site layout and buildings.

5) LB LIMITED BUSINESS DISTRICT

The LB, Limited Business District is primarily intended to accommodate moderate intensity shopping and services close to residential areas. The district is established to provide locations for businesses which serve nearby neighborhoods. The district is typically located near the intersection of collectors or thoroughfares in areas which are otherwise developed with residences.

6) GB GENERAL BUSINESS DISTRICT

The GB, General Business District is primarily intended to accommodate a wide range of retail, service and office uses. The district is typically located along thoroughfares in areas which have developed with minimal front setbacks.

7) HB HIGHWAY BUSINESS DISTRICT

The HB, Highway Business District is primarily intended to accommodate those retail service and distributive uses which are typically located along thoroughfares. The district is established to provide locations for establishments which require high visibility and good road access, or which cater primarily to passing motorists. Developments in this district generally have substantial front setbacks.

8) SC SHOPPING CENTER DISTRICT

The SC, Shopping Center District is primarily intended to accommodate a wide range of high intensity retail and service developments meeting the shopping needs of the community and the region. The district is established on large sites to provide locations for major developments which contain multiple uses, shared parking and drives, coordinated signage and high–quality landscaping.

9) CP CORPORATE PARK DISTRICT

The CP, Corporate Park District is primarily intended to accommodate office, warehouse, research and development and assembly uses on large sites in a planned, campus–like setting compatible with adjacent residential uses. The district may also contain retail and service uses which customarily locate within planned employment centers.

10) LI LIGHT INDUSTRIAL DISTRICT

The LI, Light Industrial District is primarily intended to accommodate limited manufacturing, wholesaling, warehousing, research and development and related commercial/service activities which, in their normal operations, have little or no adverse effect upon adjoining properties.

11) HI HEAVY INDUSTRIAL DISTRICT

The HI, Heavy Industrial District is primarily intended to accommodate a wide range of assembling, fabricating and manufacturing activities. The district is established for the purpose of providing appropriate locations and development regulations for uses which may have significant environmental impacts or require special measures to ensure compatibility with adjoining properties.

(E) Public and Institutional

PI PUBLIC AND INSTITUTIONAL DISTRICT

The PI, Public and Institutional District is intended to accommodate mid– and large–sized public, semi–public and institutional uses which have a substantial land use impact or traffic generation potential. It is not intended for smaller public and institutional uses customarily found within residential areas.

4–2.2 Planned Unit Development Districts

(A) PD–R PLANNED UNIT DEVELOPMENT – RESIDENTIAL

The PD–R District is intended to accommodate a variety of housing types developed on large tracts in accordance with a Unified Development Plan. The PD–R District also accommodates neighborhood business and office uses which primarily serve nearby residents.

(B) PD–M PLANNED UNIT DEVELOPMENT – MIXED

The PD–M District is intended to accommodate residential, commercial and light industrial uses developed on large tracts in accordance with a Unified Development Plan.

4–2.3 Conditional Use Districts

(A) Districts Established: A Conditional Use District, bearing the designation CU, is hereby established as a companion district for every district established in Section 4–2. These districts are CU–AG, CU–RS–40, CU–RS–30, CU–RS–20, CU–RS–15, CU–RS–12, CU–RS–9, CU–RS–7, CU–RS–5, CU–RM–5, CU–RM–8, CU–RM–12, CU–RM–18, CU–RM–26, CU–LO, CU–GO–M, CU–GO–H, CU–NB, CU–LB, CU–GB, CU–HB, CU–SC, CU–CP, CU–LI, CU–HI, CU–PI, CU–PD–R, and CU–PD–M. All regulations which apply to a general use zoning district also apply to the companion conditional use district. All other regulations, which may be offered by the property owner and approved by the Jurisdiction as part of the rezoning process, also apply.

(B) Application: The Conditional Use District classification will be considered only upon request of the property owner for rezoning.

4–2.4 Overlay Districts

Overlay Districts establish certain area regulations which are in addition to the underlying general use, planned unit development or conditional use district(s).

(A) WCA WATERSHED CRITICAL AREA DISTRICT

The WCA Overlay District 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 water supply intakes or reservoirs. These regulations are specified in Section 7–1 (Water Supply Watershed Districts) and Section 7–3 (Watershed Critical Areas).

(B) GWA GENERAL WATERSHED AREA DISTRICT

The GWA Overlay District is intended to set forth regulations for the protection of public drinking water supplies and are applicable to all lands which drain toward such supplies and are outside of the WCA Overlay District. These regulations are specified in Section 7–1 (Water Supply Watershed Districts) and Section 7–2 (General Watershed Areas).

(C) FH FLOOD HAZARD DISTRICT

The FH Overlay District is intended to set forth regulations which will minimize the damage done by floods. These regulations are specified in Section 7–5 (Flood Control).

(D) HD HISTORIC DISTRICT

The HD Overlay District is intended to set forth regulations which will help maintain the historic integrity of certain areas in Guilford County. These regulations are specified in Section 4–11 (Overlay District Requirements).

(E) SR SCENIC CORRIDOR DISTRICT

The SR Overlay District is intended to set forth regulations which will enhance the attractiveness of major thoroughfares which enter and/or pass through Guilford County. These regulations are specified in Section 4–11 (Overlay District Requirements).

(F) AR AIRPORT DISTRICT

The AR Overlay District is intended to prohibit the erection of structures which would, by virtue of their height, interfere with operations at Piedmont Triad International Airport. The District is also intended to keep residential densities near the Airport very low so as to minimize the negative effects of aircraft noise on homes. Regulations for the AR Overlay District are specified in Section 4–11 (Overlay District Requirements).

(G) MH MANUFACTURED HOUSING DISTRICT

The MH Overlay District is intended to set forth regulations governing the development of subdivisions for manufactured housing in certain areas of Guilford County. These regulations are specified in Section 4–11 (Overlay District Requirements).

4–3 PERMITTED USES

4–3.1 Permitted Use Schedule

(A) Tabulation of Permitted Uses: Within each zoning district indicated on the Official Zoning Map and subject to all requirements and conditions specified in this Ordinance, land, buildings, and structures shall only be used and buildings and structures shall only be erected which are intended or designed to be used for uses listed in the Permitted Use Schedule, Table 4–3–1. In the appropriate columns of Table 4–3–1 uses permitted by right in the various districts are indicated with a "P", uses requiring a Special Use Permit are indicated by an "S", uses permitted by right subject to meeting additional development standards as set forth in Article VI (Development Standards) are indicated with a "D", and uses requiring a Manufactured Housing overlay zone are indicated with a "Z". The column on the far right labeled "LUC" indicates the Land Use Classification of each use as it relates to Planting Yard requirements found in Section 6–4 (Landscaping Regulations).

(B) Formulation of Permitted Use Schedule

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

2) When a use is not listed in the Permitted Use Schedule, the Enforcement Officer shall classify it with that use in the table most similar to it. The SIC Manual shall serve as a guide in classifying any unlisted use. If the Enforcement Officer should determine that a use is not listed and is not similar to a use in the Permitted Use Schedule, than said use is prohibited.

3) Rental and leasing of any commodity shall be permitted under the same classification and in the same districts as are sales of that commodity, unless rental or leasing of that commodity is listed separately in the Permitted Use Schedule.

4) If an industrial plant or facility involves two (or more) manufacturing activities with different SIC codes on the same zone lot, the industrial plant shall be permitted only in those zoning districts where the more restricted activity is permitted. (For example, an industrial plant preparing canned peanuts and also manufacturing the cans is allowed in those zoning districts permitting can manufacturing.)

4–3.2 Mixed Uses

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

4–3.3 Prohibited Uses

Within certain overlay districts, some uses are prohibited, regardless of the uses permitted in the underlying zoning district(s). The following uses are prohibited in the Overlay Districts listed.

(A) Scenic Corridor Overlay District [4–11.3(A)2)]: Class A, B, and C Manufactured Dwellings are prohibited in the Scenic Corridor Overlay District.

(B) Airport Overlay District [4–11.4(B)]: Multi–family housing and single–family housing on lots less than forty thousand (40,000) square feet are prohibited in the Airport Overlay District. .

(C) Watershed Critical Area [7–3.5(A)]: See Section 7–3.5 (Spill Risk Reduction) for the list of uses prohibited in the Watershed Critical Areas.

(D) Flood Hazard Area [7–5.3(D)2)]: 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 from the flood hazard areas.

TABLE 4–3–1 PERMITTED USE SCHEDULE

Use Type	Ref. SIC	Zoning Districts																										
		AG	RS 40	RS 30	RS 20	RS 15	RS 12	RS 9	RS 7	RS 5	RM 5	RM 8	RM 12	RM 18	RM 26	LO	GOM	GOH	NB *	LB *	GB *	HB *	SC	CP *	LI *	HI	PI	LUC
AGRICULTURAL USES																												
Agricultural Production (Crops)	0100	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	1
Agricultural Production (Livestock)	0200	P	D	D	D	D	D																			D	P	1
Animal Feeder/Breeder WCA	0210	D																										1
Animal Services (livestock)	0751	P																							P	P		3
Animal Services (other)	0752	P															D	D		D	D	D	D	D	P	P		3
Fish Hatchery	0920	P																							P	P		4
Forestry	0810	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	1
Horticultural Specialities	0180	P																				P			P	P		2
Veterinary Service (livestock)	0741	P																							P	P		3
Veterinary Service (other)	0742	P															D	D		D	D	D	D	D	P	P		3
MINING USES																												
Mining and Quarrying WCA	1000																									S		5
RESIDENTIAL USES																												
Boarding and Rooming House, less than 9 residents	7021	S												P	P	P	P	P										2
Boarding and Rooming House, 9 or more residents	7021													S	S	S	P	P										2
Common Recreation and Service Facilities	0000	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P									1
Congregate Care Facility	0000											D	D	D	D		D	D									D	2
Family Care Facility	0000	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P								P	1
Group Care Facility	0000													S	S		D	D									D	2
Manufactured Dwelling (Class AA)	0000	P	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z													1
Manufactured Dwelling (Class A & B)	0000	P	Z	Z									Z	Z	Z													1
Manufactured Dwelling Park	0000										S	S	S	S	S													2
Multifamily Dwelling (including Condominium)	0000										P	P	P	P	P		P	P										2

WCA = Prohibited in the WCA, See Section 7–3.5(A) WS–III = New landfills which require a NPDS Permit for disposing of treates leachate are prohibited in WS_III (GWA) Watersheds P=Use by Right D=Development Standards S=Special Use Permit Required Z=Overlay Zoning Required *=Indicates Additional District Requirements, See Section 4–4.3(B).

TABLE 4–3–1 PERMITTED USE SCHEDULE

Use Type	Ref. SIC	Zoning Districts																										LUC
		AG	RS 40	RS 30	RS 20	RS 15	RS 12	RS 9	RS 7	RS 5	RM 5	RM 8	RM 12	RM 18	RM 26	LO	GOM	GOH	NB *	LB *	GB *	HB *	SC	CP *	LI *	HI	PI	
Private Dormitory	0000													S	S		D	D									P	2
Shelter for the Homeless	0000																D	D			D	D			D	D	D	2
Single Family Detached Dwelling	0000	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P										1
Single Room Occupancy (SRO) Residence	0000											S	S	S	S		D	D									D	2
Subdivision, Major – Residential	0000		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P										
Subdivision, Minor – Residential	0000	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P										
Temporary Shelter	0000												S	P	P													P	2
Townhouse Dwelling	0000										P	P	P	P	P		P	P											2
Two Family Dwelling (Twin Home or Duplex)	0000	P									P	P	P	P	P	P	P	P	P										1
ACCESSORY USES AND STRUCTURES																													
Accessory Dwelling Unit	0000	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D											
Accessory Uses and Structures (customary)–See Sct. 4–5	0000	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Caretaker Dwelling	0000	D														D	D	D	D	D	D	D	D	D	D	D	D	D	
Emergency Shelter	0000	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Home Occupation (including renting of rooms)	0000	D	D	D	D	D	D	D	D	D	D	D	D	D	D		D	D	D										
Flying Field, Private	0000	D																								D	D		
Junked Motor Vehicle	0000	P	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	
Migrant Labor Housing	0000	D																											
Recycling Collection Point	0000	P									P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Rural Family Occupation	0000	S																											
Satellite Dish / Communication Tower	0000	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	
Swimming Pool	0000	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	
Yard Sale (no more than *3* per year)	0000	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P										

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Use Type	Ref. SIC	Zoning Districts																										LUC
		AG	RS 40	RS 30	RS 20	RS 15	RS 12	RS 9	RS 7	RS 5	RM 5	RM 8	RM 12	RM 18	RM 26	LO	GOM	GOH	NB *	LB *	GB *	HB *	SC	CP *	LI *	HI	PI	
RECREATIONAL USES																												
Amusement or Water Parks, Fairgrounds	7996																					D			D			4
Athletic Fields	0000	S	S	S	S	S	S	S	S	S	S	S	S	S	S	D	P	P	D	P	P	P	P	P	P	P	P	1
Auditorium, Coliseum or Stadium	0000																					P	P		P		P	3
Batting Cages	7999																					D			D	D		3
Billiard Parlors	7999																			P	P	P	P					3
Bingo Games	7999																			P	P	P	P					3
Bowling Center	7933																				P	P	P		P			3
Club or Lodge	8640	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	S	P	P	P	P	P			P	3
Coin Operated Amusement	7993																			P	P	P	P					3
Country Club with Golf Course	7997	D	S	S	S	S	S	S	S	S	S	S	S	S	S		S	S			D	D		D	D		D	1
Dance School	7911																		P	P	P	P	P					3
Equestrian Facility	7999	S	S																								S	2
Fortune Tellers, Astrologers	7999																			P	P	P						3
Go–cart Raceway	7999																					P			P	P		4
Golf Course, Miniature	7999																			P	P	P	P					3
Golf Course	7992	P	S	S	S	S	S	S	S	S	S	S	S	S	S							D		D	D		D	1
Golf Driving Range	7999	S																				D			D	D		3
Martial Arts Instructional Schools	7999																			P	P	P	P					3
Physical Fitness Center	7991																P	P		P	P	P	P	P	P			3
Private Club or Recreation Facility, Other	7997	S																										3
Public Park	7990	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	1
Public Recreation Facility	7990	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	2
Shooting Range, Indoor	7999																				D	D			D	D		3

WCA = Prohibited in the WCA, See Section 7–3.5(A) WS–III = New landfills which require a NPDS Permit for disposing of treates leachate are prohibited in WS_III (GWA) Watersheds P=Use by Right D=Development Standards S=Special Use Permit Required Z=Overlay Zoning Required *=Indicates Additional District Requirements, See Section 4–4.3(B).

TABLE 4–3–1 PERMITTED USE SCHEDULE

Use Type	Ref. SIC	Zoning Districts																										
		AG	RS 40	RS 30	RS 20	RS 15	RS 12	RS 9	RS 7	RS 5	RM 5	RM 8	RM 12	RM 18	RM 26	LO	GOM	GOH	NB *	LB *	GB *	HB *	SC	CP *	LI *	HI	PI	LUC
Shooting Range, Outdoor	7999	S																									S	5
Skating Rink	7999																			P	P	P		P			3
Sport Instructional Schools	7999																			P	P	P	D				P	3
Sports and Recreation Clubs, Indoor	7997																			P	P	P	P	P			P	3
Swim and Tennis Club	7997	D	S	S	S	S	S	S	S	S	S	S	S	S	S		D	D			D	D		D	D		D	3
EDUCATIONAL AND INSTITUTIONAL USES																												
Ambulance Service	4119															P	P	P		P	P	P	P	P	P	P	P	3
Cemetery or Mausoleum	0000	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	2
Church	8661	P	D	D	D	D	D	D	D	D	D	D	D	D	D	P	P	P	P	P	P	P	P	P	P	P	P	3
College or University	8220																				P						P	3
Correctional Institution	9223																									S	S	4
Day Care Center, Adult (5 or less, Home Occupation)	8322	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	1
Day Care Center, Adult (6 or more)	8322	S										D	D	D	D	D	D	D	D	D	D	D	D	D	D		D	3
Day Care Center, Child (5 or less, Home Occupation)	8351	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	1
Day Care Center, Child (6 or more)	8351	S										D	D	D	D	D	D	D	D	D	D	D	D	D	D		D	3
Elementary or Secondary School	8211	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D											P	3
Fire Station	9224	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	3
Fraternity or Sorority (University or College Related)	0000																P	P		P	P	P	P		P		P	3
Government Office	9000															P	P	P	P	P	P	P	P	P	P	P	P	3
Hospital	8062																										P	3
Library	8231															P	P	P	P	P	P	P	P	P			P	3
Museum or Art Gallery	8412															P	P	P	P	P	P	P	P	P			P	3
Nursing and Convalescent Home	8050													S	S		P	P			P	P	P				P	3
Orphanage	8361													S	S		P	P									P	3

WCA = Prohibited in the WCA, See Section 7–3.5(A) WS–III = New landfills which require a NPDS Permit for disposing of treates leachate are prohibited in WS_III (GWA) Watersheds P=Use by Right D=Development Standards S=Special Use Permit Required Z=Overlay Zoning Required *=Indicates Additional District Requirements, See Section 4–4.3(B).

TABLE 4–3–1 PERMITTED USE SCHEDULE

Use Type	Ref. SIC	Zoning Districts																									
		AG	RS 40	RS 30	RS 20	RS 15	RS 12	RS 9	RS 7	RS 5	RM 5	RM 8	RM 12	RM 18	RM 26	LO	GOM	GOH	NB *	LB *	GB *	HB *	SC	CP *	LI *	HI	PI	LUC
Police Station, Neighborhood	9221	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	3
Post Office	0000															P	P	P	P	P	P	P	P	P	P	P	P	3
Psychiatric Hospital	8063																P	P			P	P					P	3
Retreat Center	0000	S																			P	P	P	P			P	3
School Administration Facility	9411															P	P	P	P	P	P	P	P	P	P	P	P	3
Specialty Hospital	8069																P	P			P	P					P	3
BUSINESS, PROFESSIONAL and PERSONAL SERVICES																												
Accounting, Auditing or Bookkeeping	8721															P	P	P	P	P	P	P	P	P	P			3
Administrative or Management Services	8740															P	P	P	P	P	P	P	P	P	P			3
Advertising Agency or Representative	7310																P	P	P	P	P	P	P	P	P			3
Advertising, Outdoor Services	7312																				D	D		P	P	P		4
Automobile Rental or Leasing WCA	7510																				P	P			P	P		4
Automobile Repair Services, Major WCA	0000																				P	P			P	P		4
Automobile Repair Services, Minor WCA	0000																				P	P	P		P	P		3
Automobile Parking (commercial)	7521																				P	P	P	P	P	P	S	3
Automotive Towing and Storage Services WCA	7549																				D	D			D	D		3
Bank, Savings and Loan, or Credit Union	6000																D	D		P	P	P	P	D	P			3
Barber Shop	7241																P	P	P	P	P	P	P	D	P			3
Beauty Shop	7431																P	P	P	P	P	P	P	D	P			3
Boat Repair WCA	3730																				P	P			P	P		4
Building Maintenance Services	7349																				P	P			P	P		3
Car Wash WCA	7542																				D	D	D		P	P		4
Clothing Alteration or Repair	0000																		P	P	P	P	P					3
Computer Maintenance and Repair	7378																				P	P	P	P	P			3

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TABLE 4–3–1 PERMITTED USE SCHEDULE

Use Type	Ref. SIC	Zoning Districts																								LUC
		AG	RS 40	RS 30	RS 20	RS 15	RS 12	RS 9	RS 7	RS 5	RM 5	RM 8	RM 12	RM 18	RM 26	LO	GOM	GOH	NB *	LB *	GB *	HB *	SC	CP *	LI *	HI	PI	
Computer Services	7370																P	P	P	P	P	P	P	P	P			3
Economic, Sociological or Educational Research	8732															P	P	P	P	P	P	P	P	P	P			3
Employment Agency, Personnel Agency	7360																P	P	P	P	P	P	P	P	P			3
Engineering, Architect or Survey Service	8710															P	P	P	P	P	P	P	P	P	P	P		3
Equipment Rental and Leasing (no outside storage) WCA	7350																				P	P			P	P		3
Equipment Rental and Leasing (with outside storage) WCA	7350																								P	P		4
Equipment Repair, Heavy WCA	7690																									P		4
Equipment Repair, Light WCA	7690																				D	D			P	P		3
Finance or Loan Office	6100																P	P		P	P	P	P	P	P			3
Funeral Home or Crematorium	7261																P	P			P	P					S	3
Furniture Repair Shop WCA	7641																				P	P			P	P		3
Hotel or Motel	7011																S	S			P	P	P	P				3
Insurance Agency (no on–site claims inspections)	6411															P	P	P	P	P	P	P	P	P	P			3
Insurance Agency (carriers and on–site claims inspections)	6300																P	P		P	P	P	P	P	P			3
Kennels or Pet Grooming	0752	P															D	D		D	D	D	D	D	P	P		3
Landscape and Horticultural Services WCA	0780	S																							P	P		4
Laundromat, Coin–Operated WCA	7215																		P	P	P	P	P					3
Laundry or Dry Cleaning Plant WCA	7211																		P	D	P	P	D	P	P	P		3
Laundry or Dry Cleaning Substation	7212																		P	P	P	P	P	P	P			3
Law Office	8111															P	P	P	P	P	P	P	P	P	P			3
Massage Parlor, Adult	7299																				D							3
Medical, Dental or Related Office	8000															P	P	P	P	P	P	P	P	P	P	P	P	3
Medical or Dental Laboratory	8071															P	P	P		P	P	P	P	P	P	P	P	3
Motion Picture Production	7810																				P	P		P	P			3

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TABLE 4–3–1 PERMITTED USE SCHEDULE

Use Type	Ref. SIC	Zoning Districts																								
		AG	RS 40	RS 30	RS 20	RS 15	RS 12	RS 9	RS 7	RS 5	RM 5	RM 8	RM 12	RM 18	RM 26	LO	GOM	GOH	NB *	LB *	GB *	HB *	SC	CP *	LI *	HI	PI	LUC
Noncommercial Research Organization	8733															P	P	P	P	P	P	P	P	P	P			3
Office Uses Not Otherwise Classified	0000																P	P	P	P	P	P	P	P	P			3
Pest or Termite Control Services WCA	7342																				P	P			P	P		3
Photocopying and Duplicating Services	7334																P	P	P	P	P	P	P	P	P			3
Photofinishing Laboratory	7384																				P	P	P	P	P			3
Photography Commercial	7335																				P	P		P	P			3
Photography Studio	7221																P	P	P	P	P	P	P	P				3
Real Estate Office	6500															P	P	P	P	P	P	P	P	P	P			3
Recreational Vehicle Park or Campsite	7033																					D						4
Refrigerator or Large Appliance Repair	7623																				D	D			P	P		3
Rehabilitation or Counseling Services	8300															P	P	P	P	P	P	P	P	P	P		P	3
Research, Development or Testing Services	8730																							P	P	P		3
Septic Tank Services WCA	7699																									P		4
Shoe Repair or Shoeshine Shop	7251																		P	P	P	P	P	D				3
Stock, Security or Commodity Broker	6200															P	P	P	P	P	P	P	P	P	P			3
Taxidermist WCA	7699																				P	P						3
Television, Radio or Electronics Repair	7620																				P	P	P		P			3
Theater, Adult	0000																				D							3
Theater (outdoor)	7833																											4
Theater (indoor)	7832																				P	P	P					3
Tire Recapping	7534																									P		4
Tourist Home (Bed and Breakfast)	7011	S	S	S	S	S	S	S	S	S	S	D	D	D	D		D	D	D	D	P	P						2
Travel Agency	4720															P	P	P	P	P	P	P	P	P	P			3
Truck Driving School	8249																					P			P	P		3

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Truck and Utility Trailer Rental and Leasing, Light WCA	0000																				P	P			P	P		4
Truck Tractor and Semi Rental and Leasing, Heavy WCA	0000																								P	P		5
Truck Washing WCA	7542																									P		5
Vocational, Business or Secretarial School	8240																P	P		P	P	P	P	P	P	P		3
Watch or Jewelry Repair Shop	7631																		P	P	P	P	P	D				3
RETAIL TRADE																												
A B C Store (liquor)	5921																				P	P	P					3
Antique Store	5932																		P	P	P	P	P					3
Appliance Store	5722																				P	P	P					3
Arts and Crafts	0000																		P	P	P	P	P					3
Auto Supply Sales	5531																				P	P	P					3
Bakery	5461																		P	P	P	P	P					3
Bar	5813																				D	D	D			P		3
Boat Sales	5551																				P	P			P	P		4
Bookstore	5942																		P	P	P	P	P					3
Bookstore, Adult	0000																				D							3
Building Supply Sales (no storage yard)	5211																				P	P	P					3
Building Supply Sales (with storage yard)	5211																				D	D	D		P	P		4
Camera Store	5946																		P	P	P	P	P					3
Candy Store	5441																		P	P	P	P	P					3
Clothing, Shoe and Accessory Store	5600																		P	P	P	P	P					3
Computer Sales	5734																		P	P	P	P	P	D	P			3
Convenience Store (with gasoline pumps) WCA	5411																			P	P	P	P	D	P	P		4
Convenience Store (without gasoline pumps)	5411																		P	P	P	P	P	D	P	P		3

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Dairy Products Store	5451																		P	P	P	P	P					3
Department, Variety or General Merchandise	5300																		P	P	P	P	P					3
Drugstore	5912																		P	P	P	P	P	D				3
Fabric or Piece Goods Store	5949																		P	P	P	P	P	P				3
Floor Covering, Drapery or Upholstery	5710																				P	P	P		P			3
Florist	5992																		P	P	P	P	P					3
Food Store	5400																		P	P	P	P	P					3
Fuel Oil Sales WCA	5980																								P	P		4
Furniture Sales	5712																		P	P	P	P	P					3
Garden Center or Retail Nursery	5261																				P	P	D		P			3
Gift or Card Shop	5947																		P	P	P	P	P					3
Hardware Store	5251																		P	P	P	P	P					3
Hobby shop	5945																		P	P	P	P	P					3
Home Furnishings, Miscellaneous	5719																		P	P	P	P	P					3
Jewelry Store	5944																		P	P	P	P	P					3
Live Entertainment Business, Adult	0000																				D							
Luggage or Leather Goods Store	5948																		P	P	P	P	P					3
Manufactured Home Sales	5271																					P			P	P		4
Miscellaneous Retail Sales	5999																		P	P	P	P	P					3
Motor Vehicle Sales (new and used) WCA	5511																				P	P			P	P		4
Motorcycle Sales WCA	5571																				P	P			P	P		4
Musical Instrument Sales	5736																		P	P	P	P	P					3
Newsstand	5994																		P	P	P	P	P	D				3
Office Machine Sales	5999																		P	P	P	P	P	P	P			3

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Use Type		Ref. SIC	Zoning Districts: AG	RS 40	RS 30	RS 20	RS 15	RS 12	RS 9	RS 7	RS 5	RM 5	RM 8	RM 12	RM 18	RM 26	LO	GOM	GOH	NB *	LB *	GB *	HB *	SC	CP *	LI *	HI	PI	LUC
Optical Goods Sales		5995																D	D	P	P	P	P	P				3
Paint and Wallpaper Sales		5231																				P	P	P		P			3
Pawnshop or Used Merchandise Store		5932																				P	P	P					3
Pet Store		5999																			P	P	P	P					3
Record and Tape Store		5735																		P	P	P	P	P					3
Recreational Vehicle Sales	WCA	5561																				P	P			P	P		4
Restaurant (with drive-thru)		5812																				P	P	P					3
Restaurant (without drive-thru)		5812																		P	D	P	P	P	P	P	P		3
Service Station, Gasoline	WCA	5541																			P	P	P	P		P	P		4
Sporting Goods Store		5941																		P	P	P	P	P					3
Stationery Store		5943																		P	P	P	P	P					3
Television, Radio or Electronics Sales		5731																		P	P	P	P	P					3
Tire Sales		5531																				P	P	P		P			3
Tobacco Store		5993																		P	P	P	P	P					3
Truck Stop	WCA	5541																					D			P	P		4
Video Tape Rental and Sales		7841																		P	P	P	P	P					3
WHOLESALE TRADE																													
Agricultural Chemicals, Pesticides or Fertilizers	WCA	5191	D																								P		5
Agricultural Products, Other		5159	D																							P	P		4
Ammunition		5099																									P		4
Animals and Animal Products, Other		5159	D																								P		5
Apparel, Piece Goods and Notions		5130																				P	P		P	P	P		4
Beer, Wine or Distilled Alcoholic Beverages		5180																							P	P	P		4
Books, Periodicals and Newspapers		5192																				P	P		P	P	P		4

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			AG	RS 40	RS 30	RS 20	RS 15	RS 12	RS 9	RS 7	RS 5	RM 5	RM 8	RM 12	RM 18	RM 26	LO	GOM	GOH	NB *	LB *	GB *	HB *	SC	CP *	LI *	HI	PI	LUC
Chemicals and Allied Products	WCA	5169																								P		5
Drugs and Sundries		5122																				P	P		P	P	P		4
Durable Goods, Other		5099																				P	P		P	P	P		4
Electrical Goods		5060																				P	P		P	P	P		4
Farm Supplies, Other		5191	D																							P	P		4
Flowers, Nursery Stock and Florist Supplies	WCA	5193	D																			P	P		P	P	P		4
Forest Products		5099	D																							P	P		5
Furniture and Home Furnishings		5020																				P	P		P	P	P		4
Grain and Field Beans		5153	D																								P		5
Groceries and Related Products		5140																				P	P		P	P	P		4
Hardware		5072																				P	P		P	P	P		4
Jewelry, Watches, Precious Stones and Metals		5094																				P	P		P	P	P		4
Livestock		5154	D																								P		5
Lumber and Other Construction Materials		5030																									P		5
Lumber, Millwork and Veneer		5031																							P	P	P		5
Machinery, Construction and Mining		5082																									P		5
Machinery, Equipment and Supplies		5080																							P	P	P		5
Machinery, Farm and Garden		5083																									P		5
Market Showroom (Furniture, Apparel etc.)		0000																				D	D						3
Metals		5051																							P	P	P		5
Minerals		5052																									P		5
Motor Vehicles	WCA	5012																								P	P		4
Motor Vehicles, Parts and Supplies		5010																							P	P	P		4
Motor Vehicles, Tires and Tubes		5014																							P	P	P		4

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Paints and Varnishes	WCA	5198																								P	P		4
Paper and Paper Products		5110																				P	P		P	P	P		4
Petroleum and Petroleum Products	WCA	5170																									D		5
Plastics Materials		5162																							P	P	P		4
Plumbing and Heating Equipment		5070																							P	P	P		4
Professional and Commercial Equipment and Supplies		5040																				P	P		P	P	P		4
Resins		5162																									P		5
Scrap and Waste Materials	WCA	5093																									P		5
Sporting and Recreational Goods and Supplies		5091																				P	P		P	P	P		4
Tobacco and Tobacco Products		5194																				P	P		P	P	P		4
Toys and Hobby Goods and Supplies		5092																				P	P		P	P	P		4
Wallpaper and Paint Brushes		5198																				P	P		P	P	P		4
TRANSPORTATION, WAREHOUSING AND UTILITIES																													
Airport and Flying Field, Commercial	WCA	4500																										P	5
Beneficial Fill Area		0000	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	
Bulk Mail and Packaging		4212																								P	P		4
Bus Terminal	WCA	4100																				P	P			P	P		4
Communication or Broadcasting Facility		4800															P	P			P	P	P	P	P	P		3
Construction or Demolition Debris(C–D)Landfill, Major		0000																									S		5
Construction or Demolition Debris(C– D) Landfill, Minor		0000	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	
Courier Service, Central Facility		4215																								P	P		4
Courier Service Substation		4215															P	P			P	P	P	P	P	P		3
Land Clearing & Inert Debris (LCID) Landfill, Major	WCA	0000	S																								S		5
Land Clearing & Inert Debris (LICD) Landfill, Minor	WCA	0000	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	

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Hazardous and Radioactive Waste (Transportation, Storage and Disposal) WCA	4953																								S		5
Heliport W CA	4522																S	S				S		S	S	P	S	5
Moving and Storage Service	4214																								P	P		4
Radio, Television or Communication Tower	0000	D															D	D			D	D		D	D	D	D	3
Railroad Terminal or Yard WCA	4010																					P			P	P		4
Recycling Processing Centers	0000																								D	P		4
Refuse and Raw Material Hauling WCA	4212																									P		4
Sewage Treatment Plant WCA	4952																									P		5
Solid Waste Disposal (non-hazardous) WS-III, WCA	4953																									S		5
Taxi Terminal WCA	4121																				P	P			P	P		4
Trucking or Freight Terminal WCA	4213																								P	P		5
Utility Company Office	0000																P	P			P	P	P	P	P	P		3
Utility Equipment and Storage Yards	0000																								P	P		5
Utility Lines and Related Appurtenances	0000	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Utility Service Facility (no outside storage)	0000																				P	P		S	P	P		4
Utility Substation	0000	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	4
Warehouse (general storage, enclosed)	4220																				D	D		P	P	P		4
Warehouse (self-storage)	4225																				D	D			P	P		4
Water Treatment Plant	0000																								P	P	P	4
MANUFACTURING AND INDUSTRIAL USES																												
Aircraft and Parts	3720																									P		5
Ammunition, Small Arms WCA	3482																									D		5
Animal Feeds (including dog and cat)	2048																									S		5

WCA = Prohibited in the WCA, See Section 7-3.5(A) WS-III = New landfills which require a NPDS Permit for disposing of treates leachate are prohibited in WS_III (GWA) Watersheds P=Use by Right D=Development Standards S=Special Use Permit Required Z=Overlay Zoning Required *=Indicates Additional District Requirements, See Section 4-4.3(B).

TABLE 4–3–1 PERMITTED USE SCHEDULE

Use Type		Ref. SIC	Zoning Districts																								
			AG	RS 40	RS 30	RS 20	RS 15	RS 12	RS 9	RS 7	RS 5	RM 5	RM 8	RM 12	RM 18	RM 26	LO	GOM	GOH	NB *	LB *	GB *	HB *	SC	CP *	LI *	HI	PI	LUC
Animal Slaughter or Rendering	WCA	0000																								S		5
Apparel and Finished Fabric Products		2300																						P	P	P		4
Arms and Weapons	WCA	3480																							P	P		4
Asbestos, Abrasive and Related Products	WCA	3290																								P		5
Asphalt Plant	WCA	2951																								S		5
Audio, Video and Communications Equipment		3600																						P	P	P		4
Bakery Products		2050																						P	P	P		4
Batteries	WCA	3691																								P		5
Beverage Products (alcoholic)		2080																								P		5
Beverage Products (nonalcoholic)		2086																						P	P	P		4
Bicycle Assembly		3751																						P	P	P		4
Bicycle Parts and Accessories		3751																						P	P	P		4
Boat and Ship Building		3730																							P	P		4
Brooms and Brushes		3991																						P	P	P		4
Burial Caskets		3995																							P	P		4
Chemicals, Paints and Allied Products	WCA	2800																								P		5
Coffee		2095																						P	P	P		4
Computer and Office Equipment		3570																						P	P	P		4
Concrete, Cut Stone and Clay Products	WCA	3200																								P		5
Contractors (no outside storage)		0000																			P	P		P	P	P		3
Contractors, General Building		1500																							P	P		4
Contractors, Heavy Construction	WCA	1600																								P		5
Contractors, Special Trade	WCA	1700																							P	P		4
Costume Jewelry and Notions		3960																						P	P	P		4

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TABLE 4–3–1 PERMITTED USE SCHEDULE

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Dairy Products	WCA	2020																							P	P	P		4
Drugs	WCA	2830																							P	P	P		5
Electrical Industrial Apparatus, Assembly		3620																							P	P	P		4
Electrical Industrial Apparatus, Manufacturing		3620																								P	P		5
Electrical Components		3670																								P	P		5
Electrical Equipment		3600																								P	P		5
Explosives	WCA	2892																											5
Fabricated Metal Products		3400																									P		5
Fabricated Valve and Wire Products		3490																								P	P		4
Fats and Oils, Animal	WCA	2077																									P		5
Fats and Oils, Plant	WCA	2070																								P	P		4
Fish, Canned, Cured or Frozen	WCA	2091																									S		5
Floor Coverings (excluding carpet)		3996																									P		5
Food and Related Products, Miscellaneous		2090																							P	P	P		4
Furniture Framing		2426																							P	P	P		4
Furniture and Fixtures Assembly		0000																							P	P	P		4
Furniture and Fixtures		2500																							P	P	P		4
Glass		3200																									P		5
Glass Products from Purchased Glass		3231																							P	P	P		4
Grain Mill Products		2040																								P	P		4
Heating, Equipment and Plumbing Fixtures		3430																								P	P		4
Household Appliances		3630																								P	P		4
Ice		2097																				P	P		P	P	P		4
Industrial and Commercial Machinery		3500																								S	P		4

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TABLE 4–3–1 PERMITTED USE SCHEDULE

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Jewelry and Silverware (no platting)		3910																							P	P	P		4
Leather and Leather Products (no tanning)	WCA	3100																							P	P	P		4
Leather and Leather Products (tanning)	WCA	3100																									S		5
Lighting and Wiring Equipment		3640																								P	P		4
Logging and Wood, Raw Materials		2411	S																										1
Manufactured Housing and Wood Buildings		2450																								P	P		4
Measurement, Analysis and Control Instruments		3800																							P	P	P		4
Meat & Poultry, Packing & Processing (no rendering)	WCA	2010																									P		5
Medical, Dental and Surgical Equipment		3840																							P	P	P		4
Metal Coating and Engraving	WCA	3470																									S		5
Metal Fasteners (screws, bolts etc.)		3450																								P	P		4
Metal Processing	WCA	3350																								P	P		4
Millwork, Plywood and Veneer		2430																							P	P	P		4
Motor Vehicle Assembly		3710																									P		5
Motor Vehicle Parts and Accessories		3714																								P	P		4
Motorcycle Assembly		3751																								P	P		4
Musical Instruments		3930																							P	P	P		4
Paper Products (no coating or laminating)	WCA	2670																								P	P		4
Paper Products (coating and laminating)	WCA	2670																									P		4
Paperboard Containers and Boxes		2650																							P	P	P		4
Pens and Art supplies		3950																							P	P	P		4
Petroleum and Related Products	WCA	2900																									S		5
Pharmaceutical Preparations	WCA	2834																							P	P	P		4
Photographic Equipment		3861																							P	P	P		4

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TABLE 4–3–1 PERMITTED USE SCHEDULE

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Photographic Supplies		3861																							P	P	P		5
Pottery and Related Products		3260																								P	P		4
Preserved Fruits and Vegetables (no can manufacture)		2030																							P	P	P		4
Primary Metal Products and Foundries	WCA	3300																									P		5
Printing and Publishing		2700																				P	P		P	P	P		4
Pulp and Paper Mills	WCA	2610																									S		5
Rubber and Plastics, Miscellaneous	WCA	3000																								P	P		4
Rubber and Plastics, Raw	WCA	3000																									S		5
Salvage Yards, Auto Parts	WCA	5015																									S		5
Salvage Yards, Scrap Processing	WCA	5903																									S		5
Sawmill or Planing Mills		2420	P																								P		5
Signs		3993																							P	P	P		4
Soaps and Cosmetics	WCA	2840																							P	P	P		4
Sporting Goods and Toys		3940																							P	P	P		4
Sugar and Confectionery Products		2060																							P	P	P		4
Surface Active Agents	WCA	2843																									P		5
Textile Products (no dying and finishing)	WCA	2200																							P	P	P		4
Textile Products (with dying and finishing)	WCA	2260																									P		5
Tires and Inner Tubes	WCA	3011																									S		5
Tobacco Products		2110																									P		5
Wood Containers		2440																							P	P	P		4
Wood Products, Miscellaneous		2490																									P		5

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Use Type	Ref. SIC	Zoning Districts																										
		AG	RS 40	RS 30	RS 20	RS 15	RS 12	RS 9	RS 7	RS 5	RM 5	RM 8	RM 12	RM 18	RM 26	LO	GOM	GOH	NB *	LB *	GB *	HB *	SC	CP *	LI *	HI	PI	LUC
OTHER USES																												
Automotive Parking (subject to Sct. 6–2 – Off–Street Parking, Stacking and Loading Areas)	0000	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	3
Billboards	0000																					D			D	D		1
Mixed Development	0000																				D	D	D	D				3
Temporary Construction, Storage or Office; Real Estate Sales or Rental Office (with concurrent building permit for permanent building	0000	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Temporary Events (refer to Sct 3–3.3 – Event Permit) including but not limited to ...																												
Arts and Crafts Shows	0000																P	P	P	P	P	P	P	P	P	P	P	
Carnivals and Fairs	7999	P																			P	P	P	P	P	P	P	
Christmas Tree Sales	0000	P																			P	P	P	P	P	P	P	
Concerts, Stage Shows	7920	P																				P	P	P	P	P	P	
Conventions, Trade Shows	0000																					P	P	P	P	P	P	
Outdoor Retail Sales	5000																				P	P	P					
Outdoor Religious Events	0000	P																				P	P	P	P	P	P	
Turkey Shoots	0000	D																										

WCA = Prohibited in the WCA, See Section 7–3.5(A) WS–III = New landfills which require a NPDS Permit for disposing of treates leachate are prohibited in WS_III (GWA) Watersheds P=Use by Right D=Development Standards S=Special Use Permit Required Z=Overlay Zoning Required *=Indicates Additional District Requirements, See Section 4–4.3(B).

4–4 DIMENSIONAL REQUIREMENTS

Within the zoning districts as shown on the Official Zoning Map, all the following dimensional requirements shall be complied with.

4–4.1 Agricultural and Single–Family Districts

(A) Dimensional Requirements for Agricultural and Single Family Districts: Dimensional Requirements for Agricultural and Single Family Districts are found in Table 4–4–1.

TABLE 4–4–1
Agricultural and Single Family District Dimensional Requirements

	AG	RS–40	RS–30	RS–20	RS–15	RS–12	RS–9	RS–7	RS–5
Min. Lot Size (ft.^{2})	40,000	40,000	30,000	20,000	15,000	12,000	9,000	7,000	5,000
Min. Lot Width (ft.)									
Interior Lot	150	150	100	90	80	75	60	50	50
Corner Lot	150	150	100	100	90	85	75	70	70
Min. Street Frontage (ft.)	50	50	50	45	45	45	30	30	30
Min. Street Setback (ft.) [a]									
Local, Subcollector, Collector – Front	40/65	40/65	40/65	35/60	30/55	30/55	30/55	25/50	20/45
Local, Subcollector, Collector – Side	40/65	40/65	20/45	20/40	15/40	15/40	15/40	15/40	15/40
Minor Thoroughfare	45/80	45/80	45/80	40/75	40/75	40/75	40/75	35/70	35/70
Major Thoroughfare	50/95	50/95	50/95	50/95	50/95	50/95	50/95	45/90	45/90
Min. Interior Setbacks (ft.)									
Side Yard	15	15	10	10	10	10	5	5	5
Rear Yard	30	30	30	30	30	30	25	20	15
Max. Building Height (ft.)[b]	50	50	50	50	50	50	50	50	50
Max. Building Coverage (% of lot)	30	30	30	30	30	30	35	40	45

[a] Setback from right–of–way line or property line/setback from street centerline, whichever is greater

[b] No more than three (3) full or partial stories entirely above grade.

Notes:

1) A corner lot has two street setbacks. The setback of lower setback category shall be considered the side street. If both streets are of the same setback category, the property owner shall designate the side street for his lot.

2) A through lot has two street setbacks but no rear setback.

3) On a corner lot of record, the side street setback may be reduced, if necessary, to yield a buildable width equal to sixty (60%) percent of the lot width.

4) For any lot of record, the street setback and the rear setback may be reduced, if necessary, to yield a buildable depth equal to forty (40%) percent of the lot depth. The rear setback shall be reduced first, but not below fifteen (15) feet and the street setback shall not be reduced by greater than ten (10) feet.

(B) Cluster Development

1) Cluster Option

a) Cluster development may be used in any district which permits single-family uses if the tract is ten (10) acres or more and is served by municipal sanitary sewer.

b) Cluster development may be used on tracts smaller than ten acres if street right-of-way in a street or highway corridor pursuant to NCGS 136-66.10 is dedicated and the development will be served by municipal sanitary sewer.

c) Cluster development is allowed in WCA and GWA areas of WS-III and WS-IV water supply watersheds under the performance requirement listed in Section 7-1.7(B). For all WCA and GWA areas, the total number of lots shall not exceed the number of units allowed for single family detached developments under the low density option as listed in Table 2-1-1.

2) Cluster Required: The Technical Review Committee (TRC) may require that cluster development be used if right-of-way dedication is required pursuant to NCGS 136-66.10 or the development lies partially or wholly within a Watershed Critical Area.

3) Development Standards: The objective of the cluster option is to place the houses in a development closer together and on smaller lots than would normally be permitted by the zoning district in which the development is located, and to place land which would otherwise have been included in private lots into public dedication or common area.

a) When cluster development is employed, all lot size and other dimensional requirements for single-family dwellings are decreased to comply with all requirements of a smaller-lot RS zone.

b) The sum of those areas placed into common area as open space, those areas dedicated as public open space in excess of any required dedication for such purposes, and those areas dedicated as street right-of-way pursuant to NCGS 136-66.10 (a) shall not be less than fifteen (15%) percent of the total area of the development.

c) The maximum number of lots shall be determined as follows:

i) Calculate the gross acreage of the tract, excluding any existing street right-of-way;

ii) Subtract three-fourths (3/4) of the area of any drainageway and/or open space required to be dedicated by this Ordinance.

iii) Multiply by the density factor from Table 4-4-2.

TABLE 4-4-2
CLUSTER DEVELOPMENT LOT AND DENSITY REQUIREMENTS FOR SINGLE FAMILY DEVELOPMENT

DEVELOPMENT ZONED	LOTS AND BUILDINGS MUST MEET REQUIREMENTS OF	DENISTY FACTOR PER ACRE
RS-40 (WCA Tier 2)	RS-40	0.20
RS-40 (WCA TIER 3)	RS-40	0.33
RS-40	RS-20	1.0
RS-30	RS-15	1.3
RS-20	RS-12	1.9
RS-15	RS-9	2.5
RS-12	RS-7	3.0
RS-9, RM-5	RS-5	4.0
RS-7, RM-8	RS-5	5.0
RM-12, RM-18, RM-26, GO-M, & GO-H	RS-5	6.0

d) Common areas shall be located within the development to:

i) Preserve stands of trees, lakes, steep slopes, historic sites or other significant features;

ii) Provide common green space in the development for aesthetic purposes and pedestrian use;

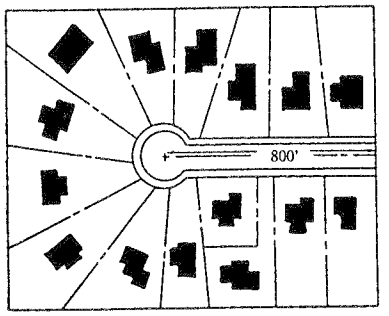
iii) Provide space for common recreation facilities and meeting places; or

iv) Provide buffering from adjacent land uses of higher intensity.

v) Minimize stormwater flow and runoff impacts to receiving waters in WCA and GWA areas.

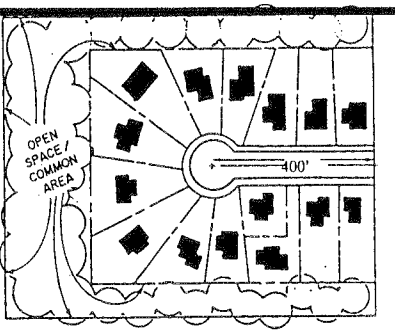
e) Common area for open space shall be of usable dimensions, including a minimum width of twenty–four (24) feet and shall be accessible to all homeowners in the development.

f) If approved by the Technical Review Committee, a site may be reserved for a school, church, civic club, public recreation center or public library within the area that would otherwise have been common area



CONVENTIONAL SINGLE FAMILY DETACHED SUBDIVISION

- 5 Acres
- 15 Lots
- 12,000 S.F. Minimum Lot Size



CLUSTER DEVELOPMENT SINGLE FAMILY DETACHED SUBDIVISION

- 5 Acres
- 15 Lots
- 7,000 S.F. Minimum Lot Size

* Undeveloped open space/common area could be dedicated floodplain areas, recreational areas, buffer from highway or non–compatible use.
* Illustration based on RS–12 zoning.

Figure 4–A
CLUSTER DEVELOPMENT

NO SCALE

(C) Zero Side Setback – See Figure 4–B.

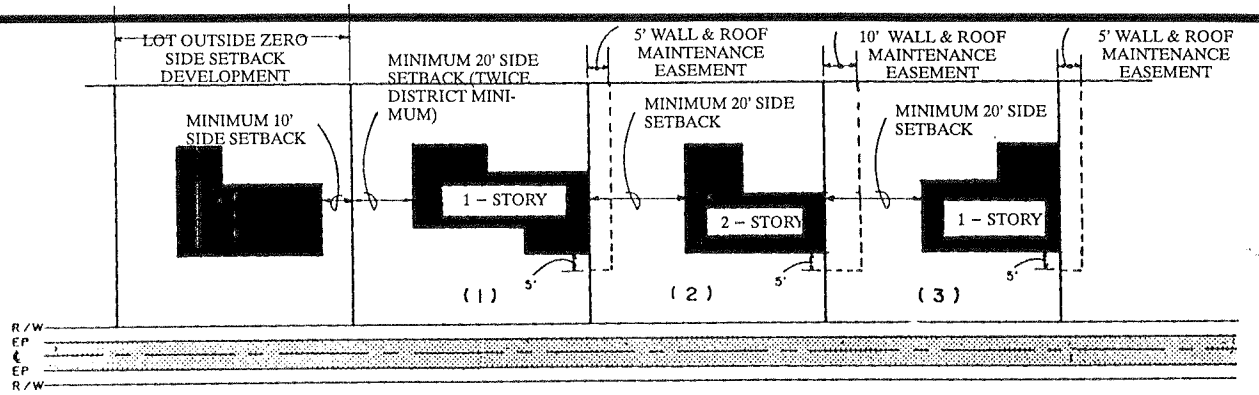
1) Zero Side Setback Option: Zero side setback development may be used in any district which permits single–family uses if the development contains ten (10) or more contiguous lots and is served by municipal sanitary sewer.

2) Development Standards

a) Setbacks of zero (0) feet are permitted only where the lots on both of the affected lot line are part of a zero side setback development

b) A wall and roof maintenance easement (five (5) feet along one–story walls, ten (10) feet along two (2)–story walls) shall be provided on the opposite side of the zero setback lot line.

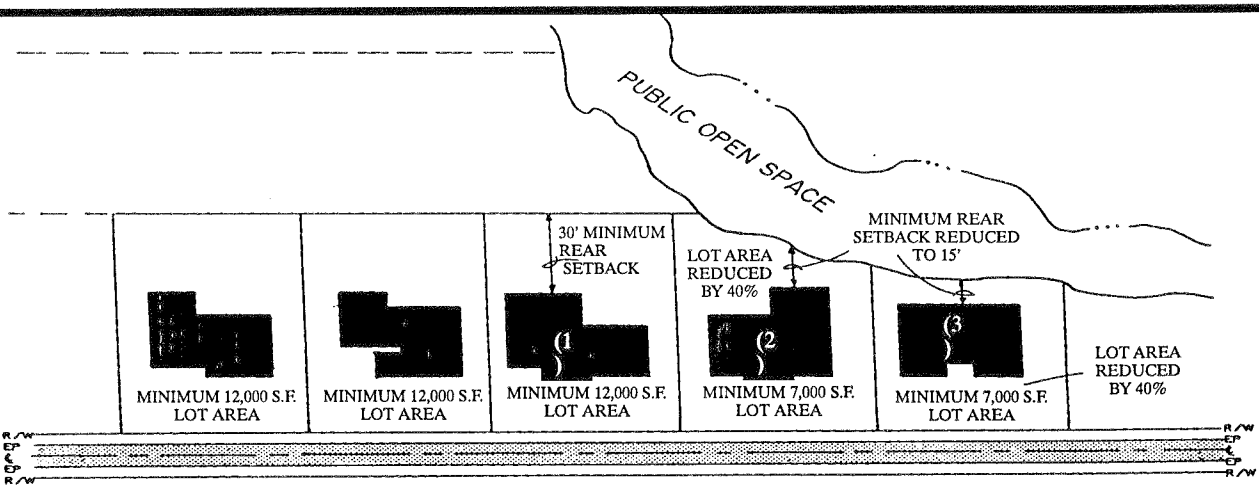
c) Whenever one side setback is zero, the minimum setback on the opposite side of the same lot shall be twice the minimum side setback required by this Ordinance for the zoning district in which the development is located.



* Can be used in any district permitting Single Family Uses.
* Tract must contain ten (10) of more contiguous lots.
* Illustration based on RS–12 zoning.

Figure 4–B
ZERO SIDE SETBACK

NO SCALE



* Single Family lots with public sewer.
* Illustration based on RS–12 zoning.
* Note to be placed on plat "Lots 2 and 3 have been reduced in area in accordance with Section 4–4 of the Guilford County Development Ordinance. All other dimensional requirements of the Ordinance shall apply"

Figure 4–C
LOTS ADJOINING PUBLIC OPEN SPACE

NO SCALE

(D) Lots Adjoining Public Open Space – See Figure 4–C.

1) Lot Area Reduction Option: Single–family lots with public sewer service which abut dedicated public drainageway and open space may be developed with less than the area required in Table 4–4–1, provided the following requirements are met.

2) Development Standards

a) No lot shall be less than sixty (60%) percent of the minimum lot area for the zoning district in which it is located, or five thousand (5,000) square feet, whichever is greater.

b) Rear setbacks may be reduced to fifteen (15) feet, if the rear property line(s) abut public drainageway and open space areas.

c) A note shall be placed on the plat stating: "Lots have been reduced in area in accordance with Section 4–4.1(D), and that all other dimensional requirements of this Ordinance apply."

(A) Dimensional Requirements for Permitted Single–Family District Uses and Two–Family Dwellings in RM, GO–M, and GO–H Districts: See Table 4–4–3.

TABLE 4–4–3
Dimensional Requirements for Permitted Single–Family District Uses and Two–Family Dwellings in RM, GO–M, GO–H, NB, and LO Districts

Min. Lot Size (ft^2)	RM–5	RM–8	RM–12	GO–M	RM–18	RM–26	GO–H	NB	LO
Single Family	8,500	7,000	7,000	7,000	5,000	5,000	5,000	9,000	9,000
Two–Family[a]	17,500	12,000	11,000	11,000	9,000	7,000	7,000	9,000	9,000
All lots and structures must meet other requirements of	RS–9	RS–7	RS–7	RS–7	RS–5	RS–5	RS–5	RS–9	RS–9

a Non conforming lots of record in the RM and GO districts may be developed provided they meet the following minimum lot sizes: 9,000 ft2 in RM–5, RM–8, NB, and LO and 7,000 ft.2 in RM–12, RM–18, RM–26, GO–M, and GO–H.

(B) Dimensional Requirements for Multi–Family Developments with Three or more Units: Dimensional requirements for Multi–family developments with three or more units are found in Table 4–4–4.

TABLE 4–4–4

Dimensional Requirements in RM & GO Districts for Multifamily Developments (Including Townhouses and Residential Condominiums), Residential Group Developments, Private Dormitories, Single Room Occupancy Residences, and Congregate Care Facilities

	RM–5	RM–8	RM–12	GO–M	RM–18	RM–26	GO–H
Min. Lot Size ($ft.^2$) for first 3 DU's	26,000	16,000	15,000	15,000	12,000	9,000	9,000
Additional Lot Area per Additional Unit ($ft.^2$)	8,712	5,445	3,630	3,630	2,420	1,675	1,675
Minimum Lot Width (ft.) for first 3 DU's	75	75	75	75	60	60	60
Additional Lot Width per Additional Unit – 5 ft., until total lot width = 120 ft.							
Minimum Street Frontage (ft.)	50	50	50	50	50	50	50
Minimum Street Setback (ft.)[a]							
Local, Subcollector & Collector	30/55	25/50	25/50	25/50	25/50	25/50	25/50
Minor Thoroughfare	40/75	35/70	35/70	35/70	35/70	35/70	35/70
Major Thoroughfare	50/95	45/90	45/90	45/90	45/90	45/90	45/90
Minimum Interior Setbacks (ft.)							
Side	10	10	10	10	10	10	10
Rear	25	25	25	25	25	25	25
Minimum Building Separation (ft.)	20	20	20	20	20	20	20
Maximum Building Height (ft.)	50[b]	50[b]	50/80[c]	50/80[c]	50/80[c]	–[c]	–[c]
Maximum Building Cover (percentage of lot)	35	40	45	45	45	50	50

a Setback from right–of–way line or property line/setback from street centerline, whichever is greater.

b No more than three (3) full or partial stories entirely above grade.

c Increase all setbacks by one (1) foot for every one (1) foot in height between fifty (50) and eighty (80) feet. No additional setback is required for buildings above eighty (80) feet in height.

(C) Additional Requirements For Multi–Family Developments

1) A multi–family dwelling shall not be placed behind and on the same lot as a single–family dwelling.

2) In order to permit adequate fire protection, all portions of every building shall be located within three hundred (300) feet of a public street that furnishes direct access to the property unless the Fire Marshall determines that the fire hydrants and service drives within the development will offer adequate protection.

3) All common driveways within the development shall have approved traffic circulation and shall be kept available for emergency and service use by any public vehicle.

4) Off–street parking spaces shall be located within two hundred (200) feet of each building in an amount proportional to the number of dwelling units in each building. No parking area with five (5) or more spaces shall be located closer than ten (10) feet to a dwelling wall with windows or doors.

5) All walkways within two (2) feet of and perpendicular to parking spaces shall have a minimum width of six (6) feet. Any walkway serving only one dwelling unit, other than a handicapped unit, shall have a minimum width of three (3) feet. All other walkways shall have a minimum width of four (4) feet. Walkways shall be of dustless all–weather surfaces.

6) Open Space and/or Recreation Facilities

   a) Open space and/or recreation facilities shall be provided at the rate of ten (10%) percent of the total land area in developments of under three (3) acres or in the GO–H district with a building more than four (4) stories, and shall be at a single location.

   b) In developments of three acres or more, open space shall be provided at the rate of one (1) acre per one hundred (100) dwelling units. Such open space and/or recreation facilities may be at more than one location, but each such area must have at least ten thousand (10,000) square feet to be counted toward this requirement.

   c) All such areas must have a minimum width of at least twenty–four (24) feet and be accessible to residents of the development at no charge. All such areas shall be occupied by recreational activities, grass and landscaping, or woods. Uses suggested for these areas are swimming pools, tennis courts, play areas, passive recreation, etc. Uses not permitted in such areas are parking, garbage areas, mechanical equipment, or other similar uses. Land dedicated as parkland or as drainageway and open space shall count toward this requirement.

7) No building shall exceed two hundred and fifty (250) feet in length unless it is designed for the elderly and has central facilities for dining and recreation.

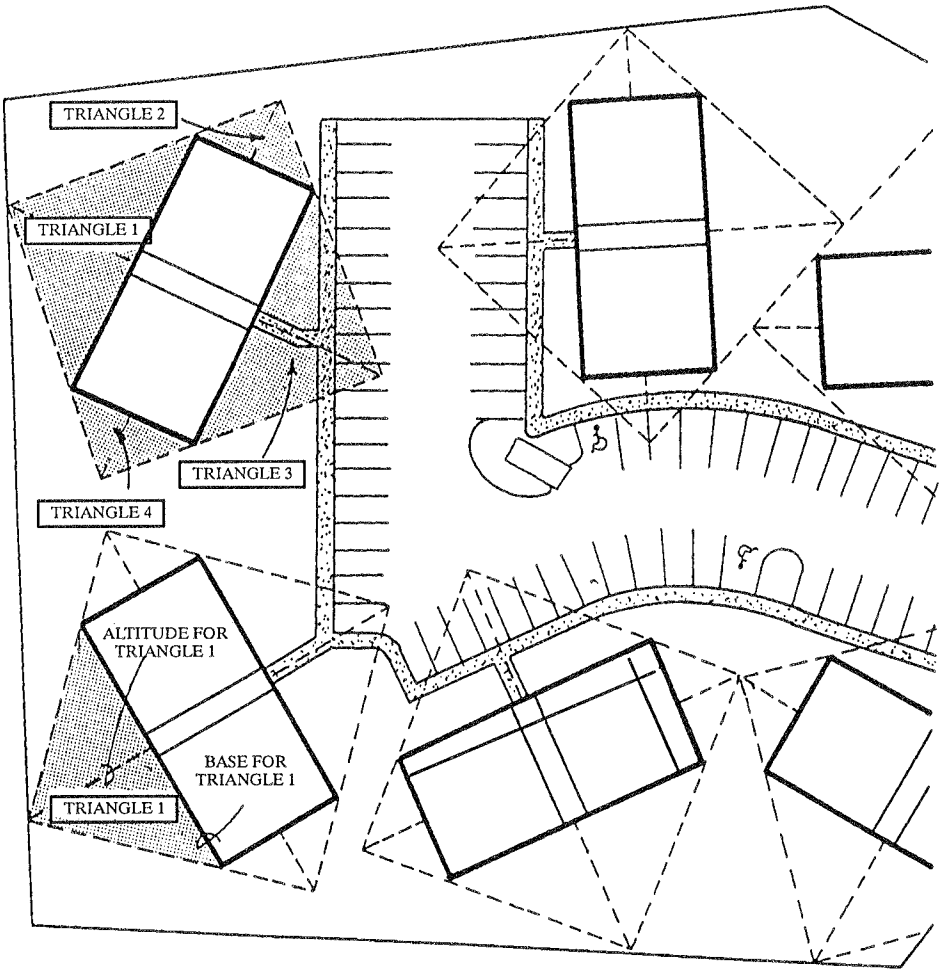
8) Trash containers (dumpsters or compacters) of a number and size conforming with the requirements of the Jurisdiction shall be provided. Each container shall be located so as not to interfere with sight distance or the free movement of vehicles on streets or access drives and so as to allow collector trucks adequate maneuvering space to empty the containers without interference from utility lines or other structures and to leave the property without excessive backing. Concrete pads shall be located beneath and in the approach to each trash container.

   Note: Developments with two (2) or fewer principal buildings and a width at all potential building locations of one hundred twenty (120) feet or less are exempt from the following requirements.

9) On the site plan an isosceles triangle (yard space triangle) shall be drawn from each building facade which, at its closest point, lies within one hundred (100) feet of a lot line other than a street right–of–way line or within one hundred (100) feet of another building in the development. Facades shall be designated so that a minimum number, normally four, results. The base of the triangle shall be a line connecting the extreme ends of the facade (ignoring one–story storage rooms and other one–story protrusions of one hundred (100) square feet or less, exterior stairways, and decks), and its altitude shall be the length of the base line multiplied by a factor related to the height of the building as shown below.

Number of Stories	Altitude Factor
1	0.4
2	0.5
3	0.6
4 or More	0.7

An isosceles triangle thus established may not overlap any portion of another building, another triangle, or another property, unless that property is public parkland, dedicated drainageway and open space, or street right–of–way. See Figure 4–D.



* In this illustration all buildings are two story.
* Refer to Section 4–4.2 of this Ordinance to determine yard space triangles.

Figure 4–D
YARD SPACE
TRIANGLES

NO SCALE

10) Private drives shall be no closer than fifteen (15) feet to a dwelling.

11) Play areas and sports facilities shall not be placed within fifty (50) feet of adjacent land used or zoned for single–family residential purposes.

12) All electric, communications, water, and sewer utility lines shall be installed underground.

13) Arrangement of buildings in parallel rows shall be avoided.

(A) Dimensional Requirements for Non–Residential Districts:Dimensional requirements for non–residential districts are shown in Table 4–4–5.

TABLE 4–4–5
Nonresidential District Dimensional Requirements

	LO	GO–M	GO–H	NB	LB	GB	HB	SC	CP	LI	HI	PI
Min. Development Size (ac.)	–	–	–	–	–	–	–	5	20	–	–	5
Min. Development Width (ft.)	–	–	–	–	–	–	–	250	–	–	–	–
Min. Lot Size (ft.^{2})[a]	9,000	20,000 g	20,000 g	9,000[b]	15,000	12,000	20,000	20,000	40,000	20,000	20,000	40,000
Min. Lot Width (ft.)	60	100	100	60	80	75	100	–	150	100	100	150
Min. Street Frontage (ft.)	60	75	75	60	80	75	100	100	100	75	75	100
Min. Street Setback (ft.) [c]												
Local, Subcollector, Collector	20/45	25/50	25/50	20/45	25/50	15/40	30/55	30/55	30/55	25/50	25/50	30/55
Minor Thoroughfare	30/65	30/65	30/65	30/65	30/65	15/50	40/75	40/75	40/75	30/65	30/65	40/75
Major Thoroughfare	35/80	35/80	35/80	35/80	35/80	15/60	50/95	50/95	50/95	35/80	35/80	50/95
Min. Interior Setbacks (ft.)												
Adj. to Non–Residential Zoning	0/5[d]	10	10	0/5[d]	10	0/5[d]	10	20[e]	20	0/5[d]	0/5[d]	20
Adj. to Residential Zoning	20	25	25	20	25	10	25	35	50	25	50	35
Max. Building Height (ft.)	50[h]	50/80[f]	–[f]	50[h]	50[h]	50/80[f]	50/80[f]	50/80[f]	50/80[f]	50/80[f]	50/80[f]	50/80[f]
Max. Building Coverage (% of lot)	–	–	–	–	–	–	–	–	45	60	60	–

[a] Lots of record having less than minimum required area may be developed pursuant to Section 3–14.1 (Nonconforming Lots of Record).

[b] Maximum district size of three (3) acres (excluding any street right–of–way).

[c] Setbacks from right–of way line or property line/street centerline, whichever is greater.

[d] Zero setback if no setback is provided. If setback is provided it must be a minimum of five (5) feet.

[e] A through lot has two street setbacks but no rear setback.

[f] Increase all setbacks by one (1) foot for every foot in height between fifty (50) and eighty (80) feet. No additional setback is required for buildings above eighty (80) feet in height.

[g] Smaller lots are permitted for residential uses (refer to Table 4–4–3).

[h] No more than three (3) full or partial stories entirely above grade.

(B) Additional Requirements for Non-Residential Districts

1) Neighborhood Business District (NB)

a) No more than three thousand (3,000) square feet of gross floor area per use shall be permitted on a lot.

b) Outside storage is prohibited.

c) Hours of operation shall be restricted to between 6:00 AM to midnight.

d) Drive-thru sales and services are not permitted.

e) Exterior lighting is limited to indirect illumination and safety lighting. All exterior lighting shall be hooded or shielded so that the light source is not directly visible from adjacent streets or properties. No exterior lighting shall be located higher than fifteen (15) feet above ground or pavement.

f) All off-street parking shall be located to the rear of the building.

g) Buildings must be reflective of the architectural styles, exterior material, and colors of nearby residences.

h) A maximum of two (2) dwellings units are permitted above each business.

2) Limited Business (LB)

a) No more than fifty thousand (50,000) square feet of gross floor area per use shall be permitted on a lot.

b) No more than one hundred thousand (100,000) square feet of gross floor area per development shall be permitted.

c) Outside storage is prohibited.

3) General Business (GB): All permitted uses within the Wholesale Trade category, except Market Showrooms, shall meet the following standards:

a) A maximum of ten thousand (10,000) square feet of gross floor area intended for wholesale trade shall be permitted per establishment, and

b) No outside storage of materials shall be permitted.

4) Highway Business (HB): All permitted uses within the Wholesale Trade category shall meet the following standards:

a) A maximum of ten thousand (10,000) square feet of gross floor area intended for wholesale trade shall be permitted per establishment, and

b) No outside storage of materials shall be permitted.

5) Corporate Park District (CP)

a) Loading areas shall not be located on the side of a building facing a public street.

b) Accessory outside storage shall not cover an area exceeding twenty-five percent (25%) of the ground level gross floor area of the principal building(s), shall be restricted to the area between the rear property line and the building(s), and shall be fully screened from ground level view.

c) Outside assembly, manufacturing, or processing shall not be permitted.

6) Light Industrial District (LI)

a) Loading areas shall not be located on the side of a building facing a public street, unless such areas are screened from view by plant materials, earthen berm, or combination thereof, with a minimum height of six (6) feet; or unless the street is classified as a local industrial or industrial cul-de-sac street.

b) Outside storage or assembly shall be fully screened from ground level view or public streets.

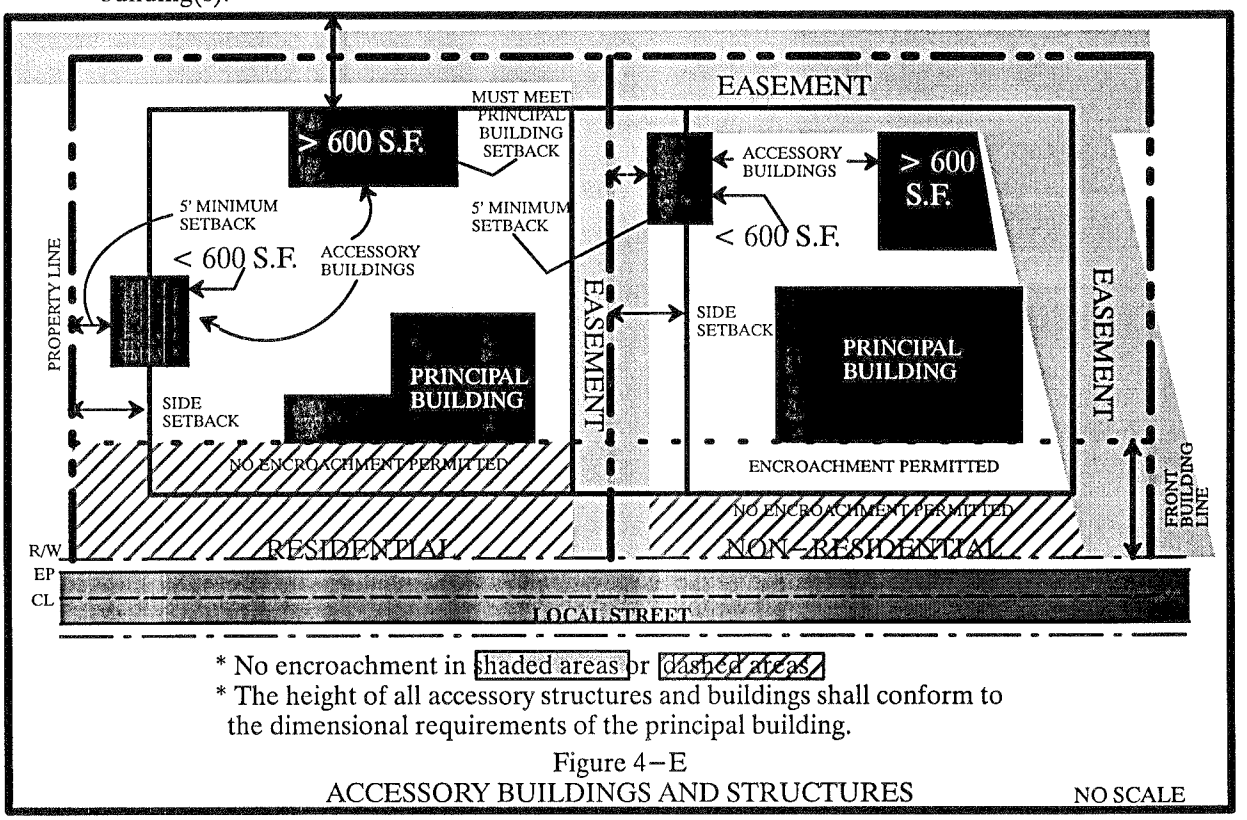
4–5 ACCESSORY USES, BUILDINGS AND STRUCTURES – See Figure 4–E.

The following requirements are for customary accessory buildings and structures. Other accessory buildings and structures containing specific accessory uses listed in Table 4–3–1 (Permitted Use Schedule) may have additional development requirements found in Section 6–4 (Development Standards for Individual Uses).

4–5.1 Setback Requirements

(A) Front: No encroachment in the front setback is permitted.

(B) Side and Rear: If the gross floor area(GFA) of the accessory structure or building is less than six hundred (600) square feet, the structure or building may be located five (5) feet from a side or rear line. If the GFA is greater than six hundred (600) square feet, it must meet the setback requirements of the principal building(s).



* No encroachment in shaded areas or dashed areas.
* The height of all accessory structures and buildings shall conform to the dimensional requirements of the principal building.

Figure 4–E
ACCESSORY BUILDINGS AND STRUCTURES NO SCALE

4–5.2 Location

(A) Residential Zoning Districts: All accessory structures and buildings must be located behind the front building line of the principal structure, except that in the AG, RS–40, and RS–30 zoning districts, existing accessory structures and buildings with any horizontal dimension greater than twelve (12) feet may be located in front of the front building line of the principal structure.

(B) 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.

(C) All Districts: No accessory structure or building except utility substations shall be erected in any easements.

4–5.3 Height

The height of all accessory structures and buildings shall conform to the zoning district in which it is located.

4–5.4 Accessory Use Area

An non–residential accessory use shall not exceed twenty–five (25%) percent of any of the following

measures: gross sales, building volume, floor area, land area, or any other appropriate measure of usage.

4–6 SUPPLEMENTARY DIMENSIONAL REQUIREMENTS

4–6.1 Structures Permitted Above Height Limits

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

4–6.2 Prevailing Street Setback

Where fifty (50%) percent 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.

4–6.3 Encroachments into Required Setbacks – See Figure 4–F.

(A) Encroachments Permitted in Required Setback: The following are permitted in required setbacks provided 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 or outdoor furniture, ornamental entry columns and gates, flag poles, lamp posts, address posts, HVAC equipment, mailboxes, outdoor fire places, public utility wires and poles, pumps or wells, and fences or retaining walls subject to the requirements of Article VI (Development Standards);

3) handicapped ramps.

(B) Structures Permitted in Required Setbacks: The following structures may encroach into any required setback:

1) Cornices, steps, overhanging eaves and gutters, window sills, bay windows or similar architectural features, chimneys and fireplaces, fire escapes, fire balconies, and fire towers may project not more than two and one–half (2 1/2) feet into any required setback, but in no case shall be closer than three (3) feet to any property line; and

2) Porches may encroach into the required front and rear setbacks as follows:

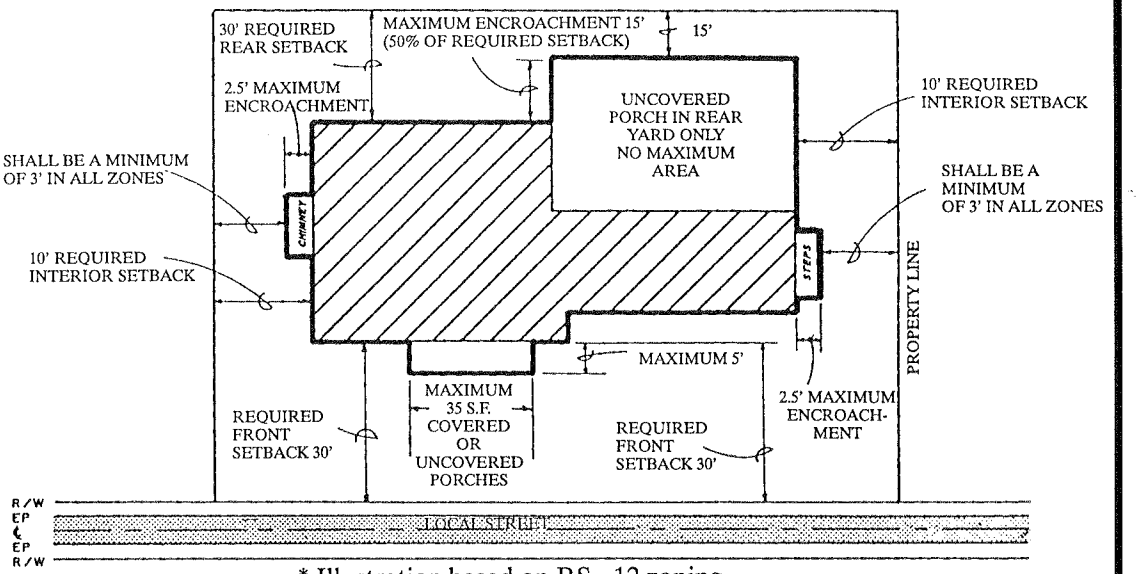
Type	Yard	Maximum Encroachment	Maximum Area
Covered or Uncovered	Front	5 feet	35 ft.^{2}
Uncovered only	Rear	50 % of setback	–

(C) Permitted Projections: Canopies, awnings, and marquees or similar covers attached to a building in the GB districts may project into the street right–of–way provided that:

1) No portion of the cover is located closer to the face of the street curb than a horizontal distance of three (3) feet;

2) No portion of the cover or sign hanging below the cover is less than nine (9) feet above the grade; and

3) No cover requiring vertical support to the sidewalk is located over a sidewalk with a total width of less than eight (8) feet.



* Illustration based on RS–12 zoning

Figure 4–F

STRUCTURE ENCROACHMENTS INTO REQUIRED SETBACKS NO SCALE

(D) Canopy Projections: Gas station and convenience store pump canopies may be located in the street setback provided that no equipment or part of a canopy is located closer than fifteen (15) feet to a street right–of–way line.

4–6.4 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: Prior to fence construction the property owner should contact ULOCO.)

(B) Drainage Maintenance and Utility Easements: Water–related improvements, such as boat docks, may be placed or constructed within drainage maintenance and utility easements

(C) Water Quality Conservation Easements: Water–related improvements, such as boat docks and soil erosion and sedimentation control structures, may be placed or constructed within water quality conservation easements.

4–6.5 Setbacks from Thoroughfares

Where proposed street alignments have been established, building setbacks shall be measured from the future right–of–way line or centerline of the proposed street.

4–7 ZONE LOT REQUIREMENTS

4–7.1 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 (1) principal residential building and its accessory buildings on a zone lot except as provided below.

(A) Nonresidential Group Development: Two or more principal nonresidential buildings are permitted on a zone lot pursuant to a site plan approved by the Technical Review Committee, 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 Technical Review Committee, provided that an access driveway is maintained to each building in passable condition for service and emergency vehicle.

4–7.2 Street Access Requirements

(A) Access to Public Street Required: Every zone lot shall abut and have direct access to a publicly maintained street, 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, except as provided in this Section.

(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 Article V(Subdivisions: Procedures and Standards).

(C) Single Family Detached Cluster Development: Private streets may be used to meet access requirements for lots in single family detached cluster developments and for single family or twin home lots in planned unit developments, provided the development as a whole abuts and has direct access to a publicly maintained street.

(D) Private Lanes: Subdivision lots that abut and have access to private lanes platted in accordance with Section 5–13.3(H).

(E) Townhouse Developments: Individual parcels shall have right of access through common areas containing private streets and/or private drives at least twenty–four (24) feet in width leading to a publicly maintained street. Individual parcels may have direct access to a publicly maintained street with Technical Review Committee approval.

(F) Manufacturing Dwelling Park: Manufactured Dwelling park lots or spaces developed in accordance with Section 6–4.58.

(G) Unified Development: Individual parcels, whether leased or sold, in a unified development shall have shared rights of access along private streets and/or along private drives at least twenty–four (24) feet in width leading to a publicly maintained street. Maintenance of all private streets and private drives shall be a mandatory responsibility, running with the land, exercised by a single entity which shall be composed of one landowner, an Owners' Association, or all owners acting collectively pursuant to a binding agreement.

(H) Exceptions: Special–purpose lots may provide access via easement in accordance with Section 4–9 (Special–Purpose Lots); and lots served by Exclusive Access Easements in accordance with Section 5–13.2(G).

(I) Access from Public Street Prohibited: Access from an commercial, office, industrial, or institutional zoning district shall be prohibited through an RS or RM district, unless it is the sole access.

(J) 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.

4–7.3 Unified Development

(A) Parking and Landscaping: A unified development shall be treated as a single zone lot for purposes of providing required off–street parking and required planting yards, even if outparcels 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.

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 unified development.

(B) Plat and Notice Requirements: If the owner of a development elects to organize it in an unified development, a plat shall be recorded displaying a prominent note identifying it as such and explaining that the property must be developed with common driveways and off-street parking and be subject to a common signage plan and a common landscaping plan. The note shall further state that should the property cease function as a unified 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.

4-8 LOT SIZE REDUCTION PROHIBITIONS

4-8.1 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.

4-8.2 Zone Lot

Where two (2) 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.

4-8.3 Exemption

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

4-9 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 requirements below.

4-9.1 Minimum Size

The special-purpose lot shall be permitted only after the Technical Review Committee has determined that the proposed lot has sufficient dimensions to accommodate the intended use and, where required by this Ordinance, planting yards.

4-9.2 Access Easement

If the special-purpose lot does not have direct access to a public street, an easement for ingress and egress with a minimum width of ten (10) feet shall be platted.

4-9.3 Platting

The subdivision to create the lot shall be approved in accordance with Article V (Subdivisions: Procedures and Standards). The Final Plat shall label the lot as a "Special-Purpose Lot for use as _____."

4-10 PLANNED UNIT DEVELOPMENT

4-10.1 Applicability

A planned unit development is an area of land under unified ownership or control to be developed and improved as a whole under a Unified Development Plan in accordance with the requirements of this Ordinance.

4-10.2 Minimum Size and Uses Allowed

(A) Planned Unit Development - Residential (PD-R)

1) Minimum Size: No PD-R district shall be approved for a site of less than twenty-five (25) contiguous acres under unified ownership or control.

2) Uses Allowed: The uses allowed in a PD–R district are those allowed in any residential district, the Neighborhood Business District (NB) and the Limited Office (LO) district.

(B) Planned Unit Development – Mixed (PD–M)

1) Minimum Size: No PD–M district shall be approved for a site of less than twenty–five (25) contiguous acres under unified ownership or control.

2) Uses Allowed: The uses allowed in a PD–M district are those allowed in any zoning district created by this Ordinance except those uses which must, under the terms of this Ordinance, be placed in a Heavy Industrial (HI) or Agricultural (AG) district.

4–10.3 Relationship To Other Applicable Regulations

A planned unit development shall be subject to all of the applicable standards, procedures, and regulations of this Ordinance except as varied or changed by the express terms of this Section.

4–10.4 Development Standards

(A) Dimensional Requirements: The dimensional requirements of this ordinance are waived except that:

1) No structure of any type which is in excess of thirty–five (35) feet in height shall be erected within fifty (50) feet of a single family zoning district or single–family portion of a planned unit development; and

2) Lots planned for single family detached dwelling use shall each contain an area equal to or greater than the minimum area allowed in the RS–5 zoning district or shall have convenient access to nearby open space.

(B) Access

1) Areas between structures shall be covered by easements where necessary to preserve access and to provide for maintenance and utility service; and

2) Primary vehicular access to commercial or industrial development shall not be through intervening residential development.

(C) Commercial Areas

1) Commercial areas within planned unit developments shall be arranged to:

a) Separate pedestrian and vehicular traffic such that pedestrians can safely walk between stores within a development and from parking areas to stores; and

b) Promote pedestrian access from adjacent residential and office areas into commercial areas.

2) Commercial uses in a PD–R district shall be located on and shall face an internal street of the development;

3) No more than ten percent (10%) of the total land area in a PD–R district may be occupied by or used for commercial purposes; and

4) Commercial uses in a PD–R district are permitted if they are designed and located to serve primarily the residents of the planned unit development.

(D) Local Street Design: Local streets within a planned unit development shall be located and designed so that they do not provide for through access by traffic with origins and destinations outside of the development.

(E) Boundary Treatment

1) The scale and setbacks of planned unit development improvements within one hundred and fifty (150) feet of the perimeter of the planned unit development shall be in harmony with development on adjacent lands; and

2) No commercial or industrial use shall be permitted within one hundred and fifty (150) feet of the perimeter of a planned unit development unless the same or a similar use exists adjacent to the perimeter at the time of the approval of the planned unit development.

(F) Signs

1) The size, height, setback, location, design, illumination and number of signs shall be specified in the Unified Development Plan.

2) All signs shall use a coordinated color, style and lettering scheme.

(G) Parking: Off–street parking for each use in a planned unit development shall be provided in accordance with the standards set forth in this Ordinance for the same use or uses of similar intensity. The Technical Review Committee may reduce the parking spaces if the Unified Development Plan provides convenient pedestrian and/or bicycle access among uses.

(H) Environmentally Sensitive Areas: The following shall be left natural and undisturbed except for road crossings, utilities and erosion control devices:

1) Land within a floodway or floodway fringe; and

2) Wetlands, steep slopes and other critical ecological areas.

(I) Open Space and Common Recreational Facilities

1) In a planned unit development district, open space is only that land dedicated to the public or designated by the development plan for the use, benefit, and enjoyment of all residents of the planned unit development. Open space may be common area owned by an owner's association or parkland or drainageway and open space dedicated to the public.

2) To qualify as open space, land shall be useable for recreation purposes or provide visual, aesthetic or environmental amenities, and may not be occupied by street rights–of–way, drives, parking areas or structures other than recreational structures.

3) Land within a floodway or floodway fringe zone may be used to provide not more than fifty percent (50%) percent of the open space required in a planned unit development.

4) All property owners in the planned unit development shall have access to the open space by means of a public or private street right–of–way or all–weather walkway in an easement a minimum of twenty (20) feet in width.

5) The following amount of open space is required:

a) two and one–half (2.5) acres per one hundred (100) dwelling units; and

b) ten (10%) percent of the gross land area for commercial and industrial uses.

6) Open space requirements may be reduced depending upon the nature and extent of active recreation facilities provided.

7) Open space shall be provided within each phase of the planned unit development in sufficient amounts to serve the expected population of that phase or the gross land area devoted to nonresidential land uses.

(J) Utilities: Water, sewer, electrical, gas, television and telephone utilities shall be installed in accordance with Section 5–13.6.

4–10.5 Procedures

(A) Rezoning to Planned Unit Development

1) Prior to submitting an application for rezoning to PD–R or PD–M the applicant shall submit a Sketch Plan prepared in accordance with Appendix 2 (Map Standards) that includes:

a) The general location and amount or land proposed for single family residential, multifamily residential, office, commercial, industrial, open space/recreation, and street use;

b) The number of dwelling units or gross floor area and the acreage of each tract or area shown on the Sketch Plan;

c) The maximum height of buildings and structures in each such tract or area;

d) The location and amount of land in flood hazard areas and any other lands not suitable for development; and

e) Proposed watershed protection measures, including their general location, if the development is within a Watershed Critical Area or a General Watershed Area.

2) The Technical Review Committee shall review the Sketch Plan for consistency with the requirements of Article V (Subdivisions: Procedures and Standards) and other applicable standards in this Ordinance. The Technical Review Committee, upon finding such consistency, shall approve the Sketch Plan for submission to the Planning Board in combination with a rezoning application . If the Sketch Plan is not approved for submission, it shall be returned to the applicant with written reasons for disapproval and/or requests for further information. If it is not approved, the applicant may revise and resubmit the Sketch Plan.

3) The rezoning application shall consist of the following materials:

a) A rezoning application prepared in accordance with Article III (Permits and Procedures);

b) The Sketch Plan approved by the Technical Review Committee;

c) Written documents which specify:

i) The amount of land proposed to be used for each of the following uses: single–family residential, multi–family residential, commercial, industrial, open space/recreation, or streets;

ii) The amount of land in floodplain and any other lands not suitable for development;

iii) The overall gross density of the development and the specific density of each tract or area shown on the the Sketch Plat. Residential density shall be shown in dwelling units/acre; non–residential intensity shall be shown in gross floor area (GFA)/acre;

iv) Traffic generation data which shows trips to and from the development, within the development, and through the development on proposed collector or thoroughfare–level streets; and

v) An overall watershed protection concept plan if the development lies within a Watershed Critical Area or a General Watershed Area.

4) Once submitted as required herein, the petition for rezoning shall proceed to conclusion in accordance with Article III (Permits and Procedures) and other provisions of this Ordinance. Approval of the rezoning establishes the maximum density and use of each tract or area shown on the Sketch Plan. Any request for change in use or increase in density shall be considered a change in zoning and shall be subject to all applicable procedures.

(B) Unified Development Plan Approval

1) The applicant may submit a Unified Development Plan any time after approval of the Sketch Plan by Technical Review Committee. A Unified Development Plan may be processed simultaneously with the petition for rezoning.

2) The Unified Development Plan shall contain the following materials:

a) The approved Sketch Plan with proposed phase lines, if any;

b) Land use, density and traffic data specified in Section (A) above;

c) Preliminary plat(s) for the first phase(s) of development including;

i) Utilities Plan in accordance with Appendix 2 (Map Standards);

ii) Grading/Watershed Development Plan in accordance with Appendix 2 (Map Standards); and

iii) Landscaping Plan in accordance with Appendix 2 (Map Standards);

d) Common Sign Plan in accordance with Article VI (Development Standards); and

e) Documents which specify proposed setbacks or other regulations governing building placement on the land, height restrictions, architectural controls, and other information which TRC may deem pertinent to Plan approval. The applicant may use district regulations provided by this Ordinance or may propose regulations unique to his development. In no case, shall the Unified Development Plan leave any area proposed for development unregulated.

3) The Technical Review Committee shall review the Unified Development Plan and determine if it meets all applicable provisions of this Ordinance and is consistent with the Sketch Plan. If the Unified Development Plan is approved, it shall be noted on the zoning map by project name and/or file reference number. The Sketch Plan, Common Sign Plan and documents specified in B(2)(e) above shall also be recorded in the Register of Deeds within sixty (60) days of approval. After approval of a Unified Development Plan, no building or structure may be erected or building permit issued, nor any lots sold, nor any plats recorded unless such building, structure, permit or plat substantially conforms to the Unified Development Plan.

4) Phased Development of Planned Unit Developments

a) Planned Unit Developments may be developed in phases provided that the following requirements are met:

i) All phases shall be shown with precise boundaries on the Unified Development Plan and shall be numbered in the expected order of development;

ii) All data required for the project as a whole shall be given for each phase shown on the plan;

iii) Development of the cumulative area of open space in all recorded phases and the total number of dwelling units approved in those phases shall comply with Section 4–6;

iv) A proportionate share of the project's open space and common facilities shall be included in each phase of development; and

v) The phasing shall be consistent with the traffic circulation, drainage and utilities plans for the entire planned unit development.

b) If an approved Unified Development Plan includes phasing provisions, then:

i) No final plat for a phase of a planned unit development shall be approved unless all open space and common facilities included in previous phases are substantially complete; and

ii) No final plat for a phase of a planned unit development shall be approved if there is any uncorrected violation of the Unified Development Plan, a Preliminary Plat, a Final Plat or this Article in any previous phase.

5) Owners Association Documents Required: After approval of a Unified Development Plan, no final plat shall be recorded until the Owners Association documents prepared in accordance with Section 5–9 (Owner's Associations) are recorded with the Register of Deeds.

4–11 OVERLAY DISTRICT REQUIREMENTS

4–11.1 Historic District

(A) Designation Procedure: Historic districts, as provided for in this Section, may be designated, amended or repealed through the following procedure:

1) An investigation and report describing the significance of the buildings, structures, features, sites or surroundings included in any such proposed district, and a description of the boundaries of such

district must be prepared by the Historic Preservation Commission and a recommendation thereon made to the Planning Board;

2) The North Carolina Department of Cultural Resources, acting through the State Preservation Officer or his designee, shall make an analysis of and recommendations concerning such report and the description of proposed boundaries. Failure of the Department of Cultural Resources to submit its written analysis and recommendation to the Governing Body within thirty (30) calendar days after a written request for such analysis has been received shall relieve the Governing Body of any responsibility for awaiting such analysis, and said Body may at any time thereafter take any necessary action to adopt or amend this Ordinance with regard to historic districts;

3) The Governing Body may also refer the report and proposed boundaries to any Local Preservation Commission or other interested body for its recommendation prior to taking action.

4) Changes in the boundaries of such district subsequent to its initial establishment, or the creation of additional districts within the Jurisdiction, shall require the preparation of investigative studies by the Historic Preservation Commission, and they shall be referred to the Department of Cultural Resources for its review and comment according to the procedures of set forth in this Section. Changes in the boundaries of district or proposals for additional districts shall also be submitted to the Department of Cultural Resources in accordance with the provisions of this Section;

5) The Planning Board shall review the recommendations and forward its comments and recommendations to the Governing Body; and

6) The Planning Board shall process the historic district overlay zoning as a zoning map amendment, in the same manner set forth in Article III (Permits and Procedures).

(B) Dimensional Regulations and Exceptions: Structures within a historic district shall comply with the regulations of the underlying zoning district, except as follows:

1) Structures erected in a historic district may use the prevailing setback of structures on the same side of the street in accordance with Section 4–6.2 (Prevailing Street Setback);

2) All applicable zoning regulations shall apply to property within a historic district unless a variance is approved by the Board of Adjustment. The said variance shall be granted only if it complies with the intent of the architectural and historic guidelines of the historic district and if first recommended by the Historic Preservation Commission; and

3) Where the Commission, in considering an application for a Certificate of Appropriateness, shall find that the number of off–street parking spaces and/or design standards for parking lots specified by this Ordinance would render the site incompatible with the historic aspects of the district, it may recommend to the Board of Adjustment a variance, in part, or in whole, of the off–street parking requirements and/or design standards. The Board of Adjustment may authorize as a variance a reduced standard concerning off–street parking provided:

a) the Board of Adjustment finds that the lesser standard will not create problems due to increased on–street parking; and

b) the Board of Adjustment finds that the lesser standard will not create a threat to the public safety.

(C) Certain Changes Not Prohibited: Nothing in this Section shall be construed to prevent the following:

1) The ordinary maintenance or repair of any exterior architectural feature in a historic district which does not involve a change in design, material, or outer appearance thereof;

2) The construction, reconstruction, alteration, restoration, moving or demolition of any such feature which the building inspector or similar official shall certify in writing to the Commission is required to protect the public safety because of unsafe or dangerous conditions; and

3) The ordinary maintenance or repair of streets, sidewalks, pavement markings, utility service lines, street signs, traffic signs and/or replacement of street light fixtures in the event of equipment failure, accidental damage or natural occurrences such as electrical storms tornadoes, ice storms, and the like.

(D) Certificate of Appropriateness Required

1) After the designation of a historic district, no exterior portion of any building or other structure (including but not limited to architectural style; general design; and general arrangement of the exterior of the building or other structure; including the kind and texture of building material, the size and scale of the building, the type and style of all windows, doors, light fixtures, signs, masonry walls, fences, steps and pavement, and other appurtenant features, such as historic signs, colors, significant landscape, archaeological, and natural features of the area), nor aboveground utility structure, nor any type of outdoor advertising sign shall be erected, altered, restored, moved, or demolished within such district until after an application for a Certificate of Appropriateness as to exterior features has been submitted and approved by the Historic Preservation Commission.

2) A Certificate of Appropriateness shall be issued by the Historic Preservation Commission prior to the issuance of a building permit or other permit granted for the purposes of constructing, altering, moving, or demolishing structures. The Commission may impose standards as may be set forth elsewhere in this Section or adopted by the Commission. Any building permit not issued in conformity with this Section shall be invalid.

3) A Certificate of Appropriateness shall be required for all activities specified in this Section whether a building permit is otherwise required or not.

4) The discontinuance of work or the lack of progress toward achieving compliance with the Certificate of Appropriateness for a period of one (1) year shall render the certificate null and void and application shall be made for a new certificate. However, in the event the issuance of a certificate is appealed, the one (1) year period shall not commence until a final decision is reached regarding the matter.

5) The Commission may, after adoption of architectural and historic guidelines, allow the review and approval of a minor work by the Enforcement Officer provided, however, that no application for a Certificate of Appropriateness may be denied without formal action by the Historic Preservation Commission.

6) Guilford County and all public utilities, except as provided under this Section, shall be required to obtain a Certificate of Appropriateness prior to initiating in a historic district any changes in the character of street paving, street widths, utility installations or removals, lighting, street trees, walls, fences, sidewalks or exterior of buildings or structures on property or streets in which they have a fee or other interest.

(E) Application Procedures

1) Application for a Certificate of Appropriateness shall be made to the Department of Planning and Development on forms provided. The application shall be filed no later than fourteen (14) days prior to the next regularly scheduled meeting of the Historic Preservation Commission. Each application shall be accompanied by sketches, drawings, photographs, specifications, descriptions, and/or other information of sufficient detail to clearly show the proposed move, exterior alterations, additions, changes, and/or new construction.

2) The Department of Planning and Development staff shall make a reasonable attempt to identify and notify the owners of surrounding property likely to be affected by the application for a Certificate of Appropriateness. The Planning and Development Department shall transmit the application for a Certificate of Appropriateness, together with the supporting information and material to the Historic Preservation Commission for consideration. The Historic Preservation Commission shall act upon the application within sixty (60) days after the filing thereof, otherwise failure to act upon the application shall be deemed to constitute approval and a Certificate of Appropriateness shall be issued. Nothing herein shall prohibit an extension of time where mutual agreement has been reached between the Commission and the applicant.

3) Prior to issuance or denial of a Certificate of Appropriateness, the Historic Preservation Commission shall give the applicant and other property owners likely to be affected by the application an opportunity to be heard. In cases where the Commission deems necessary, it may hold a public hearing concerning the application, and seek the advice of the North Carolina Department of Cultural Resources, or other expert advice.

4) The Commission shall not refuse to issue a Certificate of Appropriateness except for the purpose of preventing the construction, reconstruction, alteration, restoration, or moving of buildings,

structures, appurtenant features, or signs in the historic district which would be incompatible with the architectural and historic guidelines.

5) An appeal may be taken to the Board of Adjustment from the Historic Preservation Commission's action in granting or denying any certificate. The appeal:

   a) May be taken by any aggrieved party;

   b) Shall be taken within fifteen (15) days after the decision of the Historic Preservation Commission; and

   c) Shall be in the nature of certiorari.

6) Any appeal from the Board of Adjustment's decision in any such case shall be heard by the Superior Court of the country.

(F) Review Criteria

1) In granting a Certificate of Appropriateness, the Historic Preservation Commission shall take into account the historic or architectural significance of the property under consideration and the exterior form and appearance of any proposed additions or modifications to a structure.

2) The Commission shall not consider interior arrangement.

3) The provisions of this Section shall not become effective for a historic district until after the Historic Preservation Commission has adopted detailed architectural and historic guidelines applicable to proposals within a designated historic district. These criteria shall take into account the historic, architectural and visual elements which are unique to the district and shall be reviewed a minimum of every five (5) years. At a minimum, the criteria shall contain guidelines addressing the following factors:

   a) Historic Significance or Quality: The quality or significance in history, architecture, archeology or culture present in districts, sites, structures, buildings, or objects that possess integrity of location, design, setting materials, workmanship, feeling and association, and that are associated with events that have made a significant contribution to the broad patterns of local, state or national history; or that are associated with the lives of persons significant in the past; or that embody the distinctive characteristics of a type, period or method of construction, or that represent the work of a master or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or that have yielded, or may be likely to yield, information important in prehistory or local, state or national history; and

   b) Exterior Form and Appearance: Exterior features include the architectural form and style, general design and general arrangement of a building or other structure including the type and texture of the building material and, the type pattern and style of all windows, doors, light fixtures, signs and other appurtenant features. In considering exterior form and appearance, the Historic Preservation Commission may take into account, but is not limited to, the following elements to ensure that they are consistent with the historic or visual character or characteristics of the district:

      i) Height of the building or structure;

      ii) Setback and placement on lot of the building or structure, including area coverage and orientation;

      iii) Exterior construction materials, including textures and patterns and may include color;

      iv) Architectural detailing, such as lintels, cornices, brick bond, foundation materials, and decorative wooden features;

      v) Roof shapes, forms and materials;

      vi) Proportions, shapes, positionings and locations, patterns and sizes of any elements of fenestration;

vii) General form and proportions of buildings and structures;

viii) Appurtenant fixtures and other features such as lighting;

ix) Structural condition and soundness;

x) Use of local or regional architectural traditions; and

xi) Effect of trees and other landscape elements.

(G) Delay in Demolition of Landmarks and Buildings

1) An application for a Certificate of Appropriateness authorizing the demolition or destruction of a designated landmark or a building, structure, or site within the district may not be denied except as provided in this section. However, the effective date of such a certificate may be delayed for a period of up to one (1) year from the date of approval. The maximum period of delay authorized by this section shall be reduced by the Historic Preservation Commission where it finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use of or return from such property by virtue of the delay. During such period, the Historic Preservation Commission shall negotiate with the owner and with any other parties in an effort to find a means of preserving the building or site. If the Historic Preservation Commission finds that a building or site within a district has no special significance or value toward maintaining the character of the district, it shall waive all or part of such period and authorize earlier demolition or removal.

2) If the Historic Preservation Commission has voted to recommend designation of a property as a landmark or designation of an area as a district, and final designation has not been made by the Governing Body, the demolition or destruction of any building, site, or structure located on the property of the proposed landmark or in the proposed district may be delayed by the Historic Preservation Commission for a period of up to one (1) year or until the Governing Body takes final action on the designation, whichever occurs first.

3) The Governing Body may enact an ordinance to prevent the demolition by neglect of any designated landmark or any building or structure within an established historic district. Such ordinance shall provide appropriate safeguards to protect property owners from undue economic hardship.

4) An application for a Certificate of Appropriateness authorizing the demolition or destruction of a building, site, or structure determined by the State Historic Preservation Officer as having statewide significance as defined in the criteria of the National Register of Historic Places may be denied except where the Historic Preservation Commission finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use or return by virtue of the denial.

(H) Districts Established: The following historic districts are hereby established as overlay districts pursuant to Part 3C of Article 19, Chapter 160A of the General Statutes of North Carolina.

1) Oak Ridge

a) Limits of District: as shown on the map entitled Proposed Historic District For Oak Ridge Community dated December 14, 1993.

b) Requirements: The minor works listed under (i) below require approval of a Certificate of Appropriateness by the Enforcement Officer. The major works listed under (ii) below require design review by the Historic Preservation Commission in order to obtain a Certificate of Appropriateness. Determinations of appropriateness for minor and major works will be based upon the Secretary of Interior Standards and the criteria established in the Oak Ridge Design Guidelines Handbook approved by the Historic Preservation Commission. Routine Maintenance activities are listed in the Handbook and are exempt from the Historic District regulations.

i) The following minor works shall require approval of a Certificate of Appropriateness by the Enforcement Officer:

a) Construction of exterior additions to an existing building when such additions are not visible from the street right-of-way.

b) Repair or replacement of greater than fifty (50) square feet of exterior materials visible from the street right-of-way provided that the design, detailing and materials used are the same as the existing or original used on the structure.

c) Installation of new windows and doors visible from the street right-of-way provided that the design and materials used are the same as the existing or original used on the structure. Storm doors, screen doors and storm windows are exempt from this requirement.

d) Construction of fences or walls not visible from the street right-of-way.

e) Installation or removal of wood siding or simulated wood siding.

f) Relocation of a noncontributing structure to a lot outside the Historic District.

g) Demolition of all or part of a noncontributing structure when one side is twelve (12) feet long or greater.

h) Renewal of an expired Certificate of Appropriateness where there has been no changes in plans or circumstances under which the Certificate was initially approved.

ii) The following major works shall require design review and approval of a Certificate of Appropriateness by the Historic Preservation Commission:

a) Construction of any new building that 1) requires a building permit, or 2) is visible from the street right-of-way.

b) Construction of an exterior addition to any existing building if said addition is visible from the street right-of-way.

c) Construction, rerouting, or widening of any public roads.

d) Subdivision layout and nonresidential site plan.

e) Relocation of any contributing structure.

f) Demolition of all or part of a contributing structure.

g) Installation of earth berms or other significant changes to existing topography.

h) Removal of trees 12 inches or greater in diameter when measured 4 feet to 6 feet above grade.

i) Topping or deep pruning of mature canopy trees visible from street right-of-way.

j) Construction of fences or walls visible from the street right-of-way.

k) Installation of signs or exterior lighting for other than single-family residential use.

l) Addition or deletion of any architectural feature, such as porches, steps, balconies, or decks if visible from the street right-of-way.

m) Repair or replacement of greater than fifty (50) square feet of exterior materials visible from right-of-way when such materials will differ in design from the existing or original. (Installation or removal of wood siding or simulated wood siding is a minor work.)

n) Installation of new doors or windows visible from the street right-of-way when such doors or windows will differ in design or material from the existing

or original. Storm doors, screen doors and storm windows are exempt from this requirement.

o) Replacement of roof covering when it will differ from the existing or original material. This requirement does not apply to a change in shingle color or pattern.

p) Painting of brick or stone which is currently unpainted.

q) Installation of new utility poles and related equipment. Nothing in this ordinance shall be construed to prevent 1) the maintenance, or 2) in the event of emergency, the immediate restoration of any above–ground utility structure without approval by the Historic Preservation Commission.

r) Exterior work not 1) listed under minor works and 2) considered routine maintenance.

C) Development Standards

i) Within the Historic District accessory freestanding signs and billboards shall conform to the following requirements:

a) Maximum height: six (6) feet

b) Maximum area in PI, LO, and NB zoning districts: twenty–five (25) square feet

c) Maximum area in GO–M, GO–H, CP, LB, HB, GB, LI, and HI zoning districts: thirty–two (32) square feet.

ii) Within the Historic District the following plantings are required:

a) Street yards: minimum width of fifteen (15) feet and a minimum planting rate of three (3) canopy trees, five (5) understory trees and twenty–five (25) shrubs per one–hundred (100) linear feet of frontage.

b) Parking lots: minimum of one (1) canopy tree per six (6) parking spaces.

c) All other landscaping provisions in Article 6 of the Development Ordinance shall apply.

iii) Within the Historic District, exterior lighting shall be directed or shielded so as to prevent light shining beyond the property lines of the property on which the light fixtures are located.

d) Any development activity within the Historic District not in compliance with the provisions of this sections shall be a violation of this ordinance and subject to remedies found in section 8–4 (Remedies)

4–11.2 Scenic Corridor Overlay District

(A) Overlay District Based on Corridor Plan: Before a Scenic Corridor Overlay District is established for any particular road, a Corridor Plan shall be prepared. The plan shall, at a minimum, address the following issues:

1) The arrangement of land uses along the corridor which will create a visually pleasing impression;

2) The unique qualities of the corridor, such as landmark buildings, views and vistas, and natural features which merit special consideration or protection;

3) The value of the corridor as an entryway to Guilford County which can influence the perception of individuals or firms considering residence or investment in the community;

4) The location, size, shape, illumination, spacing, and number of signs; and

5) Transportation, including vehicular access, dedication of right–of–way, driveway limitations, and traffic impact.

(B) Establishment of Scenic Corridor Overlay Zones: Scenic Corridor Overlay Zones may be adopted, amended or repealed through the following procedures:

1) A corridor plan shall be prepared by the Planning Department describing the conditions, boundaries, and requirements for each proposed Scenic Corridor Overlay zone. The plan shall be forwarded, with the recommendation of the Planning Board, to the Governing Body for approval.

2) The boundaries and requirements of each corridor plan shall be adopted as a separate and distinct Scenic Corridor Overlay zoning district. Adoption, amendment or repeal of the boundaries or requirements of the Overlay district shall be in conformance with the procedures and standards established for conventional zoning districts.

4–11.3 Scenic Corridor Overlay District Requirements

(A) General Requirements

The following general requirements will apply to the Scenic Corridor Overlay Districts:

1) Access Control

a) Allowed Access: If any street(s) or routes(s) other than the thoroughfare protected by this Section is available for access to any parcel, tract or development, access must be taken from the alternate street(s). If this access is not adequate to serve the parcel, tract or development, a single access point to the regulated thoroughfare may be allowed provided it is demonstrated to be a necessity by an approved Site Access Study (SAS) and provided all other applicable regulations herein can be met. See Section 4–8.2(C)1)g) (Site Access Study [SAS] Requirements). If alternate access is not available, one access point shall be allowed. Two access points may be allowed if property frontage along the regulated thoroughfare Avenue exceeds five hundred (500) linear feet and an approved SAS is submitted documenting the necessity of the second access point. Three (3) access points may be allowed if property frontage along the regulated thoroughfare equals or exceeds one thousand (1000) feet and an approved SAS is submitted documenting the necessity of the second and third access points. Three (3) access points shall be the maximum number allowed to any street frontage. The subdivision of land shall not result in any increase in the total number of access points permitted along any given segment of road frontage. Joint driveway locations, access easements, and assignment of permitted access points to particular lots shall be shown on final plats as required by the appropriate Technical Review Committee of the jurisdiction involved.

b) Type of Access: Transition tapers and deceleration lanes may be required to any driveway or development, and shall be constructed as approved by the appropriate highway authority and Technical Review Committee.

c) Technical Requirements:

i) Location and Spacing of Access: See Figure 4–G; and

ii) Corner Clearance: No driveway except residential access shall be allowed within five hundred (500) feet of the centerline of an intersecting thoroughfare or collector street. No driveway except residential access shall be allowed within two hundred (200) feet of the centerline of any other street.

d) Side Clearance: No driveway except residential access shall be allowed within thirty (30) feet of the side property line of any property or development except where a mutual joint access agreement exists between adjoining owners.

e) Spacing: The spacing of non–residential driveways shall be as follows:

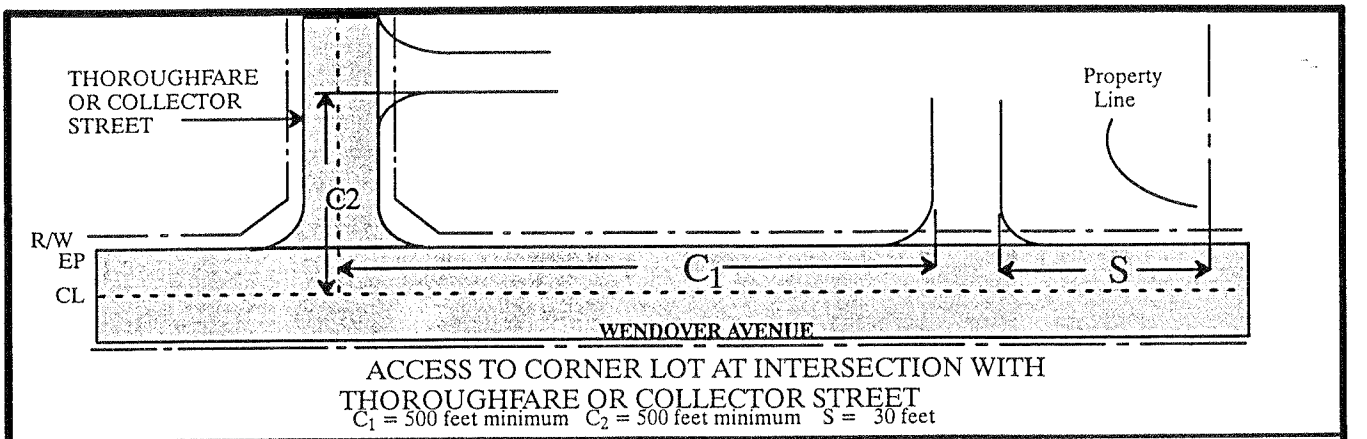
i) Distance between two (2) drives shall be four hundred (400) feet; and

ii) These dimensions are to be measured along the right–of–way line from the centerline of the driveway to the centerline of the driveway.

f) Access not Prohibited: Any parcel of record on the effective date of this Section that has been prohibited all vehicular access based on the provisions herein shall be allowed one access point to its street frontage.

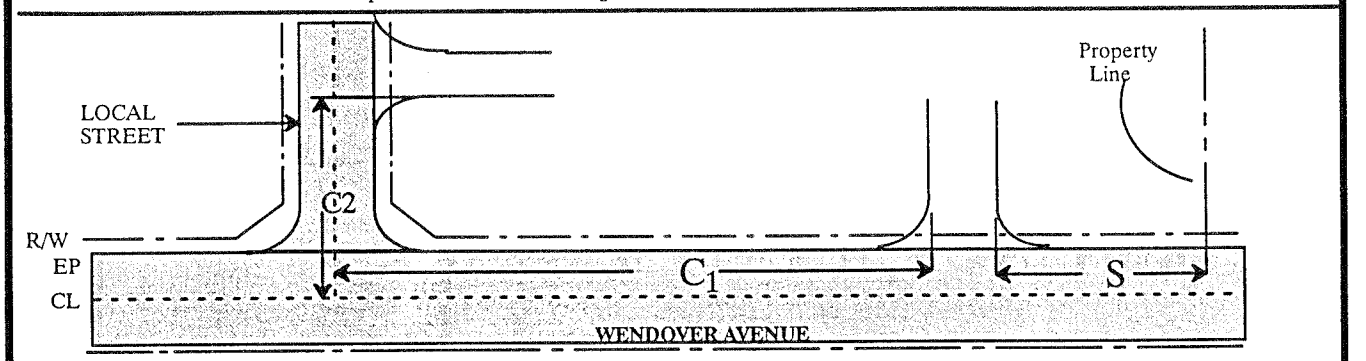
g) Site Access Study (SAS) Requirements

i) Minimum Standards: A Site Access Study shall be performed by a professional engineer registered in the State of North Carolina and familiar with the standard practice and procedure of site access analysis.



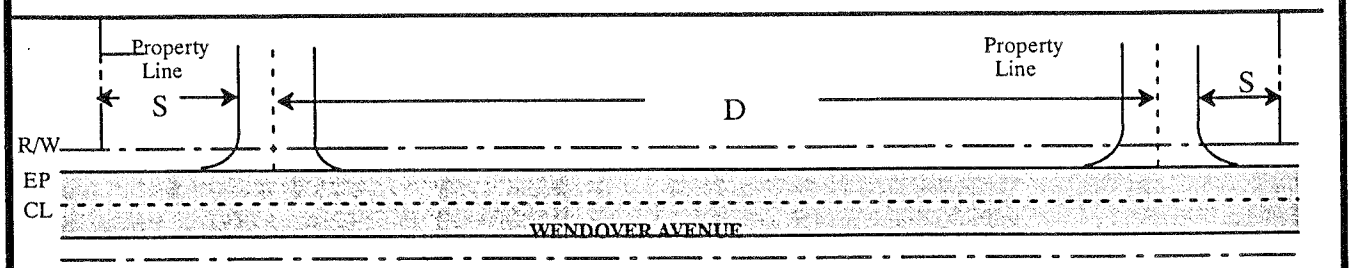
ACCESS TO CORNER LOT AT INTERSECTION WITH THOROUGHFARE OR COLLECTOR STREET

C_1 = 500 feet minimum C_2 = 500 feet minimum S = 30 feet



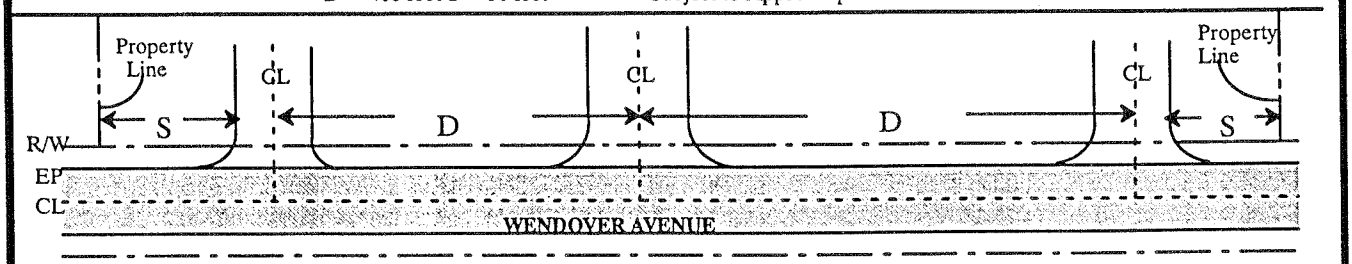
ACCESS TO CORNER LOT AT INTERSECTION WITH LOCAL STREET

C_1 = 200 feet minimum C_2 = 200 feet minimum S = 30 feet



NON–RESIDENTIAL DRIVEWAY SPACING – TWO DRIVES

D = 400 feet S = 30 feet Subject to Approval per Access Guidelines



NON–RESIDENTIAL DRIVEWAY SPACING – THREE DRIVES

D = 400 feet S = 30 feet Subject to Approval per Access Guidelines

Figure 4–G
LOCATION AND SPACING OF DRIVEWAY ACCESS NO SCALE

ii) Required Elements: A Site Access Study shall include (1) peak hour trip generation for proposed land use(s). Trip generation rates shall be obtained from Trip Generation, an ITE Publication, (2) trip distribution to major attractors and surrounding areas, (3) for a development with greater than or equal to fifteen thousand (15,000) square feet gross floor area, capacity analysis of adjacent intersections and all proposed access points in accordance with FHWA 1985 Highway Capacity Manual, (4) alternatives analysis for number of access points and any other alternatives proposed by developer or governmental agency, (5) recommendations for number and location of access points in accordance with calculated capacity and alternatives analysis, and (6) an appendix which shall include all calculations and other applicable information.

2) Permitted Uses: All uses permitted in the underlying zoning districts are permitted except Class A, B and C manufactured dwellings.

3) Conditional Uses: Uses which display one or more of the following characteristics may be permitted provided that they are completely screened from view of motorists on the scenic corridor highway:

a) Uses with outside storage of building materials, scrap, pipe, vehicles or equipment;

b) Uses with outside processing or assembly operations; and

c) Uses with truck parking areas.

(B) Districts Established: The following Scenic Corridors are hereby established as overlay districts:

1) West Wendover Avenue

a) Limits of District: Extending for a distance of fifteen hundred (1,500) feet on either side of the centerline of West Wendover Avenue, beginning at the Greensboro City Limits and extending south along West Wendover Avenue to NC 68, excluding those portions which lie within the City Limits of Greensboro, and the City Limits or Extraterritorial Jurisdiction of High Point.

b) Applicable Requirements: General requirements 1), 2), and 3) shall apply to the West Wendover Scenic Corridor.

2) NC 68

a) Limits of District: Extending for a distance of fifteen hundred (1,500) feet on either side of the centerline of NC 68, beginning at Penny Road and extending north along NC 68 to the northern side of the bridge over Reedy Fork Creek, excluding those portions which lie within the City Limits of Greensboro and High Point.

b) Applicable Requirements: General requirements 1), 2), and 3) shall apply to the NC 68 Scenic Corridor.

3) US 220

a) Limits of District: Except for areas otherwise mapped, the scenic corridor extends for a distance of fifteen hundred (1,500) feet on either side of the centerline of US 220;

i) beginning at Brassfield Road and extending north along US 220 North to the Guilford/Rockingham County Line, excluding those portions that lie within the City Limits of Greensboro and

ii) beginning at the Greensboro City Limits and extending south along US 220 South to the Guilford/Randolph County Line.

b) Applicable Requirements: General requirements 2) and 3) shall apply to the US 220 Scenic Corridor.

4) US 421 South

a) Limits of District: Except for areas otherwise mapped, the scenic corridor extends for a distance of fifteen hundred (1,500) feet on either side of the centerline of US 421 South, beginning at the Greensboro City Limits and extending south to the Guilford/Randolph County Line.

b) Applicable Requirements: General requirements 2) and 3) shall apply to the US 421 South Scenic Corridor.

5) I–85

a) Limits of District: Extending for a distance of fifteen hundred (1,500) feet on either side of the centerline of I–85;

i) beginning at the Greensboro City Limits and extending east along I–85 North to the Guilford/Alamance County Line and

ii) beginning at the Greensboro City Limits and extending west along I–85 South to the I–85/NC 62 Interchange.

b) Applicable Requirements: General requirements 2) and 3) shall apply to the I–85 Scenic Corridor.

6) I–85 Business

a) Limits of District: Extending for a distance of fifteen hundred (1,500) feet on either side of the centerline of I–85 Business beginning at its intersection with I–85 West and extending to I–85 Business intersection with Kivett Drive, excluding all portions within High Point's City Limits and Extraterritorial Jurisdiction.

b) Applicable Requirements: General requirements 2) and 3) shall apply to the I–85 Business Scenic Corridor.

7) I–40 West

a) Limits of District: Extending for a distance of fifteen hundred (1,500) feet on either side of the centerline of I–40 West, beginning at the Greensboro City Limits at or near Old Stanley Road and extending west along I–40 West to the Guilford/Forsyth County Line, excluding those portions that lie within the City Limits of Greensboro.

b) Applicable Requirements: General requirements 2) and 3) shall apply to the I–40 West Scenic Corridor.

8) I–40 Bypass

a) Limits of District: Except for areas otherwise mapped, the scenic corridor extends for a distance of fifteen hundred (1,500) feet on either side of the centerline of I–40 Bypass, beginning at its intersection with I–40 West and extending west to the Guilford/Forsyth County Line.

b) Applicable Requirements: General requirements 2) and 3) shall apply to the I–40 Bypass Scenic Corridor.

9) US–29 North

a) Limits of District: Except for areas otherwise mapped, the scenic corridor extends for a distance of fifteen hundred (1,500) feet on either side of the centerline of US–29 North, beginning at the Greensboro City Limits and extending north along US–29 North to the Guilford/Rockingham County Line, excluding those portions that lie within the City Limits of Greensboro.

b) Applicable Requirements: General requirements 2) and 3) shall apply to the US–29 North Scenic Corridor.

10) US–311

a) Limits of District: Extending for a distance of fifteen hundred (1,500) feet on either side of the centerline of the proposed US 311, beginning at the High Point Extraterritorial Jurisdiction line and extending south to the Guilford/Randolph County Line, Excluding those portions that lie within the City Limits of Archdale.

b) Applicable Requirements: General requirements 2) and 3) shall apply to the US–311 Scenic Corridor.

11) Bryan Boulevard–Airport Parkway

a) Limits of District: Extending for a distance of fifteen hundred (1,500) feet on either side of the centerline of Bryan Boulevard–Airport Parkway, beginning at the Greensboro City Limits and extending west along Bryan Boulevard to its connection with Airport Parkway and along Airport Parkway west to the Airport Parkway/NC 68 interchange.

b) Applicable Requirements: General requirements 2) and 3) shall apply to the Bryan Boulevard–Airport Parkway Scenic Corridor. In addition, no billboards shall be permitted in the Bryan Boulevard–Airport Parkway Scenic Corridor.

4–11.4 Airport Overlay District

(A) Height Limits: Pursuant to the "Airport Zoning Regulations of the Piedmont Triad International Airport" adopted by the Greensboro – High Point – Winston–Salem Airport Authority, no structure shall be erected which exceeds the height limits set forth on a map titled "Approach and Clear Zone Plan and Profiles", 1974.

(B) Noise Compatibility: Within the 65 Ldn Noise Contour around Piedmont Triad International Airport, as delineated in the Airport Master Plan, no residential uses shall be permitted except single–family homes on lots which meet or exceed the requirements of the RS–40 zone.

4–11.5 Manufactured Housing Overlay District

Manufactured housing may be permitted on single–family lots in any residential zone provided overlay district zoning is approved by the Jurisdiction and meeting the following criteria for minimum development size:

(A) Ten (10) existing contiguous lots covering at least ninety thousand (90,000) square feet, excluding public street right–of–way; or

(B) One hundred twenty thousand (120,000) square feet of unsubdivided land, excluding public street right–of–way.

4–11.6 Rock Creek Consent Order

Property in the Rock Creek Corporate Park is addressed in a Consent Judgement in case number 88 CVS 2758 on file in Guilford County Superior Court. Uses of said Rock Creek property zoned O/I, Office–Industrial on January 27, 1989 remain in effect per the Consent Judgement notwithstanding inconsistent provisions of this Article. Other provisions of this Ordinance, except those specifically varied by the Consent Judgement, apply to said property.

ARTICLE V

SUBDIVISIONS: PROCEDURES AND STANDARDS

5–1 EXCLUSION DETERMINATION

If a proposed division of land meets one or more of the exclusions under the definition of "Subdivision" in Article II (Definitions), the owner may submit to the Planning Department maps, deeds, or other materials in sufficient detail to permit a conclusive determination by the Enforcement Officer.

5–2 COORDINATION WITH OTHER PROCEDURES

To lessen the time required to attain all necessary approvals and to facilitate the processing of applications, an applicant may start the subdivision approval process simultaneously with applications for grading permits or other applications for approvals required for the particular project.

5–3 SUBMISSION OF PLANS

Applications for subdivision approval, including Group Development approval, shall be submitted to the Planning Department. Subdivision requiring Technical Review Committee approval shall be presented to the Planning Department at least seven (7) days prior to the next scheduled meeting of the Technical Review Committee.

5–4 APPROVAL REQUIRED

5–4.1 Date of Compliance

After the effective date of this Ordinance, no plat for the subdivision of land within Guilford County shall be filed, accepted for recording, or recorded, nor shall the Clerk of the Superior Court order the recording of a plat until it has been submitted to and approved by the Jurisdiction. (See definition of "Subdivision" in Article II for exclusions.)

5–4.2 No Subdivision Without Approval

No real property, including property declared under the N.C. Condominium Act NCGS 47C–1 et. seq., lying within the Jurisdiction as now or hereafter fixed shall be subdivided except in conformance with all applicable provisions of this Article. Violation of this Section shall be a misdemeanor.

5–4.3 Dedication and Acceptance

(A) Rights–of Way and Easements: The approval and recordation of a plat constitutes dedication to and acceptance by the Jurisdiction and the public of the right–of–way of each public street, alley, or utility or drainage easement shown on such plat. The approval and recordation of a plat does not constitute acceptance for maintenance responsibility within such right–of–way or easement. Improvements within such right–of–ways or easements, such as utility lines, street paving, drainage facilities or sidewalks may be accepted for maintenance by the Governing Body or by the administrative officer authorized to inspect and, where appropriate, accept the dedication of such improvements.

(B) Open Space: Land designated as public open space on a plat shall be considered to be offered for dedication until such offer is accepted by the Jurisdiction. The offer may be accepted by the Jurisdiction through:

1) Express action by the Governing Body;

2) Express action by an administrative officer designated by the Governing Body; or

3) Conveyance of fee simple marketable title (unencumbered financially and environmentally) of the property to the Jurisdiction at the time of Final Plat recordation.

Until such dedication has been accepted, land so offered may be used for open space purposes by the owner or by the owners' association. Land so offered for dedication shall not be used for any purpose inconsistent with the proposed public use.

5–5 PRE–APPLICATION PROCEDURES

5–5.1 Conference

In the interest of efficiency and economy, every subdivision applicant is strongly encouraged to schedule a prevarication conference with the Planning Staff prior to the submission of a Preliminary Plat.

5–5.2 Sketch Plan

(A) Required for Staff Review: A Sketch Plan is required for staff review whenever adjoining land is owned by the subdivider seeking approval of a Major Subdivision.

(B) Required for Technical Review Committee Approval: A Sketch Plan is required for Technical Review Committee approval for any subdivision of property that involves more than fifty (50) lots. Procedures for approval shall correspond to the procedures found in Section 5–6 (Preliminary Plat).

(C) Preparation: The Sketch Plan shall be prepared in accordance with Appendix 2 (Map Standards) and submitted to the Planning Department.

5–6 PRELIMINARY PLAT

5–6.1 Required

A Preliminary Plat shall be required for all subdivisions, including Group Developments. Except that, when existing developments are converted from multifamily residential or group developments to condominium unit ownership, the developer shall submit a declaration of unit ownership, owners association declaration, and a Final Plat for approval in accordance with Section 5–10 (Final Plat).

5–6.2 Preparation

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 Appendix 2 (Map Standards).

5–6.3 Preliminary Plat Approvals

(A) Planning Division Approvals: Plats meeting all requirements of a Minor Subdivision may receive preliminary approval from the Planning Department. Major Subdivisions shall require preliminary approval of the Technical Review Committee. Any decision by the Planning Department may be appealed by the applicant to the Technical Review Committee within thirty (30) days of the decision.

(B) Environmental Health Division: Once a subdivision plat, that does not have public sewer available, receives preliminary approval from the Planning Department or Technical Review Committee approval shall be required from the Environmental Health Division of the Guilford County Health Department before Final Plat approval. [Refer to Section 5–13.6 Subdivision Improvements – Utilities – Water and Sewer Connections]. The following approval procedure shall be utilized:

1) A health drawing or plot plan for each lot shall be submitted with every preliminary plat. Each health drawing or plot plan must contain the information required by Appendix 2 (Map Standards) and be accompanied by fee payment and a signed Improvement Permit Application.

2) If the lot is determined to be suitable for an on site sub–surface sewage treatment and disposal system, a certificate pursuant to Appendix A–2–3 (H) will be entered on a copy of the approved preliminary plat.

3) If any lot is evaluated and rated unsuitable or the property owner does not choose to have the lot(s) evaluated for an on site subsurface sewage treatment and disposal system, the lot will be crosshatched and labeled "NO IMPROVEMENT PERMIT HAS BEEN ISSUED FOR THIS LOT." Information on denied lots, or lots not evaluated will be the only information shown on the Preliminary Plat. The Environmental Health Manager will sign and date each Preliminary Plat prior to its return to the land surveyor, landscape architect, or licensed engineer for Final Plat preparation

5–6.4 Submission

The Planning Department shall present Major Subdivisions or appealed cases to the Technical Review Committee at its next meeting. The Technical Review Committee shall review the Preliminary Plat for compliance with existing regulations. This review shall be made by the members of the Technical Review Committee and by any other agencies or officials by referral or as required by NCGS 153–332.

5–6.5 Action By Technical Review Committee

(A) Timing: The Technical Review Committee shall take action within thirty (30) days of reviewing the Preliminary Plat.

(B) Approval: If the Preliminary Plat is approved, the applicant may proceed toward Final Plat approval.

(C) Conditional Approval: If the Preliminary Plat is granted conditional approval, the applicant shall cause the plat to be revised, based upon the conditions of the approval and resubmitted. The Planning Department shall review the revised plat and, if it meets all the approval conditions and is otherwise substantially unaltered, shall signify on the plat the change from conditional approval to approval. If the plat is not revised within sixty (60) days to meet the approval conditions or the applicant notifies the Planning Department that he is unwilling to revise the plat, it shall be deemed denied.

(D) Denials: If the Preliminary Plat is denied the reasons shall be stated in writing. The applicant may revise and resubmit a plat which has been denied. Decisions of the Technical Review Committee may be appealed to the Planning Board within thirty (30) days of the Technical Review Committee decision.

5–6.6 Action By Planning Board

If a Preliminary Plat is appealed to the Planning Board it shall be reviewed at the next regularly scheduled meeting. The Planning Board may approve, grant conditional approval, or deny the plat in accordance with the procedures found in 5–6.5 (Action by Technical Review Committee).

5–6.7 Appeals

If the plat is granted conditional approval, or denied, or if no action is taken within thirty (30) days by the Technical Review Committee the applicant may appeal the plat to the Planning Board within fifteen (15) days after denial, conditional approval, or lack of action by the Technical Review Committee. If the plat is denied, or granted conditional approval, or if no action is taken by the Planning Board the applicant may appeal the plat to the Governing Body within fifteen (15) days after the Planning Board decision. The Governing Body shall approve, grant conditional approval, or deny the plat.

5–6.8 Fees

All fees shall be due and payable when the Preliminary Plat is submitted according to the Schedule of Fees.

5–7 STREET AND UTILITY CONSTRUCTION

5–7.1 Plans

Street and utility construction plans for all street, water, sanitary sewer, and storm sewer facilities shall be submitted to the Jurisdiction following Preliminary Plat approval. For each subdivision section, the street and utility construction plans shall include all improvements lying within or adjacent to that section as well as all water and sanitary sewer lines lying outside that section and being required to serve that section.

5–7.2 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 Jurisdiction.

5–7.3 Inspection

Work performed pursuant to approved street and utility construction plans shall be inspected and approved by the Jurisdiction.

5–8 PERMANENT RUNOFF CONTROL STRUCTURES AND SOIL EROSION AND SEDIMENTATION CONTROL DEVICES INSTALLATION

5–8.1 Soil Erosion and Sedimentation Control Devices

Any approved soil erosion and sedimentation control device(s) may be installed prior to approval of street and utility construction plans.

5–8.2 Permanent Runoff Control Structures

(A) Coordination with Streets and Utilities: Any approved permanent runoff control structure may be installed prior to approval of street and utility construction plans. Such plans shall show the location of existing or proposed runoff control structures relative to the proposed improvements to avoid conflicts during street and utility construction.

(B) Design and Construction: Runoff control structures shall be designed and installed in accordance with the requirements of Section 7–1 (Water Supply Watershed Districts).

(C) Owners' Association Required: When a permanent runoff control structure serves more than one lot within a subdivision, an owners' association shall be required for the purposes of ownership and maintenance responsibility.

(D) Maintenance Responsibility: The owners' association shall be responsible for maintaining the completed permanent runoff control structure as directed by the governmental office having jurisdiction for watershed protection and, if the owners' association should be dissolved or cease to exist, then in that event all the owners of record at the time of required maintenance shall be jointly and severally liable for any and all costs attendant thereto.

(E) Maintenance Note Required on Final Plat: When a subdivision contains a permanent runoff control structure to which Subsection (C) above is applicable, each final plat in the subdivision shall contain a prominent note with the full text of Subsection (D) above.

(F) Plat Recordation: The permanent runoff control structure(s) shall be substantially completed and have full design volume available prior to any plat recordation for the site. This may require the cleanout and disposal of sediment from the pond.

5–9 OWNER'S ASSOCIATIONS

5–9.1 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 Jurisdiction, 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.

5–9.2 Submission of Owner's Association Declaration

Prior to or concurrently with the submission of the Final Plat for review and approval, the subdivider 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' 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) maintenance of recreational and/or other facilities located on the common areas; and

c) payment of assessments for public and private improvements made to or for the benefit of the common areas.

2) Default of Owner's Association: Upon default by the Owner's Association in the payment to the Jurisdiction entitled thereto 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 Jurisdiction a portion of the taxes or assessments in an amount determined by dividing the total taxes and/or assessments due to the Jurisdiction 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 taxing or assessing Jurisdiction 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 maintenance of and restoration in the event of destruction or damage shall be established.

(D) Nonresidential Condominiums: If the condominium is a nonresidential condominium, the declaration shall contain the following provision:

> "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 Enforcement Officer at his 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."

5–10 FINAL PLAT

5–10.1 Approval Process

(A) Submission: Upon approval of the Preliminary Plat and other required plans the applicant shall be eligible to submit a Final Plat for approval. Approval of the Preliminary Plat shall constitute tentative approval of the Final Plat if the Final Plat is substantially unchanged from the approved Preliminary Plat.

(B) Environmental Health Division Review: Prior to Final Plat approval a copy of the Final Plat shall be reviewed by the Environmental Health Division. The Final Plat mylar and nine (9) prints shall be submitted to the Planning Division. The Environmental Health Division shall determine that no changes have occurred that affect lot suitability. Monuments must be set prior to Environmental Health review of the Final Plat. If changes have occurred that affect lot suitability, a new health drawing or plot plan and an improvement permit application and fee for each affected lot shall be submitted and a new evaluation shall occur. Improvements Permits will be issued for approved lots recorded on the Final Plat.

(C) Substantial Change: Substantial changes from the Preliminary Plat will require an additional review by the Technical Review Committee to insure compliance with existing regulations.

5–10.2 Preparation

The Final Plat shall be prepared by a Registered Land Surveyor in accordance with Appendix 2 (Map Standards).

5–10.3 Required Improvements

No Final Plat shall be approved until all required improvements have been installed and approved or appropriate surety is provided as set forth in Section 3–10 (Sureties or Improvement Guarantees).

5–10.4 Assurance of Completion of Improvements

Where the improvements required by this Ordinance have not been completed prior to the submission of the plat for final approval, such improvements shall be assured by the owner's filing of an approved surety bond, certified check, or irrevocable letter of credit in an amount to be determined by the Jurisdiction and for an approved period not to exceed two (2) years.

5–10.5 Certification of Final Plat

When the Planning Department has approved a Final Plat, a signed written statement to this effect shall be entered on the face of the plat. The statement can be found in Appendix 2 (Map Standards).

5–10.6 Permits

Unless otherwise provided in this Ordinance, upon recordation of the Final Plat, the subdivider shall be eligible to apply for building and any other permits required by this Ordinance.

5–10.7 Fees

A fee according to the Schedule of Fees shall be due and payable when the Final Plat is submitted for approval.

5–11 RECORDATION OF FINAL PLATS

After approval, a Final Plat must be recorded in the office of the Register of Deeds within sixty (60) days. No plat shall be regarded as finally approved until such plat has been recorded. If the Final Plat of all or part of the area shown on the approved Preliminary Plat is not recorded in the Office of the Register of Deeds within two (2) years of approval of the Preliminary Plat, or if there is a lapse of more than two (2) years between the recordings of sections, the Preliminary Plat must be resubmitted to the Technical Review Committee. Such resubmittal shall be in accordance with the requirements of this Ordinance.

5–12 WAIVERS

5–12.1 Approval Authority

The Technical Review Committee or, on appeal, the Planning Board or Governing Body may approve waivers to standards in this Article.

5–12.2 Grounds for Waivers

The plan approval agency may waive standards in this Article under one of the following circumstances:

(A) Physical Hardship: Where because of the size of the tract to be subdivided, its topography, the condition or nature of adjoining areas, or the existence of other unusual physical conditions, strict compliance with the provisions of this Article would cause unusual and unnecessary hardship on the subdivider.

(B) Equal or Better Performance: Where in its opinion a waiver will result in equal or better performance in furtherance of the purposes of this Ordinance.

(C) Unintentional Error: 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.

5–12.3 Conditions

In granting waivers, the approval authority may require such conditions as will secure, insofar as practicable, the purposes of the standards or requirements waived.

5–13 SUBDIVISION STANDARDS

5–13.1 General

(A) Design: All proposed subdivisions, including group developments, shall comply with this Article, shall be designed to promote beneficial development of the community, and shall bear a reasonable relationship to the approved plans of the Jurisdiction.

(B) Development Name: In no case shall the name of a proposed development duplicate or be phonetically similar to an existing development name in the Jurisdiction unless the proposed development lies adjacent or in proximity to the existing development.

(C) Reasonable Relationship: All required improvements easements, and rights–of–way (other than required reservations) shall substantially benefit the development or bear a reasonable connection to the need for public facilities attributable to the new development. Whenever a tract to be subdivided includes or adjoins any part of a thoroughfare or collector street as designated by the Thoroughfare Plan or Collector Street Plan, that part of such proposed public right–of–way shall be dedication to public right–of–way with the subdivision plat in the location and to the width recommended by the plans or this Article.

(D) Off–Site Connections: When in the opinion of the Technical Review Committee, it is necessary to connect streets and/or utilities off–site to adjoining streets and/or utilities, said improvement may be required.

5–13.2 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 zoning and other requirements of this Ordinance;

(B) Minimum Building Area: Every lot shall have at least forty (40%) percent of its total area, or three thousand (3,000) square feet, whichever is less, of contiguous buildable area of a shape sufficient to

hold a principal building. Said area shall lie at or be filled to an elevation at least one (1) foot above the one-hundred-year flood elevation. [Caution: Article VII (Environmental Regulations) or Federal wetlands regulations will prohibit or restrict fill placement in certain locations.]

(C) Lot Depth to Width Ratio: No lot shall have a depth greater than four (4) times the width at the minimum building line.

(D) Side Lot Line Configuration: Side lines of lots should be at or near right angles or radial to street lines.

(E) 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.

(F) Lots on Thoroughfares: Major subdivisions shall not be approved that permit individual residential lots to access thoroughfares, as shown on the adopted thoroughfare plan.

(G) Access Requirements: All lots must have public street access and frontage meeting the requirements set forth in Article IV (Zoning). The following exceptions may be approved:

1) Flag Lots (See Figure 5-A) approved by the Technical Review Committee meeting the following requirements:

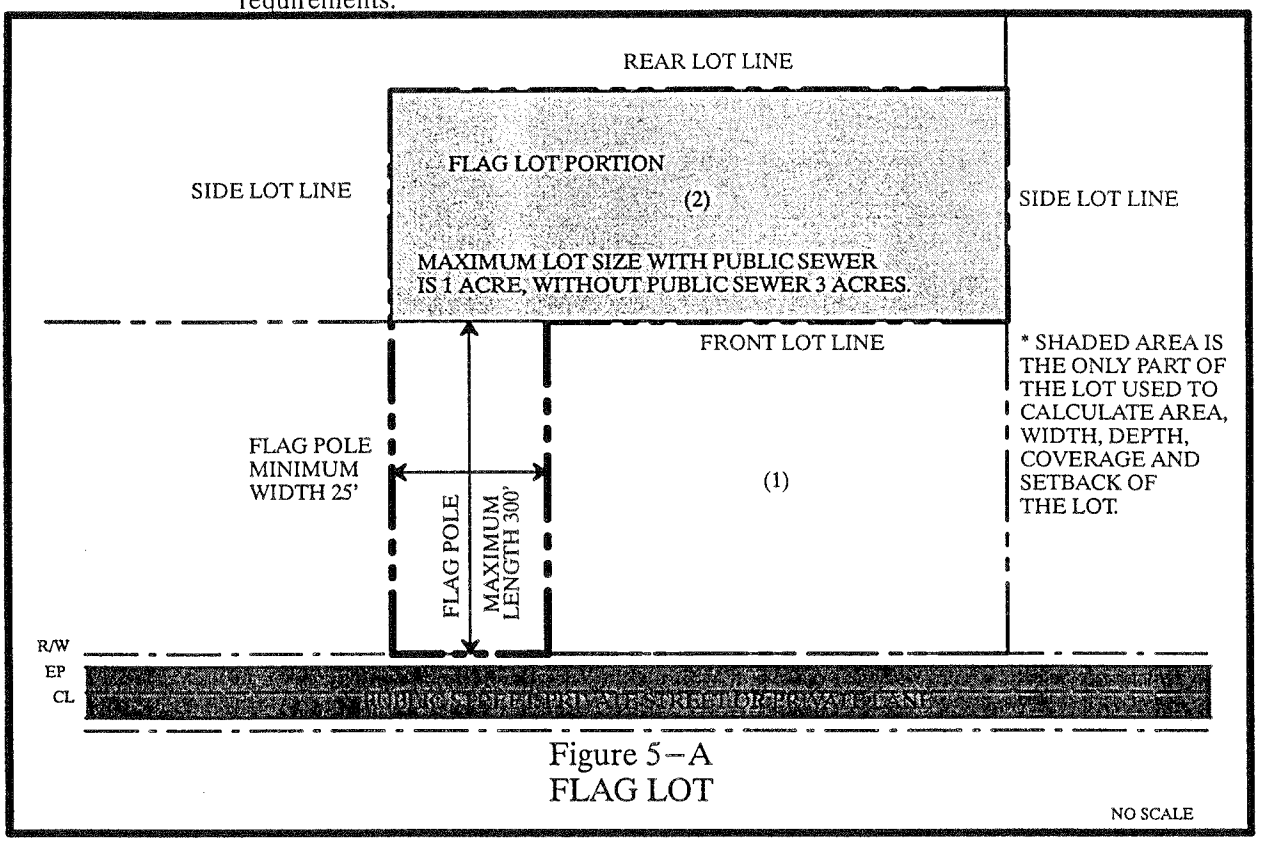


Figure 5-A
FLAG LOT

NO SCALE

a) A Flag Lot shall serve only one single-family dwelling and its unhabitated accessory structures;

b) The maximum flagpole length shall be three hundred (300) feet;

c) The minimum flagpole width shall be twenty-five (25) feet;

d) The maximum lot size in areas with public sewer shall be one (1) acre;

e) 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. Note: Flagpole portion of lot is not used to calculate area, width, depth, coverage and setbacks of the lot or to provide off–street parking;

f) 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;

g) 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

h) Use of a single driveway to serve a flag lot and an adjoining lot is permitted and encouraged; the preferred location for the driveway is on the flagpole portion of the flag lot, with the conventional lot granted an access easement over the flagpole.

2) Lots served by Exclusive Access Easements (See Figure 5–B) meeting the following criteria:

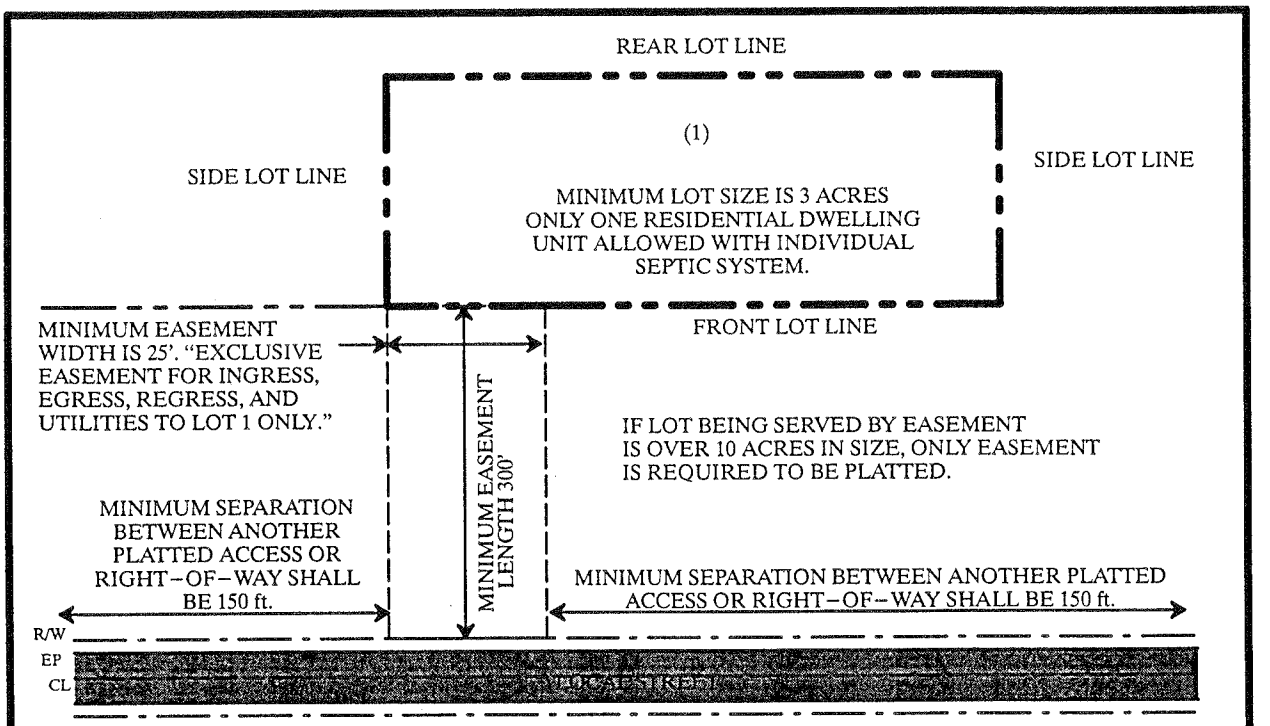


FIGURE 5–B
LOT SERVED BY EXCLUSIVE ACCESS EASEMENT NO SCALE

a) An Exclusive Access Easement shall serve only one single–family dwelling and its uninhabited accessory structures;

b) Lots to be served by an Exclusive Access Easement shall not be created in an area served by public water or sewer or within the extraterritorial jurisdiction of a municipality;

c) The minimum lot size shall be three (3) acres;

d) The minimum easement width shall be twenty–five (25) feet;

e) The minimum easement length shall be three hundred (300) feet;

f) The minimum separation between easement and any other platted access or right–of–way shall be one–hundred and fifty (150) feet;

g) The location of the easement must be recorded on a plat; and

h) The Exclusive Access Easement shall permit ingress, egress, and regress and necessary utilities required to serve the lot.

3) 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.

4) Lots located on an approved private lanes which are platted and recorded pursuant to the provisions of this Ordinance and NCGS 136-1-2.6.

5) Lots of record provided there is recorded access and the use is limited to only one single family dwelling and its unhabitable accessory structures.

5-13.3 Streets

(A) Conformance with Thoroughfare and Collector Street Plans: The location and design of streets shall be in conformance with applicable thoroughfare and collector street plans. Where conditions warrant, right-of-way widths and pavement widths in excess of the minimum street standards may be required.

(B) Conformance with Adjoining Street Systems: The planned street layout of a proposed subdivision shall be compatible with existing or proposed streets and their classifications on adjoining or nearby tracts.

(C) Access to Adjoining Property: Where in the opinion of the Technical Review Committee, it is desirable to provide for street access to adjoining property, proposed streets shall be extended to the boundary of such property.

(D) Reserve Strips: Reserve strips adjoining street rights-of-way for the purposes of preventing access to adjacent property shall not be permitted under any condition.

(E) Street Classification: The final determination of the classification of streets in a proposed subdivision shall be made by the Jurisdiction. Street classifications are defined in Article II (Definitions).

(F) Public Street Design Criteria: The minimum street design standards for the street classifications are attached herewith as TABLE 5-13-1 and TABLE 5-13-2. Right-of-way dedication and paving of streets in and adjacent to the subdivision shall be in conformance with the right-of-way and pavement width requirements of TABLE 5-13-1 and TABLE 5-13-2; and shall be designed in accordance with the Jurisdiction's Street Design Manual, or the North Carolina Department of Transportation (NCDOT) Subdivision Roads: Minimum Construction Standards, whichever is applicable.

(G) Private Street Design Criteria

1) Where Permitted: Private streets shall be permitted in developments with Owner's Associations and group developments.

2) Minimum Design and Construction: The minimum street design standards are found in TABLE 5-13-3. The pavement design for all private streets will be equivalent to the minimum design for local residential streets of the Jurisdiction or NCDOT whichever is applicable, unless the developer supplies an alternate pavement design supported by an engineering study. The developer must furnish an engineer's seal and certification that the private streets have been tested and certified for the subgrade, base and asphalt. All private streets will have a standard, thirty (30) inch curb and gutter section, unless the street is located in the Watershed Critical Area (WCA). Streets located in the WCA may be twenty-two (22) feet of asphalt construction with shoulders and a ditch section. Common area may need to be widened to keep the ditch section within the common area. All cul-de-sacs will have a minimum forty-five (45) foot pavement radius.

3) Owner's Association Required: A Owner's Association is required to own and maintain all private streets allowed under this Ordinance. All private streets will be indicated as such on the plat.

4) Private Through Streets: No through street in a residential area connecting two public streets can be designated as a private street, unless approved by the Technical Review Committee.

5) Connections to Public Streets: All private streets, connecting with public streets, require an approved driveway application from the Jurisdiction or NCDOT whichever is applicable. Where street returns are permitted, the developer shall construct a concrete band running parallel with the public street. The width of this band shall commence at the gutter line and extend to the right-of-way of the public street.

6) Sidewalks: In the event sidewalks are constructed, the minimum width shall be four (4) feet.

TABLE 5-13-1

Minimum Public Street Design Standards – Urban Area

Classification	Minimum Right-of Way (ft.)[a]	Minimum Pavement Width (ft.)[a,b]	Stopping Sight Distance (ft.)	Centerline Radius (min.) 4% Super (ft.)
Major Thoroughfare	90 – 100	64 – 68	650	1530
Minor Thoroughfare				
five lane	80	60	550	1240
four lane	68	48	475	955
Collector	60	40	400	765
Subcollector	56	36	250	440
Local Residential				
with ribbon[c]	50	22	200	300
with curb and gutter	50	30	200	300
Residential Cul-de-sac				
with ribbon[c]	50	22	200	300
with curb and gutter	50	30[d]	200	300
Local Industrial	60	40	325	575
Industrial Cul-de-sac	60	40	325	575

Recommended design standards – exceptions may be approved due to special physical constraints on an individual basis by designated local staff.

a Unless additional width required under Section 5-13.3(A)

b Dimension in this column are form face of curb to face of curb, except ribbon pavement.

c Watershed Critical Area (WCA) only

d With twenty (20) dwelling units or less, 26 feet

TABLE 5-13-2

Minimum Public Street Design Standards – Rural Area

Classification	Minimum Right-of Way (ft.)[a]	Minimum Pavement Width (ft.)[a,b]	Stopping Sight Distance (ft.)	Centerline Radius (min.) 4% Super (ft.)
Collector / Subcollector (NCDOT)	50	20	200	230
Local / Cul-de-sac (NCDOT)	50	20	150	150

(H) Private Lane Design Criteria

1) Where Permitted: Private lanes shall be permitted only in minor subdivisions

2) Construction Standards

a) Roadway Width and Construction Design: Minimum Street Design Standards are found in TABLE 5-13-4. 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

b) Block Length: Block length shall not be longer than six hundred (600) feet.

c) Turn Around: A cul-de-sac or T-type turnaround shall be provided in accordance with NCDOT Standards.

d) Intersection: Roads shall be designed to intersect 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.

e) Street Off-Sets: The off-set alignment of the centerline of two non-intersecting streets shall be a minimum of one hundred and twenty-five (125) feet.

f) Disclosure Statement: A disclosure statement in accordance with NCGS 136-102.6 shall be approved by the County 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.

g) Certificate of Inspection and Surety: A certificate of inspection signed and sealed by a licensed professional engineer shall be filed with the Planning Department prior to recordation of the Final Plat. A surety may be posted for a Private Lane in which case the certificate will be required after road construction is complete. This certificate shall at a minimum state that the private road has been constructed to meet the minimum design standards set forth herein.

TABLE 5-13-3

Minimum Private Street Design Standards - Urban Area

Minimum Common Area Free of Obstructions (ft.)	Minimum Pavement Width (face to face) (ft.)	Stopping Sight Distance (ft.)	Centerline Radius Minimum (ft.)
34[a]	24[b]	150	215

a Common area may need to be wider when using ribbon pavement in the Watershed Critical Area.

b Ribbon pavement width in Watershed Critical Area is twenty-two (22) feet.

Minimum Private Street Design Standards for Manufactured Dwelling and Recreational Vehicle Parks

Minimum Common Area Free of Obstructions (ft.)	Minimum Pavement Width (ft.)	Stopping Sight Distance (ft.)	Centerline Radius Minimum (ft.)
30	20	150	150

TABLE 5-13-4

Minimum Private Lane Design Standards - Rural Area

Minimum Private Right-of-Way Width (ft.)	Minimum Width of Roadway (ft.)	Stopping Distance (ft.)	Centerline Radius Minimum (ft.)
50	18	150	150

(I) Intersecting Street Angle

1) All streets shall intersect at or as near to ninety (90) degrees as possible within topographic limits.

2) All streets crossing natural areas, wetlands, or stream buffers must cross at or as near to ninety (90) degrees as possible within topographic limits.

(J) Cul-de-sac Maximum Length: The maximum distance from an intersecting through street to the end of a cul-de-sac shall be eight hundred (800) feet, except that a distance up to one thousand six hundred (1,600) feet may be approved in the Watershed Critical Area.

(K) Minimum Street Offset: Where streets are offset, the centerlines of shall be offset no less than one hundred and twenty-five (125) feet.

(L) Curb and Gutter: Curb and gutter shall be required in all urban subdivisions except in the Watershed Critical Area as defined in Article VII (Environmental Regulations) unless the continuity of previous street work necessitates curb and gutter. Curb and gutter shall be constructed in conformance with the design criteria of the Jurisdiction. Curb and gutter in rural subdivisions is not required unless public water and/or sewer is available.

(M) Temporary Turnarounds: Streets stubbed to adjoining property or phase lines may be required to have a temporary turnaround at the end of the street which will be sufficient to permit sanitation vehicles to turn around.

(N) Grades at Intersections: The grade on stop streets approaching an intersection shall not exceed five (5%) percent for a distance of not less than one hundred (100) feet from the centerline of the intersection.

(O) 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 utility poles, fire hydrants, and traffic control signs. The location and extent of sight distance easements will be determined by the Jurisdiction and the NCDOT.

(P) Street Names: Streets which are obviously in alignment with existing streets shall generally bear the name of the existing street. Street names shall not duplicate or closely approximate phonetically the names of existing streets in Guilford County. Street suffixes and addresses shall conform to the standards set forth in Appendix 1 (Street Name and Address Standards).

(Q) Street Signs

1) Public Street Intersection: At each intersection of a named public street with another named public street, the developer shall pay a fee to the Jurisdiction for the installation of each street sign required.

2) Public to Private Street Intersections : At each intersection of a named private street, drive, or lane with a public street, the Jurisdiction shall erect a street name sign. The developer shall pay a fee to the Jurisdiction for each such sign required.

3) Private Street Intersections: The developer shall be required to erect and maintain reflectorized signs at all intersections between private streets, drives, or lanes. Private street signs shall be approved by the Jurisdiction as part of a Master or Common Sign Plan.

4) Traffic Control Signs: The developer shall be required to provide traffic control signs in locations designated by the Jurisdiction.

5) Maintenance: Maintenance of signs on private streets, drives or lanes shall be the responsibility of the owner or owner's association, as appropriate.

5-13.4 Block Length

Blocks shall not exceed a perimeter length of six thousand (6,000) feet, except that a perimeter length of up to twelve thousand (12,000) feet may be approved in the Watershed Critical Area. Perimeter length is the shortest perimeter measurement along the abutting street right-of-way lines.

5–13.5 Sidewalks

Except along controlled access facilities, sidewalks shall be required on all thoroughfare streets, and at other locations where a pedestrian traffic generator requires separation of pedestrian and vehicular traffic on collector, subcollector, and local residential streets. Where sidewalks are installed, they shall have a minimum width of five (5) feet and be constructed on one side of the right–of–way as determined by the Technical Review Committee.

5–13.6 Utilities

(A) Public Water and Sewer Construction Requirements: Water and sewer lines, connections, and equipment shall be constructed in accordance with state and local regulations.

(B) Water and Sewer Connection: 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. Where public sewer is not available, lots shall be evaluated in accordance with "Laws and Rules for Sanitary Sewage Collection, Treatment, and Disposal 11 NCGS 130 A. Approval of the Environmental Health Division shall be obtained after Preliminary Plat approval. The Final Plat shall show lot(s) denied or not evaluated crosshatched and labeled "NO IMPROVEMENT PERMIT HAS BEEN ISSUED FOR THIS LOT."

(C) Underground Utilities: Electrical, television cable, and telephone utility lines installed within major subdivisions shall be underground unless the Technical Review Committee determines underground installation is inappropriate.

(D) Utility Easements

1) Major Subdivisions: To provide for electric, telephone, gas and community antenna television services conduits, and sewer or water lines within the subdivision appropriate utility easements not to exceed thirty (30) feet in width shall be provided. The location of such easements shall be reviewed and approved by the Jurisdiction, with advice from utility providers, before Final Plat approval.

2) Minor Subdivisions: Lots fronting on public streets with access to existing utilities are not required to have utility easements. All other lots shall show a twenty (20) foot utility easement to the front, side, or rear of each lot unless easement releases are obtained from all utility companies, in which case no utility easement will be required.

3) 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 Jurisdiction shall not be liable for damages to any improvement located within the utility easement area caused by maintenance or replacement of utilities located therein.

5–13.7 Drainage

The design of storm drainage systems and plans, including calculations, shall clearly indicate the easements and dedicated areas required for the construction and maintenance of the drainage system.

(A) General Drainage Requirement

1) All watercourses which carry a flow of five (5) cubic feet per second (cfs) or more during a ten (10)–year storm, as calculated in accordance with the Jurisdiction's Storm Sewer Design Manual, shall be treated in one or more of the three ways listed in Section 5–13.7(B), (C), and (D) which follow. Except where Section 5–13.7(A)2) below leaves the determination to the developer, the Technical Review Committee shall determine the treatments to be used, based upon the pipe size necessary to handle drainage and adopted open space plan. Open drainage channel requirements shall be based upon a one–hundred (100) year storm, and enclosed systems shall be based upon a ten (10)–year storm. If the channel is a perennial stream in a water supply watershed, or is identified on the open space plan map or requires a pipe of sixty–six (66) inch diameter or greater, the determination of drainage treatment shall be made by the Technical Review Committee. In making this determination, the Technical Review Committee shall consider the following factors:

a) The type of development;

b) The treatment employed by nearby developments;

c) The probability of the creation of a lengthy greenway or drainageway and open space;

d) The probability of the creation of future maintenance problems;

e) The probability of erosion or flooding problems; and

f) The adopted the open space plan.

g) Stream buffer requirements and channelization limitations for WCA and GWA areas, as described in Article VII (Environmental Standards).

2) If the channel is not a perennial streat within a WCA or GWA of a designated water supply watershed, or is not identified on the open space plan and requires less than a sixty–six (66) inch diameter pipe, the determination of drainage treatment shall be made by the property owner in a manner consistent with this Section.

(B) Enclosed Subsurface Drains

1) This Section applies to enclosed subsurface drains. Profiles and enclosure standards shall be in accordance with the Jurisdictions Storm Sewer Design Manual.

2) A utility easement designed to accommodate storm water shall be placed on a recorded plat when determined necessary by the Jurisdiction. The required utility 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 utility easement The utility easement shall be of a width determined necessary for maintenance purposes by the Jurisdiction based upon enclosure depth, topography and location of existing and proposed improvements, but no less than fifteen (15) feet.

3) The utility 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 Jurisdiction shall not be liable for damages to any improvement located within the utility easement area caused by maintenance of utilities located therein. Furthermore, utility easements 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 Jurisdiction shall be subject to approval by the appropriate department.

b) Any government agency 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 Jurisdiction shall not be responsible for damages caused by installation of additional lines by any private utility company.

(C) Open Channel in Dedicated Drainageway and Open Space Area

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 Guilford County and the public for Drainageway and Open Space". If a portion of the drainageway and open space lies within a proposed thoroughfare shown on the thoroughfare plan, it shall be labeled "Dedicated to Guilford County and the public for Drainageway and Open Space or Thoroughfare."

2) The dedicated drainageway and open space area along any stream that would require a sixty–six (66) inch or larger diameter pipe shall include the land between the natural one–hundred (100) – year flood contour lines as determined by the Jurisdiction. (Caution: Article VII [Environmental Regulations] or federal wetland regulations will prohibit or restrict fill placement in certain locations.)

3) In case of severe topography, additional width may be required to assure reasonable ease of maintenance.

4) The dedicated drainageway and open space area shall abut public street right-of-way on at least thirty (30%) percent of its perimeter except when the Technical Review Committee determines that adequate access is otherwise provided. The minimum length of street frontage at each location where drainageway and open space abuts public street right-of-way shall be sixty (60) feet. The maximum distance, measured by straight lines on either side of the drainageway and open space, between points at which the drainageway and open space abuts street right-of-way shall be one thousand (1,000) feet.

5) The centerline of the drainage channel that would require a sixty-six (66) inch or larger diameter pipe shall be located no less than fifty (50) feet from any street or property line provided that the dimensions of the drainageway and open space area conform to all other requirements of this Section. The minimum distance from centerline shall be twenty (20) feet along smaller drainageways.

6) Drainageway and open space shall be left in its natural condition or graded to a section approved by the Jurisdiction which will allow economical and efficient maintenance and shall be stabilized with permanent vegetative cover.

7) Lots abutting public open space may be reduced in size in accordance with the provisions in Section 4-4.1 (D) (Lots Adjoining Public Open Space). If lot sizes have been reduced with the provisions of this Ordinance, the following note shall appear of the plat:

> "The required area of Lots _ through _ has been reduced in accordance with Section 4-4.1(D) of this Ordinance. All other dimensional requirements of this Ordinance shall apply."

(D) Open Channel on Private Property Within Drainage Maintenance and Utility Easement

1) This Section applies to open channels on private property within a drainage maintenance and utility easement. This method shall not be utilized in any subdivision intended for single-family detached dwellings unless the Technical Review Committee, determines that an open channel would not become a missing segment in a system of stormwater piping and that the open channel is well removed from all anticipated building locations.

2) The drainage maintenance and utility easement shall include the required drainage channel and the land between the channel and the natural one-hundred-year flood contour as determined by FEMA or by calculations approved by the US Army Corps of Engineers; or, in some cases, it may be reduced by modifying the drainage maintenance and utility easement topography to a typical required drainage channel section as provided for in this Section. However, the minimum total width of a drainage maintenance and utility easement shall be no less than specified below.

Cubic Feet per Second in 100-year Storm	Required Distance form Stream Centerline
5 – 17 cfs	15 ft.
17 – 70 cfs	30 ft.
70 or more cfs	50 ft. plus 1/2 channel width

cfs = Cubic Feet Per Second

The drainage maintenance and utility easement width shall be centered on the typical required drainage channel section, unless the Technical Review Committee approves other drainage maintenance and utility easement alignments because of topographic conditions.

3) In case of severe topography, additional width may be required to assure reasonable ease of maintenance.

4) The drainage maintenance and utility easement topography may be modified if permitted under Section 7-4 (Soil Erosion and Sedimentation Control). In such cases, the approved typical required drainage channel section shall include the necessary channel to accommodate a one-hundred (100) year flood. The area outside of the required drainage channel may be filled;

but any resulting slope shall be no steeper than two (2) to one (1), unless the slope is protected by masonry paving, rip–rap, or other material which meet the Jurisdictions specifications.

5) If the Technical Review Committee determines suitable access to the drainage maintenance and utility 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 provide all streams located on their property. If the Governing Body 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 Jurisdiction 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 Jurisdiction shall be subject to approval by the Enforcement Officer.

   b) The government agency 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 Jurisdiction shall not be responsible for damage caused by the installation of additional lines by any private utility company.

   d) The Jurisdiction 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.

(E) Flood Standards

1) All subdivision proposals shall be consistent with the need to minimize flood damage;

2) All subdivision proposals shall have public utilities and facilities, such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; and

4) Base flood elevation data shall be provided for subdivision proposals whenever the one hundred (100) year storm flow is five hundred (500) cubic feet per second or greater.

5–13.8 Sites For Public Uses

In subdividing property, due consideration shall be given by the subdivider to the reservation of suitable sites for school and other public uses in accordance with NCGS 153 A–331.

5–13.9 Placement of Monuments

The Standards of Practice for Land Surveying in North Carolina, as adopted by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors, shall apply when installing monuments.

ARTICLE VI

DEVELOPMENT STANDARDS

6–1 SIGN REGULATIONS

6–1.1 General

All signs located in the Jurisdiction, with the exception of those erected by State or Federal government, are subject to the provisions of this Section. Signs under this Ordinance are treated four ways; (1) some types of signs are specifically prohibited everywhere; (2) certain signs are allowed by right and do not require permits prior to installation; (3) a third group of signs are considered to be accessory uses and may be installed provided that they meet the provisions of this Section and a permit is obtained; (4) billboards are classified as a principal use whose location is regulated by Article 4 (Zoning). Billboards have specific development standards which are listed in Section 6–4 (Development Standards for Individual Uses).

6–1.2 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, see Article III Permits).

(B) Animated signs, but not 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, except that wall signs may project up to 18 inches over a public right–of–way in zones which permit structures to be built at the property line adjoining the street.

(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 which imitate traffic control devices.

(H) Signs which extend vertically above the highest portion of the roof of any structure.

6–1.3 Signs Exempt from Regulation

The following signs are exempt from regulation under this Ordinance except that lighted signs require an electrical permit.

(A) Government signs.

(B) Works of art with no commercial message.

(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 Jurisdiction, subject to U.S. Congressional protocol.

6–1.4 Signs That Do Not Require A Permit

The following signs are permitted in all zoning districts and may be installed without obtaining a sign permit provided that they conform to the specifications shown on Table 6–1–1.

(A) Directional, instructional or warning signs provided that such signs contain no commercial message except a business logo or name.

(B) Flags, emblems or insignia of corporate, political, professional, fraternal, civic, religious, or educational organizations.

(C) Certain temporary signs conforming to the provisions of Table 6–1–1. Other types of temporary signs may be allowed by permit following the provisions of Tables 6–1–2 and 6–1–3. Allowed without a permit are:

1) Temporary real estate and construction signs which are removed within seven (7) days of the completion of construction, or sale or lease of property.

2) Temporary yard sale signs which are posted for no longer than three (3) days per sale.

3) Temporary political signs located on private property which are removed within seven (7) days after the election.

(D) Historical or memorial plaques, tablets or markers.

(E) Identification signs including:

1) Name and address plates, including those identifying home occupations and rural family occupations.

2) Directory Signs in developments with multiple occupants.

3) Building Name and Address signs for buildings with multiple occupants.

4) 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.

(G) Information Board signs, in non–residential districts and for institutional uses (e.g. churches, schools or cemeteries) permitted in residential zones that list activities or events which will take place on the premises where the sign is located, provided that no advertising of any type is displayed.

(H) Window signs painted on or attached to a window.

6–1.5 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 is specified in Tables 6–1–2 and 6–1–3.

TABLE 6–1–1

Specifications for Signs Not Requiring a Permit

Type	Number Permitted	Area (sq. ft.)	Setback (ft.)	Height (ft.)	Illumination[b]
Directional Signs (All Districts)	NA	4	R/W[a]	6	indirect
Instructional and Warning Signs (All Districts)	NA	6	NA	8	direct
Window Signs (Non–residential Districts)	maximum 25 % of window area	NA	NA	NA	direct
Historical, Memorial Markers (All Districts)	1 per lot	4	R/W[a]	6	indirect
Flags, Emblems, Insignia (All Districts)	1 per lot frontage	60	R/W[a]	40	indirect
Temporary Real Estate, Yard Sale and Construction Signs (All Districts)	1 per lot frontage	6	R/W[a]	6	none
Temporary Real Estate Signs (RM and Non–residential Districts and Major Subdivisions in RS Districts)	1 per lot frontage	100	R/W[a]	12	none
Temporary Political Signs (All Districts)	NA	6	R/W[a]	6	none
Identification Signs	1 per building	4 per unit	R/W[a]	6	indirect
Vending Machine Signs	NA	18	NA	6	direct
Information Boards (All Districts)	1 per building	50	15	8	indirect
Philosophical, Religious, Personal, Educational, or Other Noncommercial Signs (All Districts)	1 per lot frontage[c]	6	R/W[a]	6	direct
Philosophical, Religious, Personal, Educational, or Other Noncommercial Signs (RM and Non–Residential Districts and Major Subdivisions in RS Districts)	1 per lot frontage[c]	100	R/W[a]	12	direct

Footnotes:

[a] Signs must be located outside public street right of way and outside any sight distance area.

[b] Electrical permit required if sign is illuminated.

[c] 1 per 200 linear feet of lot frontage or portion thereof.

TABLE 6–1–2

Specifications for Accessory Free–Standing Signs Requiring a Permit

Zoning District	Number Permitted	Area (sq. ft..)		Set-back (ft.)	Height (ft.)	Area Computation
		Maximum	Minimum[a]			
PI, LO, NB	1 per lot frontage	100	25	R/W[b]	6	.25 square feet per linear feet of lot frontage
GO–M, GO–H, CP, LB	1 per lot frontage	200	50	R/W[b]	15	.50 square feet per linear feet of lot frontage
GB, HB, LI, HI	1 per lot frontage[e]	200[d]	75	R/W[b]	30[d]	1.0 square feet per linear feet of lot frontage
SC						
Development Identification Sign	1 per street frontage	300	200	10	30[d]	# of businesses 4–15= 200 sq. ft. 16+ = 300 sq. ft.
Outparcel Sign	1 per parcel	50	NA	R/W[b]	6	NA
Playbill Sign	1 per theater complex	200	NA	10	30[d]	NA
Development Entrance[c] (All Zones)	1 pair per entrance	50 per sign	NA	R/W[b]	6	NA
Banners (RM and Non–residential Districts)	1 per 500 feet of frontage	20	12	R/W[b]	20	linear frontage 0–100=12 sq. ft. 101–201= + 4 sq. ft. 201–500= +4 sq. ft.

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 6–1.8(C)4).

TABLE 6–1–3

Specifications for Accessory Attached Signs Requiring a Permit

Type	Number Permitted	Area (sq. ft.)		Height (ft.).	Area Computation
		Maximum	Minimum[a]		
Wall Signs by Zoning District					
PI, LO, NB	NA	NA	25	Top of Wall	5 % of Wall Area[cd]
GO–M, GO–H, CP, LB	NA	NA	50	Top of Wall	7.5% of Wall Area[cd]
GB, HB, SC, LI, HI	NA	NA	50	Top of Wall	10% of Wall Area[cd]
Awning, Canopy and Marquee Signs (All Non–Residential Districts)	1 per face	NA	NA	Top of Canopy [b]	25% of the canopy, awning or marquee face[e]
Suspended Signs (All Non–Residential Districts)	1 per entrance	6	NA	b	NA
Banners (RM and Non–Residential Districts)	1 per 500 feet of frontage	20	12	b	Linear Frontage: 0–100 ft.=12 sq. ft. 101–200 ft.=+4 sq. ft. 201–500 ft.=+4 sq. ft.

Note: All signs may be directly illuminated.

[a] "Minimum" sign size refers to the minimum area allowed by right, regardless of the size which would be allowed by computation.

[b] Nine (9) feet height to clear pedestrian walkways or fifteen (15) feet to clear vehicular drives.

[c] 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

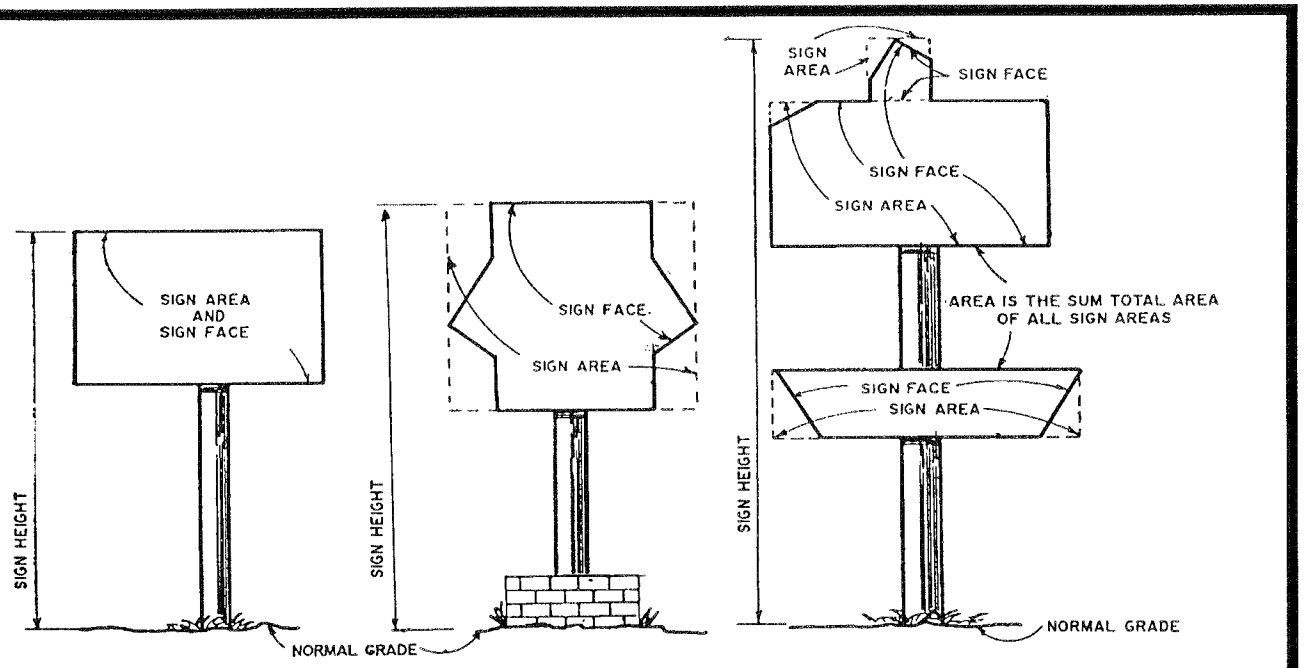
[d] In multi–tenant buildings, the area computation shall be based on the wall area of each separate occupancy.

[e] 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.

6–1.6 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 back drop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall.

(B) Area for 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 viewed from any point 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.



* Calculate area of smallest square, circle, rectangle or combination thereof, that can encompass the sign face.

Figure 6–A
MEASUREMENT OF SIGN AREA AND HEIGHT

NO SCALE

(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 or building frontage.

6–1.7 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) Permanence: 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.

6–1.8 Master or Common Signage Plan

After the effective date of this Ordinance no permit shall be issued for an individual sign requiring a permit unless and until a Master Signage Plan or a Common Signage Plan for the lot on which the sign will be erected has been approved. A Master Signage Plan shall be prepared for developments containing a single principal building on a single lot, while a Common Signage Plan shall be prepared for developments containing more than one principal building or more than one lot.

(A) Information Required for a Master Signage Plan:

1) A Site Layout Plan in accordance with Appendix 2 (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.

(B) Common Sign Plan Information: A Common Signage Plan shall contain all of the information required above plus provisions for shared usage of freestanding and attached signs.

(C) Other Provisions

1) A Master or Common 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 or Common 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 or Common 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–B) in excess of the general limitation of one per frontage as shown in Table 6–1–2 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 6–1–2. 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

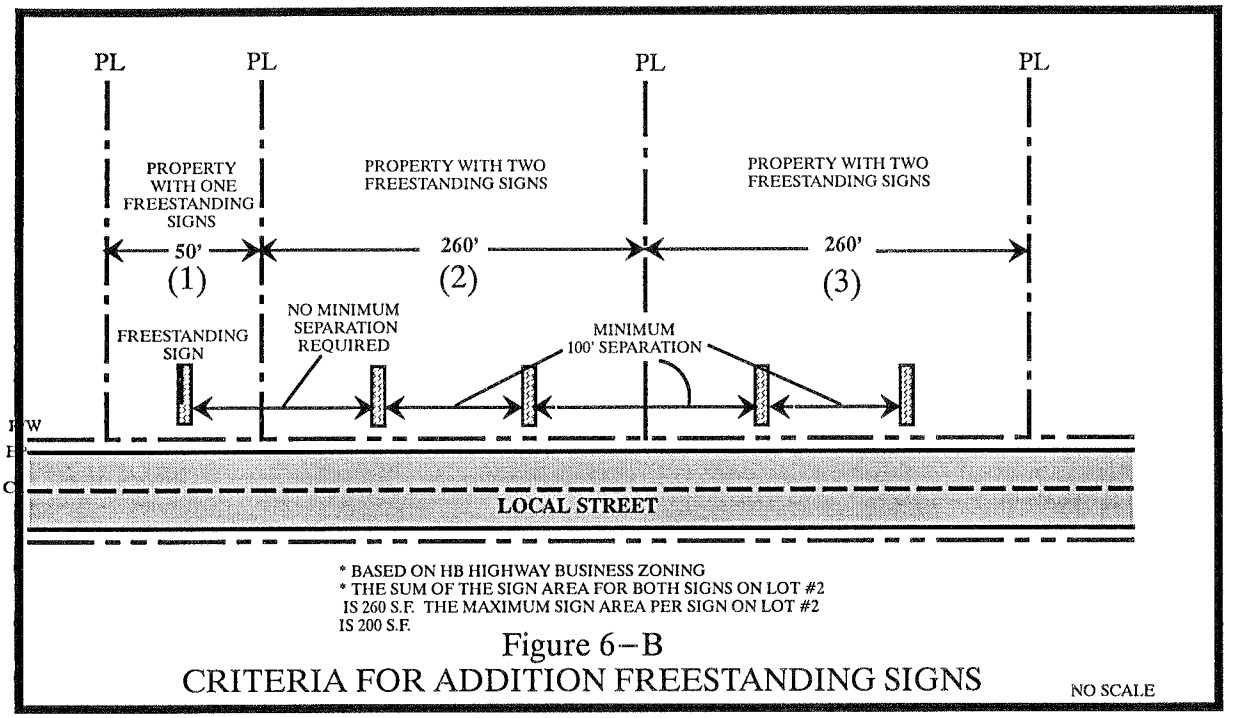


Figure 6–B
CRITERIA FOR ADDITION FREESTANDING SIGNS NO SCALE

6–1.9 Permits To Construct Or Modify Signs

Signs shown as requiring a permit on Tables 6–1–2 and 6–1–3 above 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 III (Permits and Procedures).

6–1.10 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: For any sign existing on the effective date of this Ordinance, an application for a sign Certificate must be submitted within one hundred eighty (180) days after the effective date of this Ordinance. Signs which are the subject of permit applications received after this one hundred and eighty (180) day grace period shall be subject to all terms and conditions of this Ordinance and shall not be entitled to protection as nonconforming signs unless the sign has a Sign Certificate.

1) A sign that is (1) prohibited or (2) is allowed without a permit but does not comply with this Section, and was in existence on January 1, 1992 shall either be removed or brought into compliance with this Section by December 31, 1992.

2) A sign that would be allowed by this Section only with a sign permit, and was legally in existence on January 1, 1992, and was constructed in accordance with the applicable laws and ordinances in effect

on the date of construction, but by reason of its size, height, location, design, or construction is not in conformance with the requirements of this Section, shall be issued a Nonconforming Sign Certificate if applications are filed on or before December 31, 1992. If a property contains a greater number of legally–erected signs than would be permitted by this Section, then such signs shall be entitled to Nonconforming Sign Certificates if applications are filed on or before December 31, 1992.

a) 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:

i) 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.

ii) No structural alteration, enlargement or extension of such sign shall be allowed.

iii) No relocation of such sign upon the premises shall be allowed.

iv) 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.

b) The application for a Nonconforming Sign Certificate may include multiple signs on the same zone lot and shall contain the following:

i) A color print showing the entire sign(s) including any supporting framework;

ii) Dimensions of the sign(s) including length, width, height, and area in square feet;

iii) An elevation drawing with dimensions of the facade or wall area showing the location of any attached sign(s) in approximate scale; and

iv) 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).

3) A sign that would be allowed by this Section only with a sign permit and was in existence on January 1, 1992, but does not have a Nonconforming Sign Certificate shall either be removed or brought into compliance with this Section by July 1, 1997.

4) A sign that would be allowed by this Section only with a sign permit and was in existence on January 1, 1992, and is in compliance with all provisions of the Section but does not have a Sign Certificate may be issued a Sign Certificate upon application to the Enforcement Officer.

(B) 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.

(C) 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 6–1.10(A) (Signs Existing on the Effective Date).

6–1.11 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 Section 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.

6–2 OFF–STREET PARKING, STACKING, AND LOADING AREAS

6–2.1 General Requirements

(A) Parking, Stacking and Loading Space Required: When any building or structure is erected, modified, enlarged or increased in capacity, or any open use is established, modified or enlarged, the requirements of this Section shall be met. For enlargements, modifications, or increase in capacity, the requirements of this Section shall apply only to such enlargements, modifications or increases in capacity.

(B) Required Number: The minimum number of required off–street parking, stacking and loading spaces is indicated in Table 6–2–1 and Section 6–2.7 (Loading Areas). In cases of mixed occupancy, the minimum number of off–street parking, stacking and loading spaces shall be the cumulative total of individual use requirements unless otherwise specified.

(C) Handicapped Spaces: Spaces for the physically handicapped shall be provided as required by the NC Building Code, and other applicable state and federal regulations governing van accessibility. See Figure 6–C.

(D) Minimum Required: In all instances where off–street parking is required, except for residential uses, a minimum of five (5) parking spaces shall be provided.

(E) Reduction of Minimum Requirements: Unless there is a change in use requiring fewer spaces, the number of spaces shall not be reduced below the minimum requirements of this Ordinance except as provided for in Section 6–3.1 (C) (Reduction in Parking Requirements for Pre–Existing Developments).

(F) Maintenance: All parking, stacking and loading facilities shall be permanently maintained by the owners or occupants as long as the use they serve exists.

(G) Access: All parking, stacking and loading facilities shall have vehicular access to a public street.

(H) Use for No Other Purpose: Land used to provide required parking, stacking, and loading shall not be used for any other purposes, except for temporary events. If such land is devoted to any other purpose, the Certificate of Occupancy of the affected principal use shall immediately become void.

TABLE 6-2-1
Off-Street Parking Requirements

USE	SPACES REQUIRED
Residential Uses	
1) Boarding and rooming house; bed & breakfast; fraternity or sorority; private dormitory	1/bedroom plus 2/3 employees on largest shift
2) Congregate care, family care, or group care facilities	1/4 beds plus 1/employee and visiting specialist plus 1/vehicle used in operation
3) Multi-family dwellings (including condominiums)	
0 to 1 bedroom units	1.50/unit
2 bedroom units	1.75/unit
3 or more bedroom units	2.00/unit
4) Shelter for the Homeless	1/resident staff member, plus 2/3 nonresident staff members and/or volunteers on the largest shift, plus 1/each vehicle used in the operation
5) Single family detached, duplex & twin home dwellings	2/dwelling unit on the same lot
6) Single Room Occupancy Residence	1/3 rooming units, plus 2/3 employees on the largest shift, plus 1/each vehicle used in the operation
7) Townhouse dwellings	2.25/dwelling unit for units using individual garages and driveways. Refer to Section 6-2.5(D). 2.1/dwelling unit for units using bay, common carports or other form of group parking.
Accessory Uses	
1) Accessory dwelling units	1/attached unit, 2/detached unit, located on the same zone lot
2) Home occupations	Minimum 1 space, maximum 3 spaces in addition to required residential spaces
3) Migrant labor housing	1/4 workers
Recreation	
1) Amusement parks; fairgrounds; skating rinks	1/200 square feet of activity area
2) Athletic fields	25/field
3) Batting cages, driving ranges; miniature golf; shooting ranges	1/cage, tee, or firing point
4) Billiard parlors; tennis courts	3/table or court
5) Bowling centers	4/lane
6) Clubs or lodges, coin-operated amusement, physical fitness centers and similar indoor recreation	1/200 square feet of gross floor area
7) Go-cart raceways	1/go-cart plus 1/employee on largest shift
10) Equestrian facilities	1/2 stalls
11) Swimming pools	1/100 square feet of water and deck space

/ = Per * NCDOT may require additional stacking spaces on state or federal highways

TABLE 6-2-1
Off-Street Parking Requirements

Educational and Institutional Uses	
1) Ambulance services; fire stations; police stations	1/employee on largest shift
2) Auditoriums; assembly halls; coliseums; convention centers; stadiums	1/5 persons based on designed capacity of building(s)
3) Churches	1/4 seats in main chapel
4) Colleges and Universities	7/classroom plus 1/4 beds in main campus dorms plus 1/250 square feet of office space plus 1/5 fixed seats in assembly halls and stadiums
5) Correctional institutions	1/10 inmates plus 2/3 employees on largest shift plus1/vehicle used in the operation
6) Day care, child or adult	1/employee plus 1/10 children with parking located on site
7) Elementary and middle schools; kindergartens	3/room used for offices plus 3/classroom
8) Government offices; post offices	1/150 square feet of public service area plus 2/3 employees on largest shift
9) Hospitals	1/4 in-patient or out-patient beds plus 2/3 employees on largest shift plus 1/staff doctor
10) Libraries, museums and art galleries	1/450 square feet of gross floor area for public use plus 2/3 employees on largest shift
11) Nursing and convalescent homes	1/4 beds plus 1/employee and visiting specialist plus 1/vehicle used in operation
12) Senior high schools	3/room used for offices plus 7/classroom
Offices (not otherwise classified)	1/250 square feet gross floor area
Business, Professional and Personal Services	
1) Automobile repair or services	3/service bay plus 1/wrecker or service vehicle plus 2/3 employees on largest shift
2) Banks and financial institutions	* 1/200 square feet gross floor area plus stacking for 4 vehicles at each drive-through window or automatic teller machine
3) Barber and beauty shops	3/operator
4) Car washes a) Full-service	* stacking for 30 vehicles or 10/approach lane, whichever is greater plus 3 spaces in the manual drying area plus 2/3 employees on largest shift
b) Self-service	*3 stacking spaces/approach lane plus 2 drying spaces/stall
5) Delivery services	2/3 employees on largest shift plus 1/vehicle used in operation
6) Equipment rental and leasing	1/200 square feet gross floor area
7) Funeral home or crematoria	1/4 seats in main chapel plus 2/3 employees on the largest shift plus 1/vehicle used in operation
8) Hotels and motels containing	
a) 5,000 square feet or less ancillary space, i.e. restaurant, meeting rooms, lounge or lobby or a restaurant/lounge containing 3,000 square feet or less	1.1/rental unit
b) more than 5,000 square feet of ancillary space, i.e. restaurant, meeting rooms, lounge or lobby or a restaurant/ lounge containing over 3,000 square feet	1.25/rental unit

/ = Per * NCDOT may require additional stacking spaces on state or federal highways

TABLE 6–2–1
Off–Street Parking Requirements

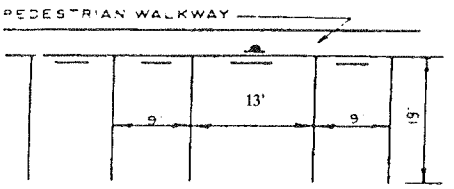
9) Kennels or pet grooming	1/300 square feet of sales, grooming or customer waiting area plus 2/3 employees on largest shift
10) Laundromat (coin operated)	1/4 pieces or rental equipment
11) Laundry and dry cleaning plants or substation	*2/3 employees on largest shift plus 1/vehicle used in operation plus stacking for 4 vehicles/pickup station
12) Laboratories	*2/3 employees on largest shift plus 1/250 square feet of office space
13) Medical, dental, or related offices	3/examining room plus 1/employee including doctors
14) Motion picture production	1/1000 square feet of gross floor area
15) Recreational vehicle park or campsite	Refer to development standards for recreational vehicle parks (Section 6–4)
16) Repair of bulky items (appliances, furniture, boats, etc.)	2/3 employees on largest shift plus 1/ vehicle used in operation
17) Theaters (indoor)	1/4 seats
18) Truck wash	*3 stacking spaces/stall
19) Veterinary service (other)	4/doctor plus 1/employee including doctors
20) Vocational, business, or secretarial schools	1/100 square feet of classroom space plus 1/250 square feet of office space
21) Services and repairs not otherwise classified	1/250 square feet gross floor area plus 1/vehicle used in operation
Drive–throughs not otherwise classified	*Stacking for 4 vehicles at each bay, window, lane, ordering station or machine in addition to use requirement
Retail Trade	
1) Bars, dance halls	1/3 persons in designed capacity of building plus 2/3 employees on largest shift, located on same zone lot
2) Convenience stores	*1/200 square feet gross floor area plus 4 stacking spaces at pump islands
3) Department stores; food stores	1/200 square feet gross floor area
4) Flea markets; salvage yards and other open air sales	1/acre of site area plus 2/3 employees on largest shift
5) Fuel oil sales	2/3 employees on largest shift plus 1/vehicle used in operation
6) Furniture; floor covering sales	1/1,000 square feet gross floor area
7) Motor vehicle, motorcycle, or recreational vehicle sales or rental; manufactured home sales	5 spaces plus 1/10,000 square feet of display area plus 2/3 employees on largest shift
8) Restaurants	*1/4 seats plus 2/3 employees on largest shift & 11 total stacking spaces with minimum 5 spaces at or before ordering station
9) Retail sales not otherwise classified	1/200 square feet gross floor area
10) Retail sales of bulky items (appliances, building materials, etc.)	1/500 square feet of gross floor area
11) Service stations, gasoline	*3/service bay plus 1/wrecker or service vehicle plus 2/3 employees on largest shift plus 4 stacking spaces at pump islands

/ = Per * NCDOT may require additional stacking spaces on state or federal highways

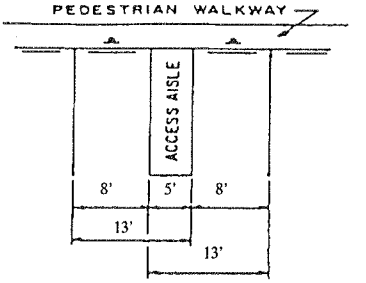
TABLE 6-2-1
Off-Street Parking Requirements

12) Shopping Centers	
a) < 250,000 square feet	1/200 square feet gross floor area in main building(s) (excluding theaters)plus parking as required for outparcels or theaters
b) > 250,000 square feet gross floor area	1,250 spaces plus 1/225 square feet gross floor area above 250,000 square feet
Wholesale Trade	
1) Market showroom	1/1,000 square feet gross floor area
2) Wholesale uses	2/3 employees on largest shift plus 1/200 square feet of retail sales or customer service area plus 1/vehicle
Transportation, Warehousing and Utilities	
1) Airport, bus, and train terminals	1/4 seats plus 2/3 employees on largest shift
2) Communication towers; beneficial fill area, land clearing and inert debris (LCID) landfills; heliports; utility lines or substations	no required parking
3) Recycling processing centers	1/employee on largest shift
4) Self-storage warehouses	5 spaces
5) Transportation, warehousing and utility uses not otherwise classified	2/3 employees on largest shift plus 1/ vehicle used in operation
Manufacturing and Industrial Uses	2/3 employees on largest shift plus 1/200 square feet of retail sales or customer service area plus 1/vehicle used in operation

/ = Per * NCDOT may require additional stacking spaces on state or federal highways



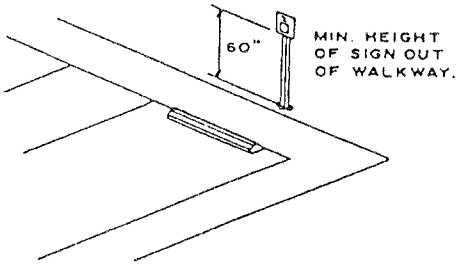
SINGLE SPACE DESIGN
(MINIMUM DIMENSIONS)

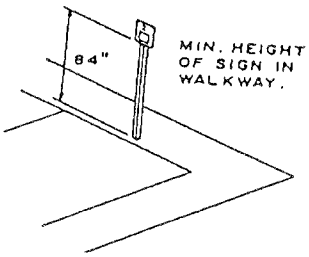


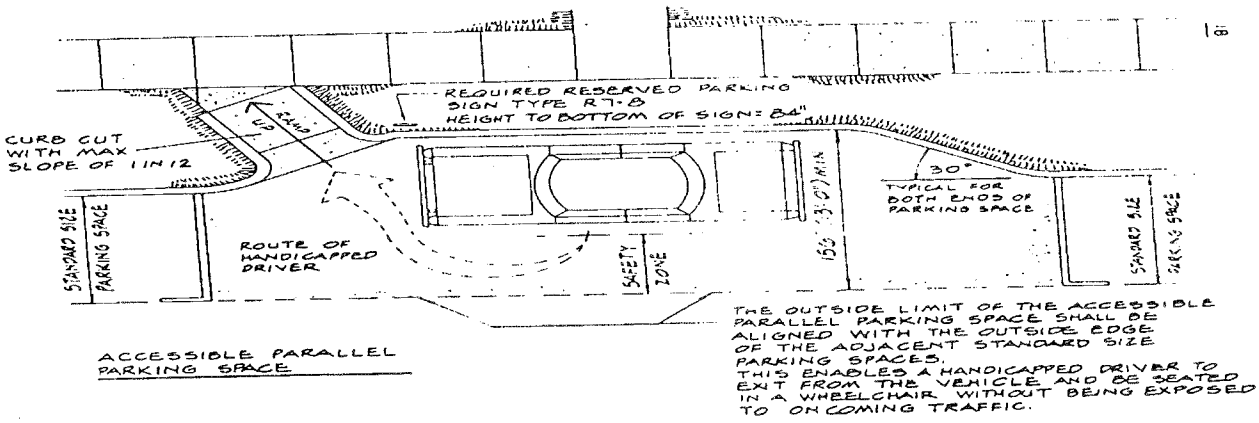
DOUBLE SPACE DESIGN
(MINIMUM DIMENSIONS)

REQUIRED HANDICAPPED
RESERVED PARKING SIGN
MUTCD R7-8
12" x 18"

TYPICAL SIGN







Number of Required Handicapped Parking Spaces

Total Number of Spaces in Parking Lot	Min. Number of H.C. Spaces	Van Accessible Spaces
1 to 25	1	At least one in every eight handicapped spaces shall be served by an access aisle not less than 8 feet in width and not less than 8 feet, 2 inches vertical clearance. Such spaces shall be designated "VAN ACCESSIBLE" and may be grouped on one level of a parking structure.
26 to 50	2	
51 to 75	3	
76 to 100	4	
101 to 150	5	
151 to 200	6	
201 to 300	7	
301 to 400	8	
401 to 500	9	
501 to 1,000	*	
1,000 and over	**	

* 2% of Total ** 20 plus 1 for each 100 over 1,000

Figure 6–C
HANDICAPPED & VAN ACCESSIBLE PARKING SPACE REQUIREMENTS NO SCALE

6–2.2 Unlisted Uses

For any use not specifically listed in this Section, the parking, stacking and loading requirements shall be those of the most similar use.

6–2.3 Parking Requirements for Change in Use

If a change in use causes an increase in the required number of off–street parking, stacking or loading spaces, such additional spaces shall be provided in accordance with the requirements of this Ordinance; except that if the change in use would require an increase of less than five (5%) percent in the required number of parking spaces or fewer than five (5) spaces, no additional off–street parking shall be required.

6–2.4 Design Standards for Parking, Stacking and Loading

(A) Design: Parking facilities shall be designed and constructed to:

1) Allow unobstructed movement into and out of each parking space without interfering with fixed objects or vehicles.

2) Minimize delay and interference with traffic on public streets and access drives.

3) Maximize sight distances from parking lot exits and access drives.

4) All off–street parking spaces in parking lots shall have access from parking lot driveways and not directly from streets.

(B) Dimensional Requirements: Parking facilities shall be designed and constructed to meet minimum, parking space dimensions, aisle dimensions and other standards found in Table 6–2–2.

(C) Improvements

1) Paving

a) Required parking spaces, access drives, and loading areas shall be paved and maintained with concrete, asphalt, or similar material of sufficient thickness and consistency to support anticipated traffic volumes and weights.

b) Access drives shall be paved and maintained from the curbline to a point at least ten (10) feet beyond the public right–of–way line for all parking and loading facilities, whether paved or unpaved.

c) Paving shall not be required for:

i) Parking facilities used on an irregular basis for churches, private clubs or other similar nonprofit organizations.

ii) Parking facilities for residential uses where six (6) or fewer spaces are required.

iii) Parking areas for agricultural uses in the Agricultural (AG) District .

iv) 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.

v) Parking areas for tracked heavy construction equipment, skid–mounted equipment and similar equipment, provided they are constructed with an all–weather surface.

d) Where parking facilities are paved, curb and gutter or an equivalent drainage system shall be provided along the periphery of the parking lot, except where it is determined by the Enforcement Officer that such system is not practical for storm drainage purposes.

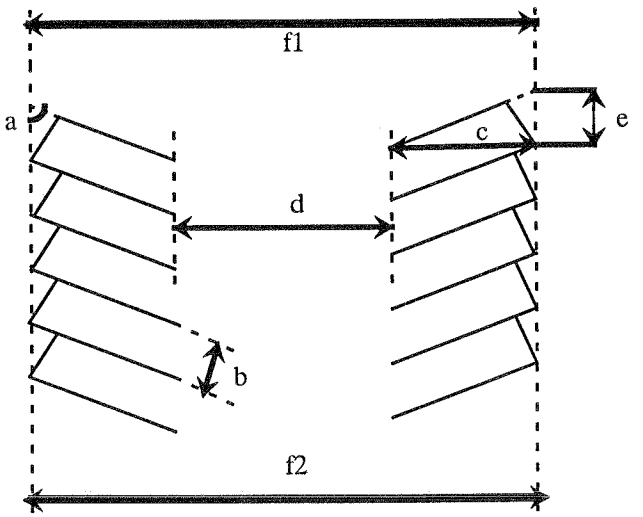
TABLE 6–2–2
Parking Space Geometric Design Standards

a	b	c	d	e	f1	f2
PARKING ANGLE (degrees)	STALL WIDTH (*)	STALL TO CURB (ft.)	AISLE WIDTH (ft.)	CURB LENGTH (ft.)	CENTER–TO–CENTER WIDTH OF TWO ROW BIN WITH ACCESS ROAD BETWEEN (ft.)	
					CURB–TO–CURB	OVERLAP C–C
0	7'–6"	7.5	12.0	23.0	27.0	
	8'–6"	8.5	12.0	23.0	29.0	–
	9'–0"	9.0	12.0	23.0	30.0	–
	9'–6"	9.5	12.0	23.0	31.0	–
	10'–0"	10.0	12.0	23.0	32.0	–
30	7'–6"	16.5	11.0	17.5	44.0	41.0
	8'–6"	16.9	11.0	17.0	44.8	37.4
	9'–0"	17.3	11.0	18.0	45.6	37.8
	9'–6"	17.8	11.0	19.0	46.6	38.4
	10'–0"	18.2	11.0	20.0	47.8	38.7
45	7'–6"	17.0	11.0	10.5	43.0	48.1
	8'–6"	19.4	13.5	12.0	52.3	46.3
	9'–0"	19.8	13.0	12.7	52.6	46.2
	9'–6"	20.1	13.0	13.4	53.2	46.5
	10'–0"	20.5	13.0	14.1	54.0	46.9
60	7'–6"	17.7	14.0	8.7	47.4	44.0
	8'–6"	20.7	18.5	9.8	59.9	55.6
	9'–0"	21.0	18.0	10.4	60.0	55.5
	9'–6"	21.2	18.0	11.0	60.4	55.6
	10'–0"	21.2	18.0	11.5	61.0	56.0
90	7'–6"	17.0	20.0	7.5	54.0	
	8'–6"	19.0	25.0	8.5	63.0	–
	9'–0"	19.0	24.0	9.0	62.0	–
	9'–6"	19.0	24.0	9.5	62.0	–
	10'–0"	19.0	24.0	10.0	62.0	–

(*) 9'–0" Recommended (*) 8'–6" Minimum (*) 7'– 6" Compact Cars Only, for non–required spaces only

Stacking Space Geometric Design Standards

Stacking spaces shall be twelve feet (12) by twenty (20) feet.



e) All facilities shall be graded, properly drained, stabilized and maintained to minimize dust and erosion.

f) All parking spaces and stacking lanes shall be clearly identified with paint lines, bumper guards, curbs, or similar treatment.

g) All parking spaces shall be provided with wheel guards or curbs located so that no part of the parked vehicle will extend beyond the property line or encroach more than two (2) feet into a required planting area.

h) Concrete pads for stationary refuse containers shall be provided beneath and in the approach to each container.

i) Parking lots shall be designed and constructed such that walkways shall maintain a minimum unobstructed width of four (4) feet. (Vehicle encroachment is calculated as two (2) feet beyond curb.)

6–2.5 Location

(A) Off–site Parking Lots: When required off–street parking is permitted to be located off–site, it shall begin within four hundred (400) feet of the zone lot containing the principal use. Required off–street parking shall not be located across an intervening major or minor thoroughfare.

(B) Parking in Nonresidential District: Automobile parking for any use may be provided in any nonresidential district.

(C) Parking in Residential Districts – See Figure 6–D: Surface parking in a residential district for any use not permitted in that district is allowed under the following conditions:

1) Property on which the parking is located must abut the lot containing the use which the parking serves. The property must be under the same ownership or subject to a parking encumbrance agreement approved by the Enforcement Office. All access to such property shall be through nonresidentially zoned property;

2) Parking shall be used only during daylight hours except by Special Use Permit;

3) Parking shall be used by customers, patrons, employees, guests, or residents of the use which the parking serves;

4) No parking shall be located more than one hundred twenty (120) feet into the residential zoning district. Parking may be allowed to extend up to four hundred (400) feet into the residential zoning district with approval of a Special Use Permit;

5) No parking shall be permitted closer than one hundred fifty (150) feet to any public street right–of–way upon which the principal use would not be permitted driveway access; and

6) Long–term or dead storage, loading, sales, repair work or servicing of vehicles is prohibited.

(D) Townhouse Developments: In developments using individual driveways and garages to meet parking requirements, visitor parking areas shall be distributed such that the front entrance to each unit is not further than two hundred (200) feet from such area. A maximum of two (2) spaces shall be assigned to driveway/garage units with 0.25 spaces per unit defined as visitor parking.

6–2.6 Combined Parking

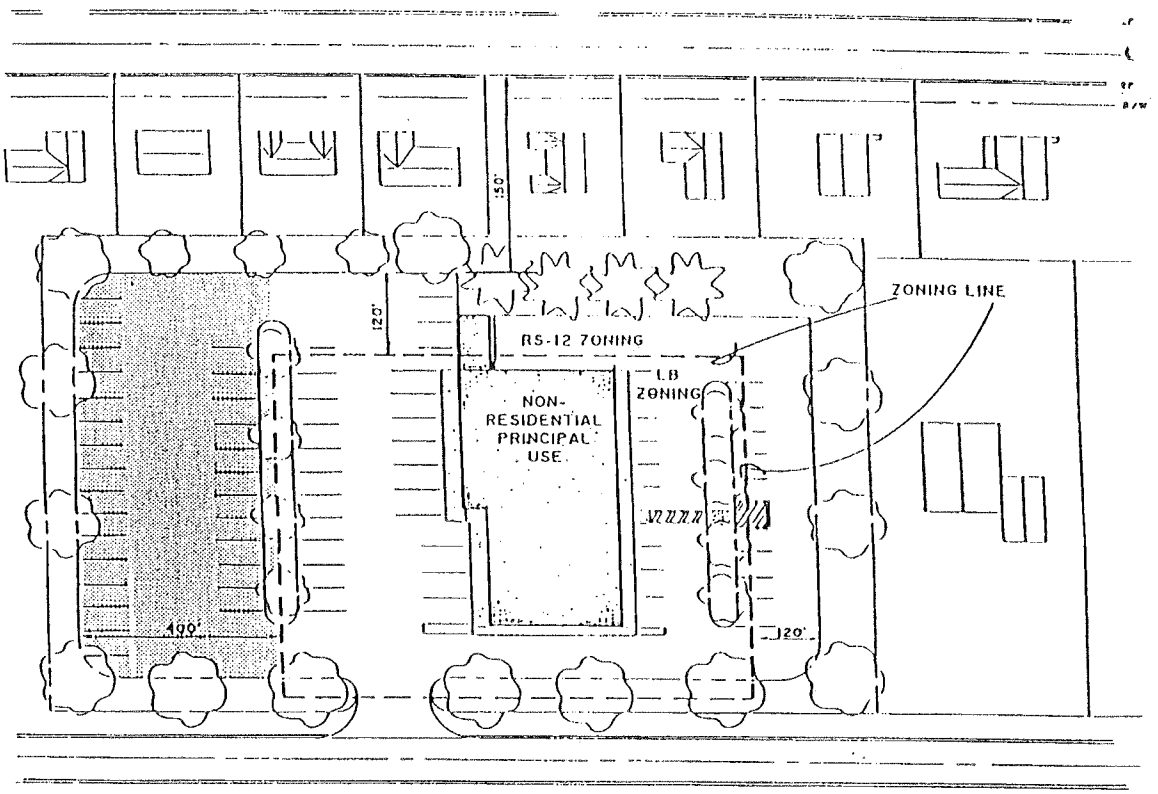
(A) Separate Uses: The required parking for separate or mixed uses may be combined in one facility.

(B) Shared Parking: A maximum of fifty (50%) percent of the parking spaces required for a church, theater, auditorium or assembly hall or other similar use may also serve as required spaces for another use located on the same zone lot. Shared spaces may also be located off–site as allowed in Section 6–2.5(A) (Off–site Parking Lots). In either case the Enforcement Officer must determine that the various activities will have peak parking demands at different periods of the day or week. Otherwise, no off–street parking required for one (1) building or use shall be applied toward the requirements of any other building or use.

(C) Reassignment: Required off–street parking spaces shall not be leased or otherwise assigned to another use except as provided in Section 6–2.6 (B) (Shared Parking).

6–2.7 Loading Areas

(A) Location: Off–street loading areas shall be located on the same zone lot as the use they serve.



* Maximum extension of parking for a non–residential use in a residential district shall be 120', 400' (see shaded area) if approved by a Special Use Permit.
* Parking may extend no closer than 150' to any street upon which the principal use would no be permitted driveway access.

FIGURE 6–D
PARKING IN RESIDENTIAL DISTRICTS

NO SCALE

(B) Design Standards

1) Minimum Number of Loading Spaces Required:

a) Retail operations, including restaurant and dining facilities within hotels and office buildings:

Gross Floor Area (SQ FT)	Number of Spaces
0 – 20,000	0
20,001 – 40,000	1
40,001 – 75,000	2
75,001 – 150,000	3
150,001 – 250,000	4
For each additional 250,000 square feet or fraction thereof	1

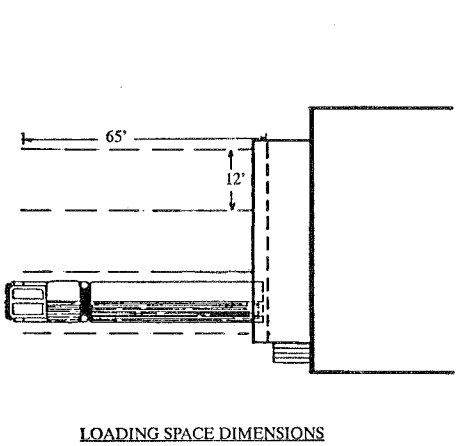
b) Office buildings and hotels:

Gross Floor Area (SQ FT)	Number of Spaces
0 – 100,000	0
For each additional 100,000 square feet or fraction thereof	1

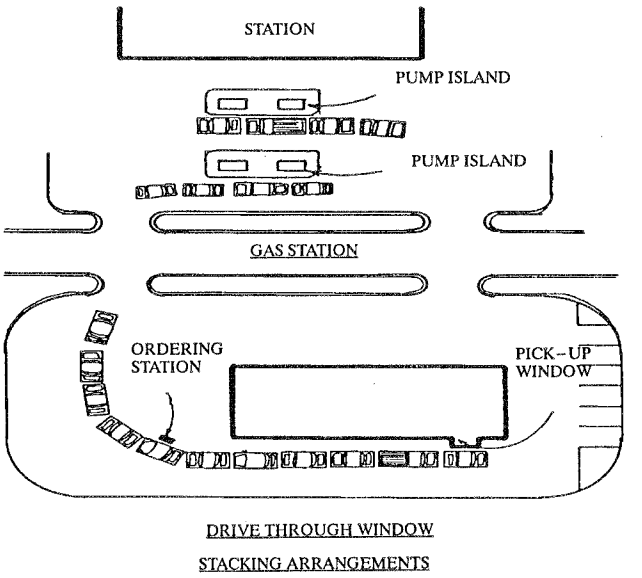
c) Industrial and wholesale operations:

Gross Floor Area (ft.2)	Number of Spaces
0 – 10,000	0
10,000 – 40,000	1
40,001 –100,000	2
100,001 – 160,000	3
160,001 – 240,000	4
240,001 – 320,000	5
320,001 – 400,000	6
For each additional 90,000 square feet or fraction thereof	1

2) Each loading area shall be at least twelve (12) feet wide, sixty–five (65) feet long and fourteen (14) feet in clearance. See Figure 6–E.



LOADING SPACE DIMENSIONS



DRIVE THROUGH WINDOW STACKING ARRANGEMENTS

FIGURE 6–E
LOADING AND STACKING ARRANGEMENTS

NO SCALE

3) All off–street loading areas shall be arranged and marked to provide for orderly and safe unloading and loading, and shall not hinder the free movement of vehicles and pedestrians. All loading and unloading maneuvers shall take place on private property. No backing in from street or maneuvering on right–of–way shall be permitted.

6–3 LANDSCAPING REQUIREMENTS

6–3.1 Applicability

(A) Exemptions: These requirements shall not apply to:

1) Single family detached dwellings or two–family dwellings on their own lots;

2) Multi–family developments containing eight (8) or fewer dwelling units in a single zone (building) lot;

3) Properties within or surrounded by the Central Business (CB) zoning district;

4) Property lines abutting railroad rights–of–way and utility easements in excess of sixty (60) feet in width; and

5) Property lines abutting dedicated street right–of–way which has remained unopened for a period of at least fifteen (15) years.

(B) 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.

(C) 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 Enforcement Officer up to ten (10%) percent.

6–3.2 Planting Yards

(A) Required Planting Areas: The following areas are required to be landscaped:

1) Street planting yards;

2) Parking lots (excluding vehicle loading, storage, and display areas); and

3) Planting yards.

(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–F.

2) Parking Lot Plantings: Planting areas within and adjacent to parking areas designed to shade and improve the attractiveness of large areas of pavement.

3) 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–G.

4) Type B Planting Yard: A medium density screen intended to partially block visual contact between uses and create spatial separation. See Figure 6–G.

5) Type C Planting Yard: A low density screen intended to partially block visual contact between uses and create spatial separation. See Figure 6–H.

6) 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–H.

6–3.3 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 the Permitted Use Schedule, Table 4–3–1 in Section 4–3 (Permitted Use Schedule).

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 6–3–1, 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 6–3–2, to determine the types and numbers of shrubs and trees required.

TABLE 6–3–1
Planting Yard Chart

EXISITING ADJACENT USE(S)						
Land Use Classification	1	2	3	4	5	Undeveloped
1	*	*	*	*	*	*
2	C	D	D	D	D	D
3	B	B	D	D	D	D
4	A	A	C	D	D	D
5	A	A	B	C	D	D

* No Planting Yard Required

TABLE 6–3–2
Planting Yard Rate Chart

Yard Type	Minimum Width (ft.)	Min. Avg. Width (ft.)	Maximum Width (ft.)	Planting Yard Rates: Canopy Tree Rate	Understory Tree Rate	Shrub Rate
Street Yard	8	8	25	2/100 lf[b]	NA[c]	17/100 lf
Type A Yard	40[a]	50[a]	75	4/100 lf/oc	10/100 lf/oc	33/100 lf/oc
Type B Yard	25[a]	30[a]	50	3/100 lf	5/100 lf	25/100 lf
Type C Yard	15[a]	20[a]	40	2/100 lf[b]	3/100 lf	17/100 lf
Type D Yard	5	5	10	–	2/100 lf	18/100 lf
Parking Lot	NA	NA	NA	1/12 parking spaces[b]	NA[c]	NA

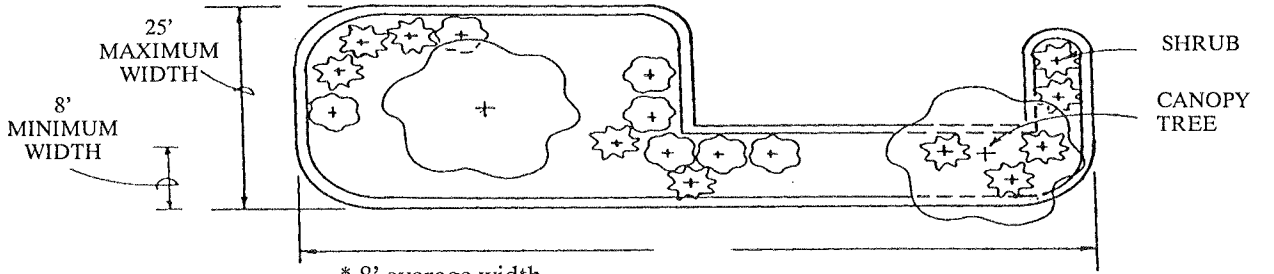
lf: linear fee oc: on center

a Walls, a minimum of five (5) feet in height, constructed of 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.

b In street yards, 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.

c One understory tree may be substituted for each required canopy tree if the Technical Review Committee determines that there would be a major conflict with overhead utility lines.

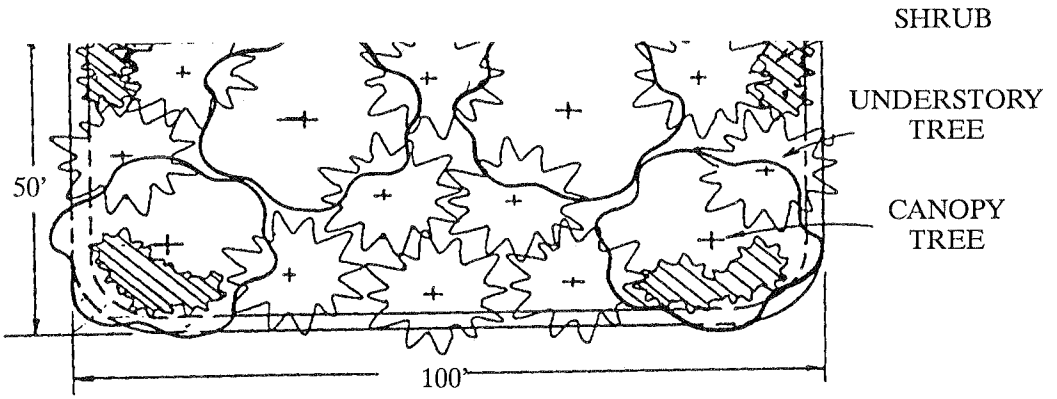
NOTE:; On Lots of Record less than fifty–five thousand (55,000) square feet in area, no development shall be required to place required landscaping on greater than fifteen (15%) percent of the site.



* 8' average width
* Plantings: 2 canopy trees per 100'
17 shrubs per 100'

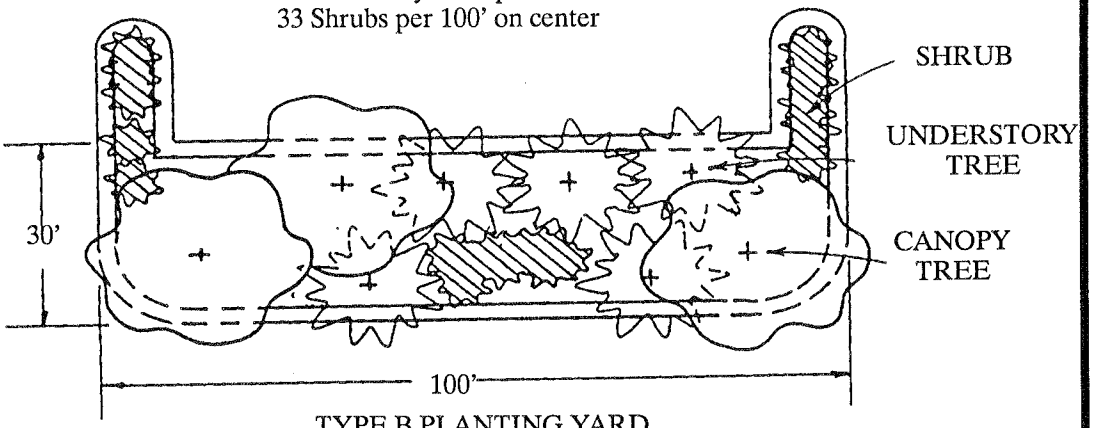
FIGURE 6–F
STREET PLANTING YARD

NO SCALE



TYPE A PLANTING YARD

* 40' minimum, 75' maximum width
* Plantings: 4 Canopy trees per 100' on center
10 Understory trees per 100' on center
33 Shrubs per 100' on center

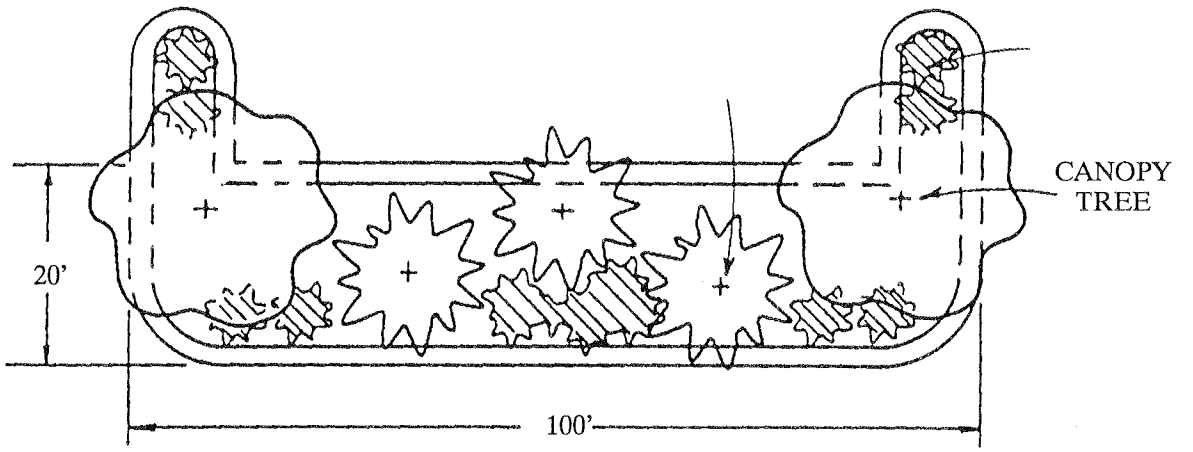


TYPE B PLANTING YARD

* 25' minimum, 50' maximum width
* Plantings: 3 Canopy trees per 100' on center
5 Understory trees per 100' on center
25 Shrubs per 100' on center

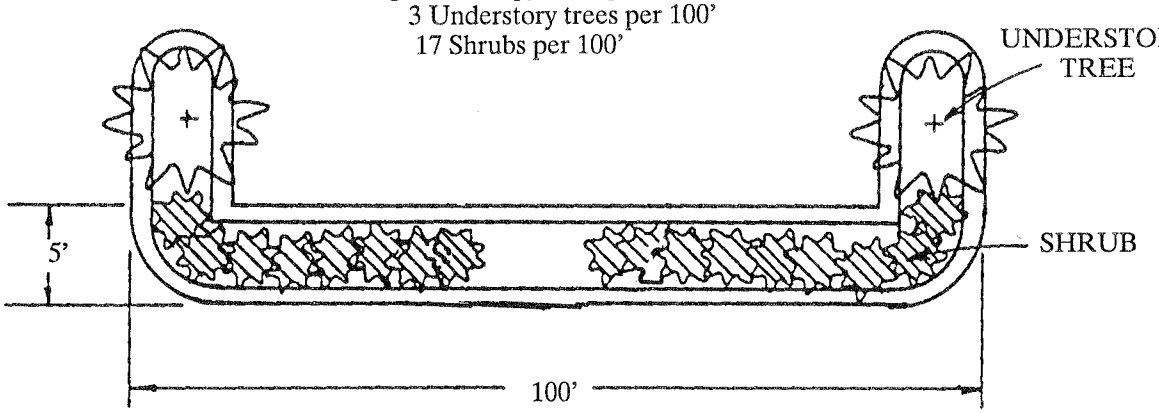
Figure 6–G
PLANTING YARD TYPE A & B

NO SCALE



TYPE C PLANTING YARD

* 15' minimum width, 40 ' maximum width
* Plantings: 2 Canopy trees per 100'
3 Understory trees per 100'
17 Shrubs per 100'

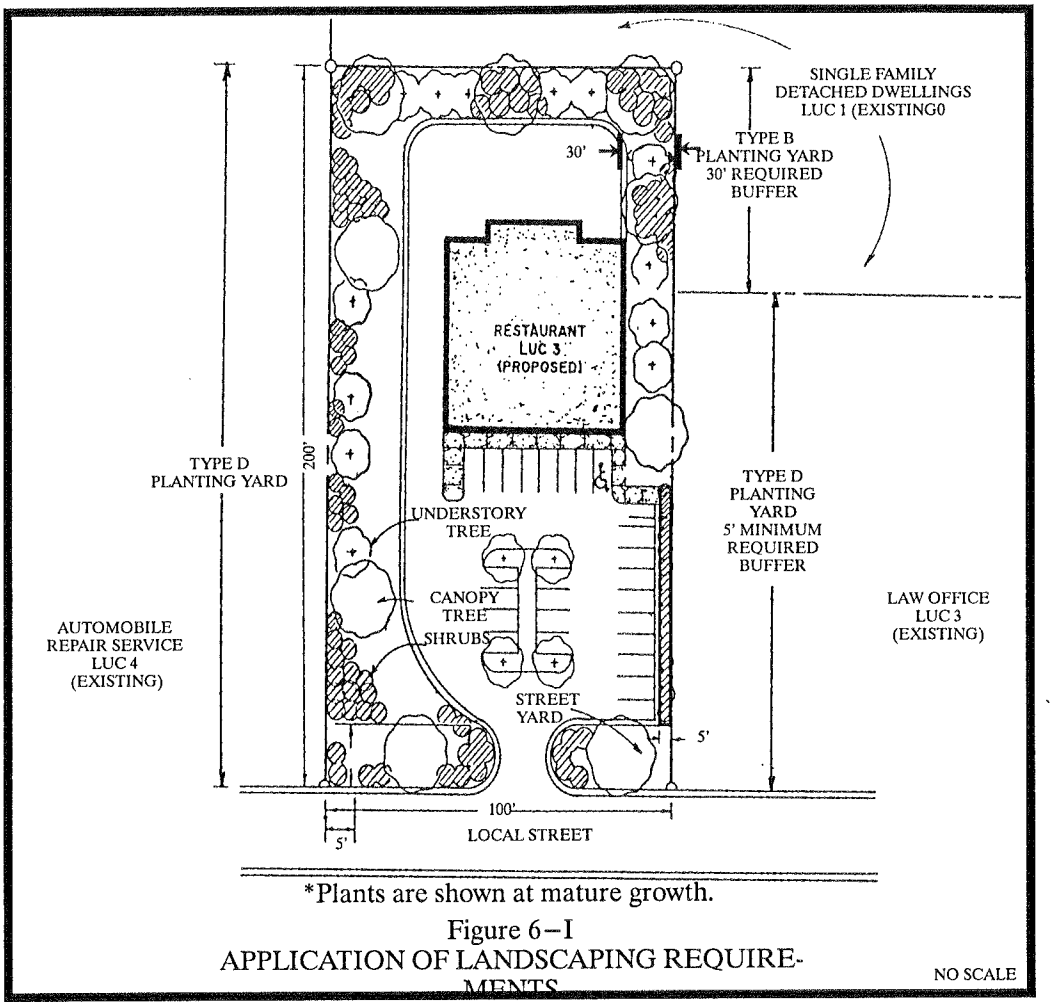


TYPE D PLANTING YARD

* 5' minimum width, 10' maximum width
* Plantings : 2 Understory trees per 100'
18 Shrubs per 100'

Figure 6–H
PLANTING YARD TYPES C & D

NO SCALE



*Plants are shown at mature growth.

Figure 6–I
APPLICATION OF LANDSCAPING REQUIREMENTS

6–3.4 Landscaping Design and Maintenance Standards

(A) Calculation of Street Planting Yards: Street planting yard rate and width calculations shall exclude access drives.

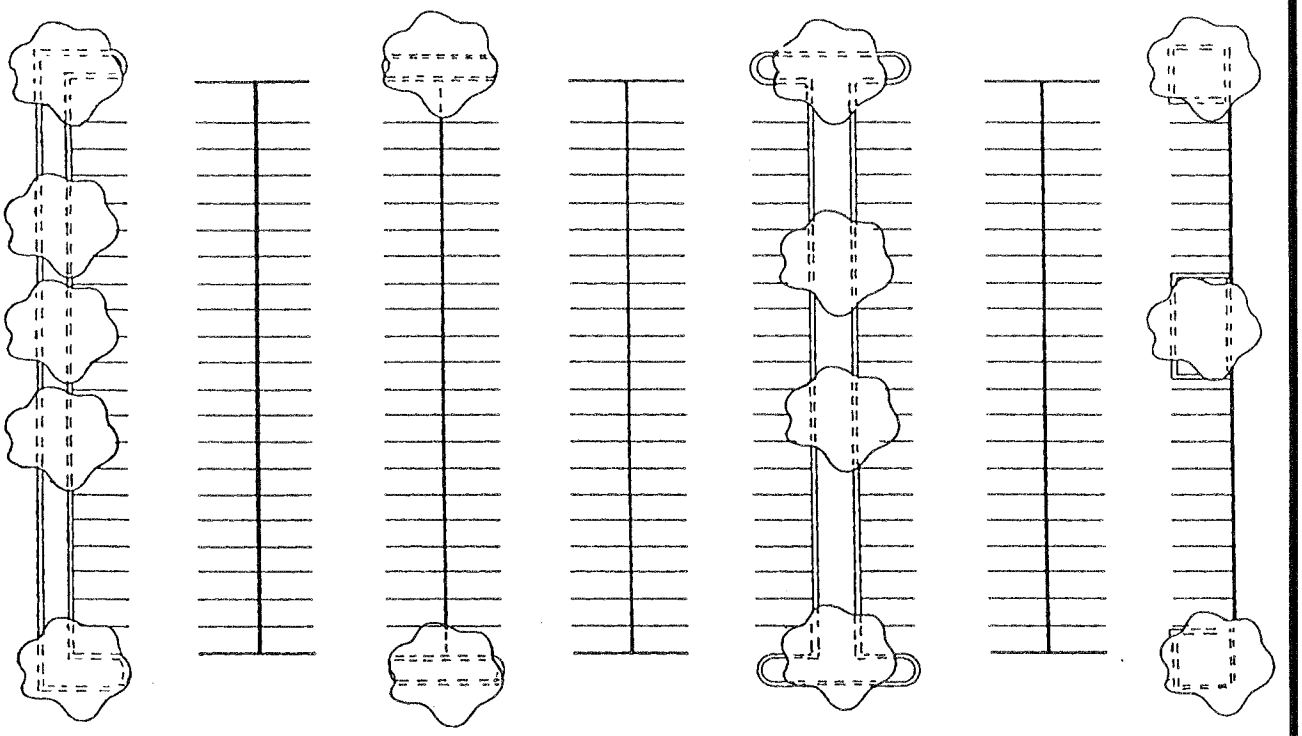
(B) Plant Species: Species used in required street planting yards, parking lots and planting yards shall be of a locally adapted nature. Refer to the recommended plant species list. Other species may be approved by the Enforcement Officer.

(C) Dimension of Planting Areas: Each planting area 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 Spacing: 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–J.

(F) Canopy Tree Size: Canopy trees must be a minimum of eight (8) feet high and two (2) inches in caliper, measured six (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.



* One Canopy Tree for every Twelve (12) Parking Spaces.
* The illustration above contains examples of possible arrangements.

Figure 6–J
PARKING LOT PLANTINGS NO SCALE

(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) Berm: Berms may be used in an alternate planting plan as a substitute for some plant materials, subject to approval of the Enforcement Officer.

(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 fire places, fire escapes, fire balconies, and fire towers may project not more than two and one–half (2 1/2) 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.

(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 alongside 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 view of motorists using any street, driveway or parking aisle.

(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 Technical Review Committee.

(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.

6-3.5 Procedures

(A) Landscaping Plan Required: Prior to obtaining a building permit, an applicant must receive approval of a landscaping plan from the Enforcement Officer, except that site plans submitted in accordance with Section 3-11.4(B)2) 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 Enforcement Officer. 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 Enforcement Officer may issue a Temporary Certificate of Occupancy but shall not issue a Certificate of Occupancy until the planting areas have been completed and approved.

6-3.6 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 Enforcement Officer 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) The performance of alternate landscaping plans must be reviewed by the Enforcement Officer to determine if 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 of the Enforcement Officer regarding alternate methods of compliance may be appealed to the Technical Review Committee.

(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 yards may be eliminated from the landscaping plan if the Enforcement Officer 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 Enforcement Officer 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.

6–3.7 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. 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.

4) 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.

5) 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.

6–4 DEVELOPMENT STANDARDS FOR INDIVIDUAL USES

6–4.1 Application of Development Standards

The development standards listed herein are additional to other requirements in this Ordinance. These development standards are use–specific and apply to those uses designated with a "D" in Table 4–3.1 Permitted Use Schedule. Uses requiring approval of a a Special Use Permit shall also be subject to these standards and any additional standards or conditions required by the Special Use Permit.

6–4.2 Standards for All Uses

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

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

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

(C) Outdoor Lighting: Outdoor lighting structures shall be located, angled, shielded, or limited in intensity so as to cast no direct light upon adjacent property and to avoid the creation of a visual safety hazard to passing motorists.

6-4.3 Accessory Dwelling Units (on Single-Family Lots) -See Figure 6-K.

(A) Where Required: AG, all residential, LO, GO-M, and GO-H districts.

(B) General Requirements

1) The accessory dwelling unit and principal dwelling unit shall have the same address.

2) No more than one accessory dwelling unit is permitted on the same lot with a principal dwelling unit.

3) No accessory dwelling unit shall be permitted on the same zone lot with a two-family or multi-family dwelling or family care home.

(C) 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 the NC Building Code. No new doorways or stairways to upper floors are permitted if they are attached to the side of a building facing a public or private street.

2) An accessory dwelling unit shall occupy no more than twenty-five (25%) percent of the heated floor area of the principal building. The sum of all accessory uses (including home occupations) in a principal building shall not exceed twenty-five (25%) percent of the total floor area.

3) The minimum size of an accessory dwelling unit shall be two hundred and fifty (250) square feet.

4) The accessory dwelling unit shall have, water, sanitary sewer, and electrical utilities as part of the principal building.

(D) Detached Accessory Dwelling Units

1) A detached accessory dwelling unit may be:

a) a manufactured dwelling in zones which permit this use;

b) a dwelling unit which is part of an accessory detached garage; or

c) a freestanding dwelling unit meeting the NC Building Code.

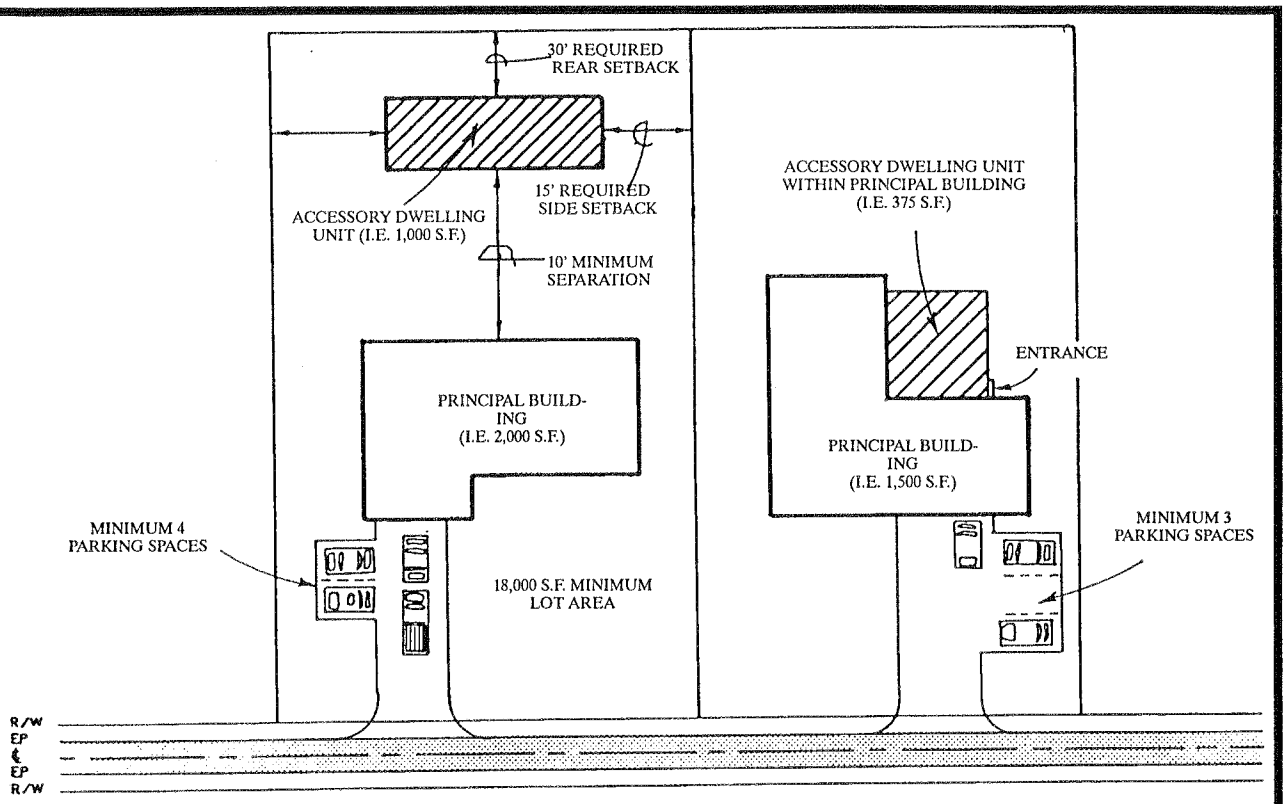
2) The detached accessory dwelling unit shall:

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 ten (10) feet 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.



* Based on RS–12 Zoning.
* An accessory dwelling unit within principal building shall be a minimum of 250 S.F. and a maximum of 25% of the heated floor area of principal building.
* For a detached dwelling meeting the NC Building Code, the lot area shall be 1.5 time the district minimum. For a detached dwelling that is a manufactured dwelling, the lot area shall be 2 time the distict minimum.
* A detached accessory dwelling shall have no more than 50% of the gross floor area of the principal building.
* See Section 6–4.1 for additional requirements.

Figure 6–K

ACCESSORY DWELLING UNITS ON SINGLE FAMILY LOTS

NO SCALE

3) Minimum Lot Area

a) When the detached accessory dwelling unit is part of an accessory detached garage or is a freestanding accessory dwelling unit meeting the NC Building Code, the lot containing both the principal and accessory dwelling units shall have one and one–half (1.5) times the minimum lot area required for the district.

b) When the detached accessory dwelling unit is a manufactured dwelling, the lot containing both the principal and accessory dwelling units shall have two (2) times the minimum lot area required for the district in which they are located.

4) Size and Type of Accessory Dwelling Unit

a) When the detached accessory dwelling unit is part of an accessory detached garage or a freestanding accessory dwelling unit meeting the NC Building Code, the gross floor area of the accessory dwelling unit shall be limited to the maximum of fifty (50%) percent of the gross floor are of the principal building.

b) When the detached accessory dwelling unit is a manufactured dwelling, the principal dwelling unit shall be a Class AA Double–wide Manufactured Dwelling or a freestanding principal dwelling unit meeting the NC Building Code. (In no case shall a Class A or B Manufactured Dwelling be accessory to another Class A or B Manufactured Dwelling.

6–4.4 Adult Oriented Establishment (principal or accessory use) including adult arcades, adult bookstores or adult video stores, adult caberets, 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) Where Required: GB district.

(B) Property Separation : No adult oriented establishment shall locate within one thousand (1,000) feet of a church, public or private elementary or secondary school, child day care center or nursery school, public park, or residentially zoned property.

(C) Prohibition of Sleeping Quarters: Except for an adult motel, no adult oriented establishment may have sleeping quarters.

(D) Restriction of Uses on the Same Property or in the same Building: There shall not be more than one (1) 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.

(E) Signs: Except for business signs permitted by Section 6–1 (Sign Regulations) of this Ordinance, promotional materials shall not be visible to the public from sidewalks, walkways, or streets.

6–4.5 Agricultural Production (Livestock)

(A) Where Required: RS–40, RS–30, RS–20, RS–15, RS–12, and HI districts.

(B) Setback: Fencing shall meet Section 6–5 Fences. Shelters for such animals shall meet the principal structure setbacks for the district in which they are located.

(C) Minimum Area: The minimum lot size shall be five (5) acres.

6–4.6 Advertising Service, Outdoor

(A) Where Required: GB and HB districts.

(B) Outdoor Storage: No outdoor storage of any materials related to outdoor advertising shall be permitted.

6–4.7 Agricultural Chemicals, Pesticides, and Fertilizers; Agricultural Products; Animal and Animal Products; Farm Supplies; Flowers Nursery Stock & Florist Supplies;Forest Products; Grain & Field Beans; and Livestock; Wholesale trade of

(A) Where Required: AG district.

(B) Use Separation: All structures, buildings or enclosed areas, used for the operation shall be a minimum of one hundred (100) feet from all property lines.

(C) Noise: Equipment–producing noise or sound in excess of seventy (70) decibels shall be located no closer than one hundred (100) feet to the nearest residence.

(D) Dust: All unpaved storage areas shall be maintained in a manner which prevents dust from adversely impacting adjacent properties.

(E) Fencing: Security fencing shall be provided around all outside storage areas.

6–4.8 Agricultural Products, Other, Wholesale trade of – See Section 6–4.7.

6–4.9 Airports and Flying Fields

6–4.11.1 Airport and Flying Field, commercial (principal use)

(A) Where Required: PI district.

(B) Minimum Area: Fifty (50) acres for Basic Utility Stage 1 airport with two thousand (2,000) foot runway. More area is required for larger airports. Airport size and layout shall conform to current FAA requirements.

(C) Use Separation: There shall be a minimum three hundred (300) foot distance between airport property and the nearest residence.

(D) Fencing: Security fencing shall be provided sufficient to control access to runways and taxiways. The fencing shall be a minimum six (6) feet in height.

6–4.11.2 Flying Field, Private (accessory use)

(A) Where Required: AG, HI, and PI districts.

(B) Minimum Area: Ten (10) acres and/or airstrip size and layout shall conform to current FAA requirements. The appropriate FAA permit(s) shall be included with site plan submission.

(C) Use Separation: There shall be a minimum three hundred (300) foot distance between the private flying field and the nearest existing residence.

6–4.10 Ammunition, Small Arms

(A) Where Required: HI District.

(B) Use Separation: No such facility shall locate within a five hundred (500) foot radius of any residential or public–institutional zoning district.

(C) Security Fencing: Security fencing shall be provided along the entire boundary of such a facility.

(D) Operation: The facility and its operation shall observe all Fire Prevention and Protection requirements.

6–4.11 Amusement Park

(A) Where Required: AG, HB, LI Districts.

(B) Minimum Area: Minimum lot size shall be five (5) acres.

(C) Use Separation: No buildings or structures, temporary or otherwise, shall be located within fifty (50) feet of any property line.

(D) Security Fencing: Security fencing, a minimum six (6) feet in height, shall be provided along the entire boundary of the park activities.

(E) Use Separation: No amusement equipment, machinery or mechanical device of any kind may be operated within two hundred (200) feet of any developed residentially or public–institutionally zoned property.

6–4.12 Animal Feeder/Breeder

(A) Where Required: AG District.

(B) Setback: 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 one hundred (100) feet from all property lines.

(C) Operation: Any violation of County Health Department regulations concerning the operation of the feeder/breeder shall be considered a violation of this Ordinance.

(D) Noise: Mechanical equipment producing noise or sound in excess of seventy (70) decibels shall be located no closer than one hundred (100) feet to the nearest residence.

6–4.13 Animal Services (other), Kennels, and Pet Grooming

(A) Where Required: GO–M, GO–H, LB, GB, HB, SC, and CP districts.

(B) Outside Storage: Pens and runs located outdoors are prohibited.

6–4.14 Animal and Animal Products, Other, Wholesale trade of – See Section 6–4.7.

6–4.15 Asphalt Plant

(A) Where Required: AG and HI Districts.

(B) Use Separation: Any asphalt plant, or other industrial operations shall be located at least fifty (50) feet from any property line.

(C) Security Fencing: The asphalt operation shall be enclosed by a nonclimbable fence of at least six (6) feet in height.

(D) Rehabilitation

1) Within one (1) year after the cessation of production, all equipment and stock piles, incidental to such operation, shall be dismantled and removed by and at the expense of the owner.

2) The site shall be drained to prevent the accumulation of standing water, and channelization of the drainage shall be designed and controlled so as not to cause erosion or silting of neighboring properties or public drainageways, nor to appreciably increase the turbidity of any natural water course, or to occlude any existing drainage course.

(E) Dust: All unpaved storage areas shall be maintained in a manner so as to limit dust from leaving the storage area.

(F) Access

1) Access roads leading to any part of the operation shall be constructed with a gravel or asphalt stone surface and maintained in a dust–free manner.

2) No part of such roads shall be located closer than fifteen (15) feet to an external property line other than a limited access highway or railroad right–of–way line.

3) A truck route plan shall be submitted showing routes to and from the site. Such routes shall be designed to minimize impacts on residential areas, schools or other uses which will be negatively affected by truck traffic.

6–4.16 Athletic Fields

(A) Where Required: AG, all residential, LO and NB districts.

(B) Access: All athletic fields shall have access to collector or higher capacity street.

6–4.17 Automotive Towing and Storage Service

(A) Where Required: GB, HB, LI and HI districts.

(B) Maximum Automotive Storage:

1) In the GB and HB districts no more than twenty (20) motor vehicles shall be stored on the premises at any one time.

2) In the LI district no more than one–hundred (100) motor vehicles shall be stored on the premise at any one time.

3) In the HI district there is no maximum number.

(C) Screening: The automotive storage area must be screened with a six (6) foot high opaque fence in addition to the required planting yard..

(D) Operation: No outdoor disassembly or salvaging shall be permitted.

6–4.18 Banks, Savings and Loan, or Credit Unions

(A) Where Required: GO–M, GO–H, and CP districts.

(B) Maximum Area: The total direct customer service floor space shall not exceed four–thousand (4,000) square feet.

(C) Drive–Thru Teller Services: A maximum of three (3) service lanes for window tellers, remote tellers, or automated teller machines (ATMs) shall be allowed. The point of service for the aforementioned tellers shall be located no closer than seventy–five (75) feet to residentially–zoned property.

6–4.19 Bars

(A) Where Required: GB, HB and SC districts.

(B) Property Separation: No such establishment shall be located within two–hundred (200) feet of a church, elementary or secondary school, public park or residentially–zoned property.

(C) Frontage: The main entrance of the building shall be toward a street zoned predominantly for non–residential uses.

(D) Screening: A minimum six (6) foot high opaque fence shall be erected adjacent to the property line of abutting residences.

(E) Parking: Parking areas related to the establishment shall be located no closer than thirty (30) feet to the property line of abutting residences.

6–4.20 Barber Shop, Beauty Shop

(A) Where Required: CP district.

(B) Operation: Operated as an accessory use and limited to two (2) operators per establishment.

6–4.21 Batting Cages

(A) Where Required: HB, LI and HI districts.

(B) Security Fencing: Fencing, netting, or other control measures shall be provided around the perimeter of the batting area to prevent balls from leaving the designated area.

6–4.22 Beauty Shop – See Section 6–4.20.

6–4.23 Beneficial Fill Area

(A) Where Required: All districts.

(B) Maximum Area: Two (2) acres.

(C) Maximum Duration: The Beneficial Fill Area shall be in operation no longer than one (1) year.

6–4.24 Billboards

(A) Where Required: HB, LI and HI district.

(B) Spacing: No billboard shall be erected within one thousand (1000) linear feet along the same street frontage of another billboard as measured from the billboard pole(s).

(C) Height: No billboard shall exceed thirty (30) feet in height; however, the height may be increased to fifty (50) feet if the billboard is within four hundred (400) feet of an Interstate Highway.

(D) Size: The sign area of any billboard pursuant to Section 6–1.6 (Computation of Sign Area) shall not exceed four hundred fifty (450) square feet.

(E) Adjacent Residential: No billboard shall be erected closer than three hundred (300) feet to any residentially zoned property.

(F) Setback: The support post(s) of any billboard shall meet the minimum setbacks of the district in which it is located. No sign portion of a billboard shall project closer than fifteen (15) feet to a street right–of–way or closer than five feet to any other property line, measured horizontally.

(G) Auxiliary Specifications: All billboards shall meet the minimum requirements of Section 6–1.7 (Location, Construction and Maintenance Specifications).

(H) Permits: A permit to erect or install a billboard shall be required in accordance with the requirements and procedures of Article III (Permits and Procedures).

(I) Nonconforming: Nonconforming billboards may be continued in accordance with the provisions of Section 3–14 (Nonconforming Lots, Uses, and Structures); provided that a Nonconforming Sign Certificate in accordance with Section 6–1.10 (Sign Certificates) is obtained.

6–4.25 Building Supply Sales (with storage yard)

(A) Where Required: GB, HB, and SC Districts.

(B) Screening: All outside storage shall be completely screened from view from all streets and adjacent residentially zoned property.

(C) Security Fencing: Security fencing, a minimum six (6) feet in height, shall be provided around all outside storage areas.

(D) Dust: All storage areas shall be maintained in a manner so as to limit dust from drifting onto adjoining properties.

6–4.26 Caretaker Dwelling

(A) Where Required: AG and all nonresidential districts.

(B) Operation: A building permit for the principal building must be obtained or principal use is engaged, prior to occupancy.

(C) Number: No more than one (1) caretaker dwelling unit shall be permitted per lot.

6–4.27 Car Wash

(A) Where Required: GB, HB, and SC districts.

(B) Use Separation: Building(s) shall be not less than seventy–five (75) feet from any interior side or rear property line which adjoins residentially or public–institutionally zoned property.

(C) Screening: A minimum six (6) foot high opaque fence shall be provided adjacent to all residentially–zoned property.

(D) 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 the 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 residentially zoned property.

(E) Adequate provision shall be made for the safe and efficient disposal of waste products.

6-4.28 Cemetery/Mausoleum

(A) Where Required: All districts.

(B) Minimum Area: A minimum of three (3) contiguous acres shall be required to establish a cemetery or mausoleum not located on the same tract of land as a church.

(C) Location: Principal access must be from a collector street or higher capacity street.

6-4.29 Church

(A) Where Required: All residential districts.

(B) Location: Within urban areas, church facilities located on sites of three (3) acres or more shall have direct access to a collector or higher capacity street.

6-4.30 Club or Lodge

(A) Where Required: AG, all residential, and NB districts.

(B) Location: Except in the AG district, clubs and lodges shall have direct access to a collector or higher capacity street.

6-4.31 Computer Sales

(A) Where Required: CP district.

(B) Maximum Area: A maximum of three thousand (3,000) square feet of gross floor area shall be permitted per establishment.

(C) Outside Storage: No outside storage of materials shall be permitted.

6-4.32 Congregate Care Facility

(A) Where Required: RM-8, RM-12, RM-18, RM-26, GO-M, GO-H, and PI districts.

(B) 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 thirty (30) square feet 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.

(C) Density Requirements:

1) Conversions of existing hotels or motels to a congregate care facility shall be exempt from the density requirement of Table 4–4–4.

2) After January 1, 1994, a newly constructed congregate care facility in the GO–M or GO–H District shall be exempt from the density requirements of Table 4–4–4. The residential capacity of the facility shall be determined by provisions of the NC Building Code in conjunction with the applicable setbacks, planting yards, and minimum off–street parking requirements of this Ordinance.

6–4.33 Convenience Store (with gasoline pumps)

(A) Where Required: CP district.

(B) Maximum Area: A maximum of three thousand (3,000) square feet of gross floor area shall be permitted per establishment.

(C) Outside Storage: No outside storage of materials shall be permitted.

(D) Gasoline Service Islands/Pumps: There shall be no more than one (1) gasoline service island containing no more than four (4) gasoline pumps.

6–4.34 Convenience Store (without gasoline pumps)

(A) Where Required: CP districts.

(B) Maximum Area: A maximum of three thousand (3,000) square feet of gross floor area shall be permitted per establishment.

(C) Outside Storage: No outside storage of materials shall be permitted.

6–4.35 Country Club with Golf Course, Swim & Tennis Club

(A) Where Required: AG, all residential, GO–M, GO–H, HB, CP, LI, and PI districts.

(B) Minimum Area: The minimum area shall be two (2) acres in addition to the golf course(s). The minimum shall be one (1) acre if located on common area within a development.

(C) Use Separation: Fifty (50) foot minimum distance between clubhouse, swimming pool, lighted tennis court, or athletic field and any adjacent residentially–zoned property.

(D) Security Fencing: Outdoor swimming pools shall be protected by a fence, or equal enclosure, a minimum four (4) feet in height and equipped with a self–closing and positive self–latching gate provided with hardware for permanent locking.

6–4.36 Day Care Center, Child or Adult

(A) As a Home Occupation

1) Defined: An adult or child day care center with five (5) or fewer attendees shall be operated as a Home Occupation and is subject to the development standards for a Home Occupation.

2) Where Required: All districts.

(B) As a Principal Use: An adult or child day care center with six (6) or more attendees shall be operated as a principal use and is subject to the following development standards.

1) Where Required: AG, RM–8, RM–12, RM–18, RM–26, and all nonresidential districts, except HI.

2) Minimum Area: An indoor activity area shall be provided equivalent to at least twenty–five (25) square feet per attendee.

3) Open Space and Recreation: An outdoor activity area shall be provided equivalent to at least seventy–five (75) square feet per attendee and located outside of the street setback.

4) Security Fencing: Outdoor activity area(s) for children shall be enclosed by a security fence at least four (4) feet in height and located outside the street setback.

5) Location: Centers on a site greater than three (3) acres shall have frontage on a collector or thoroughfare street.

6) Signs: An entrance sign shall be posted and maintained which lists the name and phone number of the current operator, the types of material accepted, the hours of operation, tipping charges and any other pertinent information.

6–4.37 Drugstore

(A) Where Required: CP district.

(B) Maximum Area: A maximum of three thousand (3,000) square feet of gross floor area shall be permitted per establishment.

(C) Outside Storage: No outside storage of materials shall be permitted.

6–4.38 Elementary or Secondary School

(A) Where Required: AG, all residential and LO districts.

(B) Access: All elementary or secondary schools shall have direct access to a collector street or higher capacity street.

(C) Minimum Area: All elementary or secondary schools shall be located on a minimum of three (3) acres.

6–4.39 Equestrian Facility

(A) Where Required: AG, RS–40, and PI districts.

(B) Minimum Area: Minimum area required for an Equestrian Facility to be established is twenty–five (25) acres.

(C) Use Separation: There shall be minimum one hundred (100) foot distance between manure storage areas, barns or stables and any adjacent residentially zoned property.

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

6–4.40 Equipment Repair, Light

(A) Where Required: GB and HB Districts.

(B) Outside Storage: Outside storage is prohibited.

6–4.41 Explosives

(A) Where Required: AG District.

(B) Property Separation: No facility shall locate within a five hundred (500) feet of any residentially or public institutionally zoned property.

(C) Setbacks: Buildings, including any accessory buildings for storage of explosive raw materials and/or final products, shall be not less than one hundred and fifty (150) feet from all property lines.

(D) Security Fencing: Security fencing, a minimum of eight (8) feet in height, shall be provided along the entire boundary of the facility.

(E) Operation: Building(s) shall meet the requirements for Hazardous Occupancy under the NC Building Code.

6–4.42 Farm Supplies, Other, Wholesale trade of – See Section 6–4.7.

6–4.43 Flowers, Nursery Stock and Florist Supplies, Wholesale trade of – See Section 6–4.7.

6–4.44 Forest Products, Wholesale trade of – See Section 6–4.7.

6–4.45 Garden Center or Retail Nursery

(A) Where Required: SC district.

(B) Outside Storage: No outside storage of non–plant material shall be permitted.

6–4.46 Golf Course

(A) Where Required: All residential, HB, CP, LI, and PI districts.

(B) Use Separation: Fifty (50) foot minimum distance between clubhouse or other principal building(s) and any adjacent residentially–zoned property.

6–4.47 Golf Driving Range

(A) Where Required: AG, HB, LI, and HI districts.

(B) Minimum Area: The minimum lot depth from the tees to the end of the driving area shall be one thousand (1,000) feet or the end shall be controlled with netting and/or berms to prevent golf balls from leaving the property.

(C) Security Fencing: 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.

6–4.48 Grain and Field Beans, Wholesale trade of – See Section 6–4.7.

6–4.49 Group Care Facility

(A) Where Required: GO–M, GO–H, and PI districts.

(B) Property Separation: No Such facility shall be located within one–half (1/2) mile of an existing group care facility.

(C) Operation: The facility shall be limited to not more than thirty (30) persons.

6–4.50 Home Occupations (including renting of rooms)

(A) Where Required: AG, all residential, GO–M, GO–H, and NB districts.

(B) Maximum Area: Area set aside for Home Occupation shall occupy no more than twenty–five (25%) percent of the gross floor area of the dwelling unit.

(C) Outside Storage: No outside storage or display of items associated with the Home Occupation is permitted.

(D) Operation

1) The Home Occupation must be conducted entirely within a dwelling unit. It must be a use which is clearly incidental and secondary to the use of the dwelling unit for residential purposes and does not change the character of the residence. Home Occupations are not permitted in a detached garage or other accessory structure, except for accessory dwelling units.

2) Permitted home occupations include, but are not limited to: typing services, telephone sales, barber/beauty services, doctor/dentist office, architects, accountants, family day care (5 or fewer persons), food catering, and handicrafting etc.

3) No display, stock–in–trade, nor commodity sold not made on the premises shall be permitted.

4) Only one (1) person may be employed who is not an occupant of the residence.

5) Activities shall not generate traffic, parking, noise, vibration, glare, fumes, odors, or electrical interference beyond what normally occurs in the District in which it is located.

6) Instruction in music, dancing, art or similar subjects shall be limited to no more than five (5) students at one time.

6–4.51 Junked Motor Vehicle (as an accessory use)

(A) Where Required: All districts..

(B) Screening

1) AG District: Up to two (2) vehicles meeting the definition of "motor vehicle, junked," are allowed, but must be located behind the rear building line of the principal building. All vehicles in excess of two (2) vehicles meeting the definition shall be enclosed within a building which meets the dimensional requirements of the district.

2) Residential Districts: Any vehicle meeting the definition of "motor vehicle, junked" shall be enclosed within a building which meets the dimensional requirements of the district in which it is located.

3) Nonresidential Districts: Any vehicle meeting the definition of "motor vehicle, junked" shall be stored, parked or placed on the property in such a manner so as to be totally screened from view from any street and/or from any adjacent residentially or public institutionally zoned property. Total screening shall be effected by placement of the vehicle(s) either within or behind a building and/or by plant materials, fences, berms or a combination thereof with a minimum height of six (6) feet.

6–4.52 Kennels – See Section 6–4.13.

6–4.53 Landfills, Construction or Demolition / Land Clearing and Inert Debris

6–4.55.1 Construction or Demolition Debris Landfill (C–D) – Minor

(A) Where Required: All districts.

(B) Area, Siting, and Location Requirements:

1) Waste disposal area cannot exceed one (1) acre and must be at least four (4) feet above the seasonal high groundwater table.

2) The landfill must be located at least one–quarter mile from any other landfill of any type.

3) The perimeter of the landfill must be at least fifty (50) feet from the boundary of the property and five hundred (500) feet from the nearest existing drinking water well at time of approval.

(C) Closure and Post Closure:

1) Within thirty (30) days of the completion or termination of demolition activities, the landfill must be closed pursuant to NCGS 130A–301.2.

2) The site must be covered with at least two (2) feet of compacted earth, graded to minimize erosion, and planted with suitable vegetation.

3) No building may be build or located immediately above any part of the landfill and no construction on any part of the site may in initiated before the landfill is closed.

4) The property owner is responsible for filing with the Guilford County Registry and with the North Carolina Department of Environment, Health, and Natural Resources a survey of the site and proper notice for disclosure purposes pursuant to NCGS 47–30 and NCGS 130A–301.2.

6–4.55.2 Land Clearing and Inert Debris (LCID) Landfill

(A) Land Clearing and Inert Debris Landfill (Minor)

1) Where Required: All districts.

2) Maximum Area: Two (2) acres.

3) Maximum Duration: The landfill shall be in operation no longer than one (1) year.

(B) Land Clearing and Inert Debris Landfill (Major)

1) Where Required: AG and HI districts.

2) Use separation: Fifty (50) feet minimum from any property line; three hundred (300) feet minimum from any residence.

3) Buffer: Where possible a minimum fifteen (15) foot tree buffer shall be retained around the exterior property line.

4) Access: Access to the landfill shall be controlled with gates, chains, fences, ditches and/or trees to prevent unregulated dumping.

5) Dust: All unpaved areas shall be maintained in a manner which prevents dust from leaving the property.

6) Operation: No filling is permitted in the 100–year floodplain of any stream; no filling is permitted in minor drainageways unless the drainage has been piped in accordance with approved plans; no filling is permitted in utility easements.

7) Closure: Landfills shall be closed with a minimum of two (2) feet of clean soil, graded to a maximum slope of three to one (3:1), and stabilized with vegetation or by other approved means.

6–4.54 Laundry or Dry Cleaning Plant

(A) Where Required: LB and SC districts.

(B) Maximum Area: A maximum of five thousand (5,000) square feet of gross floor area shall be permitted per establishment.

(C) Outside Storage: No outside storage of materials shall be permitted.

6–4.55 Livestock, Wholesale trade of – See Section 6–4.7.

6–4.56 Manufactured Dwelling Park, Recreational Vehicle Park

(A) Where Required:

1) Manufactured Dwelling Park: AG, RM–12, RM–18, and RM–26 districts.

2) Recreational Vehicle Park: AG and HB districts.

(B) General Requirements: The following requirements apply to both Manufactured Dwelling Parks and Recreational Vehicle Parks.

1) It shall be unlawful for any person to construct a new park or to make an addition or alteration to an existing park, unless a Site Plan for the park has been approved by the Technical Review Committee.

2) Compliance with Article V (Subdivision:Procedures and Standards): A manufactured dwelling park (but not a recreational vehicle park) shall be considered a group development and be subject to all procedures and standards of Article V (Subdivision:Procedures and Standards).

3) Minimum Tract Area: Five (5) acres.

4) Minimum and Maximum Number of Spaces: At least fifteen (15) spaces but not more than three hundred (300) spaces.

5) Setback: All spaces shall be located a minimum of one hundred (100) feet from all public rights–of ways and property lines.

6) Number of Homes and Vehicles in Each Space: No more than one (1) manufactured home or recreational vehicle may be parked or set–up on any one space.

7) Access:

   a) No space shall have direct vehicular access to a public street.

   b) All spaces shall directly abut a private street contained within the park.

   c) Adequate access for shall be provided to each space, with a minimum access width of twenty (20) feet unless more is deemed necessary because of topographical conditions or street curvature.

8) Recreational Areas and Facilities: Recreational areas and facilities to serve the needs of the anticipated population within the manufactured home or recreational vehicle park shall be provided and shall consist of at least the following:

   a) A play lot for pre–school children containing a minimum size of one thousand two hundred (1,200) square feet provided within five hundred (500) feet of every space.

   b) One or more playgrounds for school–age children and adults, containing a minimum size of one (1) acre per one hundred (100) spaces.

   These recreation areas shall not be in an area utilized for septic tank fields.

9) Manufactured Dwelling and Recreational Vehicle Sales: The sales of manufactured dwellings or recreational vehicles in the parks on a commercial basis shall not be permitted

10) Drainage and Grading

   a) The spaces shall be located on ground with an elevation that is not susceptible to flooding and which is graded to prevent any water from ponding or accumulating on or around the manufactured home park. Where storm drainage pipes are located in adjacent streets, underground drainage facilities with connections to the storm drainage system shall be provided for the manufactured home park.

   b) Each space shall be graded and grassed to prevent erosion and provide adequate storm drainage away from the manufactured home or recreational vehicle pad.

   c) The slope of the surface of the stand or pad shall not exceed three (3%) percent.

   d) No banks, except along drainage ditches, in the park shall have a slope steeper than three (3) feet to one (1) foot.

11) Garbage and Refuse Disposal

   a) Containers: All refuse shall be stored in conveniently located, and leakproof containers with tight–fitting lids. Containers shall be provided in sufficient number and capacity for proper storage of all refuse.

   b) Storage Racks or Platforms: Racks or concrete platforms shall be provided on which to store containers for refuse. Dumpsters shall be required in lieu of individual containers in areas

where municipal water or sewer are available. Such containers racks or platforms shall be so designed as to prevent tipping, to minimize spillage and container deterioration, and to facilitate cleaning.

c) Collection: All refuse shall be collected at least twice weekly, or more often if the need is indicated.

12) Registration: It shall be the duty of the operator to keep an accurate register containing a record of all occupants. The register shall contain the following information:

a) Name, address and space number of each occupant.

b) The date the manufactured dwelling or recreational vehicle entered the park.

c) The license number of each recreational vehicle and/or car, truck, etc. with state of issuance, make and type of vehicle.

The operator shall keep the register available at all times for inspection by the Enforcement Officer, public health officials, and other officials whose duties necessitate acquisition of the information contained in the register.

13) Park Manager Residence: A single–family detached dwelling may be constructed for the manager of the park.

14) Pre–existing Dwellings: Pre–existing dwellings on the site may remain provided they occupy approved spaces.

(C) Manufactured Park Requirements: The following design requirements apply only to Manufactured Dwelling Parks.

1) Minimum Manufactured Dwelling Space Size: A manufactured dwelling space shall consist of a minimum of six thousand (6,000) square feet and shall have a width of at least forty–five (45) feet at the location of the manufactured dwelling stand. Exception: A manufactured dwelling space not served by public sewer shall consist of a minimum of forty thousand (40,000) square feet and shall have a width of least one hundred fifty (150) feet at the location of the manufactured dwelling stand. Every manufactured dwelling space shall be clearly established on the ground by permanent monuments or markers.

2) Each Manufactured dwelling space shall contain:

a) A manufactured dwelling stand consisting of a properly graded and compacted surface no less than thirteen (13) feet by sixty (60) feet.

b) A patio space constructed of concrete, brick, flagstone or other hard surface material a minimum of two hundred and forty (240) square feet in area.

c) A hard surface walkway a minimum of two (2) feet wide leading from the patio to the parking space or road. See Figure 6–L.

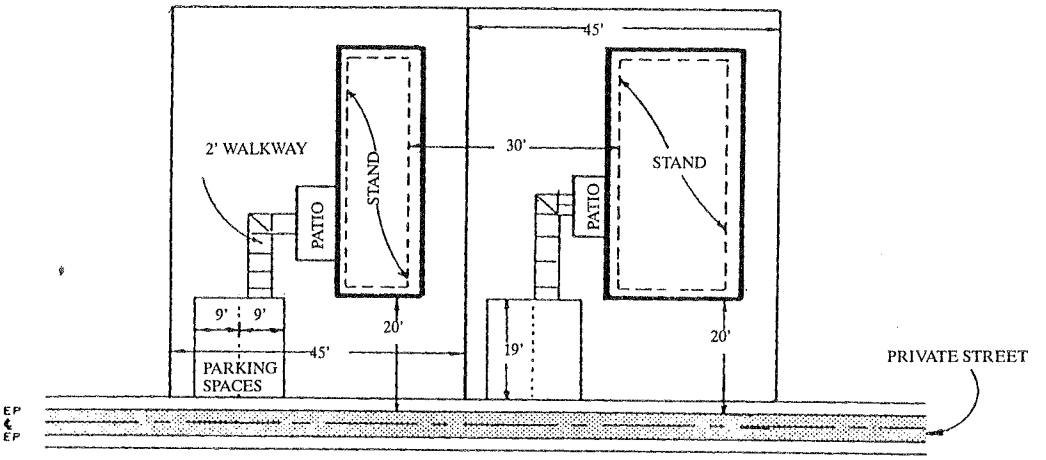
3) Manufactured Dwelling Additions: Prefabricated structures specifically designed by the manufacturer for manufactured dwelling extensions and any other addition meeting the NC Building Code may be added to any manufactured dwelling provided that setback within the space can be met and a building permit is obtained from the Jurisdiction.

4) Construction and Design of Private Streets

a) Private entrance, collector, and interior streets with no parking or minor or cul–de–sac streets with no parking shall meet the minimum design standards of Article V (Subdivision: Procedures and Standards).

b) One–way minor streets with no parking (acceptable only if less than five hundred (500) feet total length and serving less than fifteen (15) manufactured dwelling stands) shall have a twenty (20) foot minimum common area with twelve (12) foot minimum paved surface.

c) The private streets shall be lighted at night with no less than two (2) foot–candles of light measured at a height of five (5) feet from the ground along the entire length of the street or drive center line.



* If the manufactured dwelling space is served with an on-site individual septic tank system the space shall be a minimum of 40,000 s.f. and a minimum lot width of 150' or a minimum of 6000 s.f. if the lot is served by a private or public sewer system .
* All stands shall be a minimum size of 13' x 60'.
* All patios shall be a minimum size of 240 s.f.

Figure 6-L
TYPICAL MANUFACTURED DWELLING SPACE NO SCALE

5) Park Access: If a manufactured dwelling park has more than one (1) direct access to a public street, such access points shall be no less than two hundred (200) feet apart and no closer than three hundred (300) feet to a public street intersection.

6) Parking

a) Two parking spaces, nine (9) feet by nineteen (19) feet shall be provided within each manufactured dwelling space.

b) All parking spaces shall be paved or covered with four (4) inches of crushed stone.

c) No parking will be allowed on private entrance and collector streets.

7) Landscaping: Landscaping shall be provided throughout the park with ample trees and shrubs to provide shade and break up open areas. All banks and open areas shall be grassed.

8) Removal of Rubbish: All cut or fallen trees, stumps, or rubbish shall be completely burned or removed from the mobile home park.

9) Utilities Installation: Each manufactured dwelling located within a park shall comply with the current North Carolina Regulations for manufactured dwelling in both manufacture and installation and must be inspected to assure compliance prior to occupancy.

a) All utilities shall be installed underground except where extreme conditions of topography make this requirement unreasonable.

b) Placement of utilities serving the mobile home stand shall comply with the NC Building Code for Plumbing.

c) Minimum electrical service of two hundred (200) ampere, one hundred and twenty (120) -two hundred and forty (240) volt single phase shall be provided to each manufactured dwelling stand. The service panel and location as well as all wiring shall be in accordance with the National Electrical Code.

d) Each manufactured dwelling shall be required to connect to the utilities provided at each manufactured dwelling space.

e) Each manufactured dwelling park shall obtain water from a public water supply when available, and when unavailable, from a source approved by the Guilford County Health

Department. The water supply and pressure shall be adequate for the park requirements. Water for drinking, cooking, laundry, and general sanitary uses for each individual manufactured dwelling shall be obtained only from faucets or other plumbing connections located within each manufactured dwelling.

f) Each manufactured dwelling park shall be provided with an adequate sewage disposal system, either by connection to a public sewer or a septic tank constructed in compliance with the regulations of the Guilford County Board of Health. All sewage wastes from toilets, showers, bathtubs, lavatories, wash basins, refrigerator drains, sinks, faucets, and water–using appliances not herein mentioned shall be piped into the manufactured dwelling park sewage disposal system.

10) Fuel Oil Drum: Each manufactured dwelling that requires the use of fuel oil shall be furnished with an oil drum having a minimum capacity of one hundred fifty (150) gallons, set upon a painted, prefabricated metal stand.

(D) Recreation Vehicle Park (RVP) Regulations: The following design requirements apply only to Recreation Vehicle Parks.

1) Minimum space requirements

a) Each recreational vehicle space shall consist of a minimum of two thousand (2,000) square feet.

b) Each recreational vehicle space shall be designated on the ground by permanent markers or monuments.

2) Setbacks: All structures, buildings, and sewage facilities shall meet the setbacks requirement for the district in which they are located.

3) Roads and Drives

a) The RVP shall have all–weather roads and driveways that directly abut all spaces.

b) Entrance and circulation drives must meet the minimum design standards of Article V (Subdivisions: Procedures and Standards).

4) Parking: Parking space sufficient to accommodate at least one (1) automobile and camping vehicle shall be constructed within each space and shall be paved.

5) Installation, Alteration, and Use of Utilities

a) The installation, alteration, or use of all utilities including, but not limited to, electrical service, plumbing fixtures, and sewage disposal systems shall conform with all applicable codes.

b) Water Supply

i) A safe, adequate, and conveniently located water supply must be provided for each park in compliance with applicable regulations.

ii) Areas around faucets or drinking fountains shall be properly drained.

c) Sanitary Facilities

i) Each park shall have a central structure or structures that will provide separate toilet and bathing facilities for both sexes.

ii) The minimum number of facilities per sex to be provided shall follow the schedule below:

Toilets	1 per 15 spaces
Urinals	1 per 30 spaces (male facilities only)
Lavatories	1 per 15 spaces
Showers	1 per 15 spaces

iii) All toilet, shower, lavatory, and laundry facilities shall be provided and maintained in a clean, sanitary condition and kept in good repair at all times. They shall be safely and adequately lighted. Facilities shall be easily accessible to all persons and conveniently located.

d) Sewage Disposal: Each park shall provide a sewage dumping station. In accordance with Guilford County Health Department regulations, all sewage wastes from the park, including waste from toilets, showers, bathtubs, lavatories, wash basins, refrigerator drains, sinks, faucets, and water-using appliances not herein mentioned, shall be piped into the park's sewage disposal system approved by the Guilford County Health Department.

6) Insect and Rodent Control Measures: Insect and rodent control measures to safeguard the public health and comfort shall be practiced for all uses, structures, etc. used in the Park.

7) Retail Sales: The recreational vehicle park may contain a retail sales counter and/or coin operated machines for the park residents' use only, provided they are completely enclosed within a structure and there is no exterior advertising.

8) Permanent Sleeping Quarters: Permanent sleeping quarters shall not be permitted within the park for guests.

9) Manufactured Dwellings in Recreational Vehicle Parks: It shall be unlawful for a person to park or store a manufactured dwelling in a recreational vehicle park, except that one (1) manufactured dwelling may be located within the park for exclusive use as the dwelling quarters for the park manager or operator. Such a manufactured dwelling shall be located in an area designated on the site plan, and approved by the Technical Review Committee.

6-4.57 Market Showrooms

(A) Where Required: GB and HB districts

(B) Display Area: Display areas shall exist within permanent buildings only.

6-4.58 Migrant Labor Housing

(A) Where Required: AG District.

(B) Minimum Area: Each site shall contain not less than two (2) acres of land. An additional two thousand (2,000) square feet of land shall be required for each worker in excess of twenty (20) people.

(C) Setback

1) Minimum required front yard shall be one hundred (100) feet.

2) Minimum required interior yard shall be fifty (50) feet.

(D) Building Area: Rooms or compartments for sleeping shall contain not less than thirty-nine (39) square feet of floor space for each person.

(E) Health & Safety

1) Not more than ten (10) people shall be housed in any one (1) room or compartment for sleeping purposes.

2) Separate toilet and shower facilities shall be provided for male and female workers. A minimum of one (1) toilet and one (1) shower shall be provided for each ten (10) workers.

3) A laundry room shall be required with one (1) wash sink of at least ten (10) gallons capacity for each ten (10) workers. Adequate clothes drying lines shall be provided.

4) Dining and food service facilities shall be provided and shall contain at least twelve (12) square feet 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 responsibility of the owner of the property to insure that all garbage and refuse is regularly disposed of in a sanitary manner acceptable to the County Health Department.

7) Class C Manufactured Dwellings used as migrant labor housing as part of a bona fide farm operation must be certified as housing for migrant labor in accordance with Department of Labor regulations.

6–4.59 Mining & Quarrying

(A) Where Required: AG and HI Districts.

(B) Use Separation

1) The edges of any pit where a mining operation is taking place and any equipment used in the processing of rock and gravel, any asphalt plant, or other industrial uses operated in conjunction with the mine or quarry shall be located at least fifty (50) feet from any property line.

2) Where the mining operation site is bounded by a railroad right–of–way currently being used for rail service to the mining operation, no setback shall be required between the railroad right–of–way and such operation.

(C) Security Fencing

1) The mining operation shall be enclosed by a nonclimbable fence of at least six (6) feet in height.

2) Abandoned locations shall have a fence of at least six (6) feet in height around the perimeter of the site.

(D) Rehabilitation

1) Within one (1) year after the cessation of production at all mining operations, all equipment and stock piles, incidental to such operation, shall be dismantled and removed by and at the expense of the owner.

2) Except in a case where redevelopment for another permitted use is in progress on the site of an abandoned extractive operation, all excavations shall be graded to reduce the surface to gently rolling topography in substantial conformity to the land area immediately surrounding; and shall be planted with a cover of sod, trees, shrubs, legumes, or grasses, which will minimize erosion due to wind or rainfall.

3) The site shall be drained to prevent the accumulation of standing water, and channelization of the drainage shall be designed and controlled so as not to cause erosion or silting of neighboring properties or public ways, nor to appreciably increase the turbidity of any natural water course, or to occlude any existing drainage course.

(E) Noise: All operations involving blasting discernible beyond the external property line on a quarry shall only be conducted between the hours of 7:00 A.M. to 6:00 P.M.

(F) Dust: All non–paved storage areas shall be maintained in a manner so as to limit dust from leaving the storage area.

(G) Access

1) Access roads leading to any part of the operation shall be constructed with a gravel or crushed stone surface and maintained in a dust–free manner.

2) No part of such roads shall be located closer than fifteen (15) feet to an external property line other than a limited access highway or railroad right–of–way line.

3) A truck route plan shall be submitted showing truck routes to and from the site. Such routes shall be designed to minimize impacts on residential areas, schools or other uses which will be negatively affected by truck traffic.

6–4.60 Mixed Development

(A) Where Required: GB, HB, SC, and CP Districts.

(B) Location of Residential Use: No residential use(s) shall be permitted on or below the ground floor.

(C) Percentage of Mix: Where residential and non-residential uses are mixed in a principal building, at least twenty percent (20%) percent of the gross floor area shall be devoted to the permitted nonresidential office and/or commercial use(s).

(D) Dimensional Requirements: Any building must conform to the nonresidential dimensional requirements of the district in which it is located.

6-4.61 Newsstand

(A) Where Required: CP district.

(B) Maximum Area: A maximum of three thousand (3,000) square feet of gross floor area shall be permitted per establishment.

(C) Outside Storage: No outside storage of materials shall be permitted.

6-4.62 Optical Goods Sales

(A) Where Required: GO-M and GO-H districts.

(B) Maximum Area: A maximum of three thousand (3,000) square feet of gross floor area shall be permitted per establishment.

6-4.63 Pet Grooming - See Section 6-4.13.

6-4.64 Petroleum and Petroleum Products

(A) Where Required: HI District.

(B) Use Separation

1) Storage tanks protected by either an attached extinguishing system approved by the Fire Marshal or an approved floating roof shall not be located closer to an exterior property line than a distance equal to the greatest dimension of either diameter or height of the tank, except that such distance need not exceed one hundred and twenty (120) feet.

2) Storage tanks not equipped as indicated in 1) above, shall not be located any closer to an exterior property line than a distance equal to one and one-half (1 1/2) times the greater dimension of either the diameter or height of the tank, except that such distance need not exceed one hundred and seventy-five (175) feet.

3) Storage tanks and loading facilities shall be located a minimum of five hundred (500) feet from any existing residence or residentially zoned property.

(C) Access: Gravel or paved roadways shall be provided to all storage tanks.

(D) Security Fencing: Security fencing, a minimum of six (6) feet in height, shall be provided along the entire boundary of such facilities.

(E) Dikes

1) Tanks or groups of tanks shall be diked to prevent the spread of liquid onto other property, waterways, or drainageways. The volumetric capacity of the diked area shall not be less than the capacity of the largest tank within the diked area.

2) Dikes or retaining walls shall be of earth, steel, concrete or solid masonry designed and constructed to be liquid tight and to withstand a full hydraulic head. Earthen dikes three (3) feet or more in height shall have a flat section at the top not less than two (2) feet in width. The slope shall be consistent with the angle or repose of the material of which the dikes are constructed. Dikes shall be restricted to an average height of not more than six (6) feet above the exterior grade unless means are available for extinguishing a fire in any tank. Dikes enclosing such tanks shall be provided at the top with a flareback section designed to turn back a boil-over wave. A flareback section shall not be required for dikes and walls enclosing approved floating roof tanks. No loose combustible material, empty or full drums or barrels, shall be permitted within the diked area.

3) Where provision is made for draining rainwater from diked areas, such drains shall normally be kept closed and shall be so designed that when in use they will not permit flammable liquids to enter natural watercourses, public sewers, or public drains. Where pumps control drainage from the diked area, they shall not be self–starting.

(F) Tank Maintenance

1) All storage tanks shall be maintained in a leak–proof condition with an adequately painted, rust free exterior surface.

2) A firm substrate shall be constructed under each storage area to eliminate differential subsidence and to prevent the product from seeping.

(G) Operation: The product shall be sold in the same form as received and shall not be altered, except that two or more products may be blended. Any other alteration of the product shall be deemed a manufacturing use, requiring approval of a special use permit.

(H) Storage: All storage facilities shall comply with the latest edition of the "Flammable and Combustible Liquids Code, NEPA 30" of the National Fire Protection Association.

6–4.65 Private Dormitory

(A) Where Required: RM–18, RM–26, GO–M, and GO–H districts.

(B) Use Separation: The property on which the use is located shall be within a one–half (1/2) mile radius of property developed as the primary campus of a college, business college, trade school or university.

(C) Density Requirements:

1) Conversions of existing hotels or motels to a private dormitory shall be exempt from the density requirement of Table 4–4–4.

2) After January 1, 1994, a newly constructed private dormitory in the GO–M or GO–H District shall be exempt from the density requirements of Table 4–4–4. The residential capacity of the facility shall be determined by provisions of the NC Building Code in conjunction with the applicable setbacks, planting yards, and minimum off–street parking requirements of this Ordinance.

6–4.66 Public Park; Public Recreation Facility

(A) Where Required: All districts.

(B) Parking: Overflow parking (in addition to required parking) must be designated on the site plan and be kept available to handle all traffic from special events such as softball tournaments and outdoor concerts.

(C) Access: All parks greater than ten (10) acres shall have primary access to a collector or higher capacity street.

6–4.67 Public Recreational Facility – See Section 6–4.66.

6–4.68 Radio, Television, Communication Tower (principal)

(A) Where Required: AG, GB, GO–M, GO–H, HB, CP, LI, HI, and PI districts.

(B) Location:

1) In the GO–M, GO–H, HB, CP, LI, HI, and PI districts the tower shall be a minimum of one hundred (100) feet from any residentially zoned property.

2) In the AG district the distance of the nearest portion of the tower to any existing residence or RM or RS zoned property shall be one and one–half times the height of the tower for unguyed freestanding towers; or for guyed towers, the area necessary to contain all guy wires and appurtenances plus the district's required setback for guyed towers.

(C) Landscaping: Where adjacent to RM or RS zoned property, the required planting yard shall be landscaped at a Type A planting rate

(D) General:

1) Guy wires, anchors, and supporting cables shall be contained on the same zone lot with the tower and shall not encroach more than one-half the width of the planting yard.

2) The lot shall be of sufficient size to accommodate the intended use and the planting yard if required.

3) The provisions of section 4-9 regarding Special Purpose Lots may be applied.

4) New towers shall be permitted only if there is no prudent or feasible method to share an existing tower. No triangular platforms greater than fifteen (15) feet on a side shall be permitted. Triangular or T-bar platforms shall not be permitted if mounting of required antennas can be accomplished without such platforms.

5) Any existing tower or any tower approved for erection on or before the effective date of this amendment is exempt from Nonconforming Use of Land and Nonconforming Structure provisions in Section 3-14.

6-4.69 Recreational Vehicle Park - See Section 6-4.56.

6-4.70 Recycling Processing Centers

(A) Where Required: LI District.

(B) Use Separation: No such facility shall locate within a five hundred (500) foot radius of any residentially or public-institutionally zoned property.

(C) Outside Storage: No outside storage of materials shall be permitted.

(D) Operation: The facility shall be operated in a wholly enclosed building except that loading to a flatbed railcar may take place outside the building provided no materials remain on the loading area for more that twenty-four (24) hours.

(E) Dust: All unpaved areas shall be maintained in a manner which prevents dust from adversely impacting adjacent properties.

6-4.71 Refrigerator or Large Appliance Repair

(A) Where Required: GB and HB districts.

(B) Outdoor Storage: No outdoor storage of appliances, equipment or parts shall be permitted.

6-4.72 Restaurant (no drive thru)

(A) Where Required: LB district.

(B) Maximum Area: A maximum of three thousand (3,000) square feet of gross floor area shall be permitted per establishment.

(C) Outside Storage: No outside storage of materials shall be permitted.

6-4.73 Rural Family Occupation - See Figure 6-M.

(A) Where Required: AG District.

(B) Minimum Area

1) The Rural Family Occupation (RFO) must be located on a tract of two (2) acres or more.

2) A portion of the tract measuring forty thousand (40,000) square feet with one hundred and fifty (150) feet of width must be designated and reserved as exclusively residential.

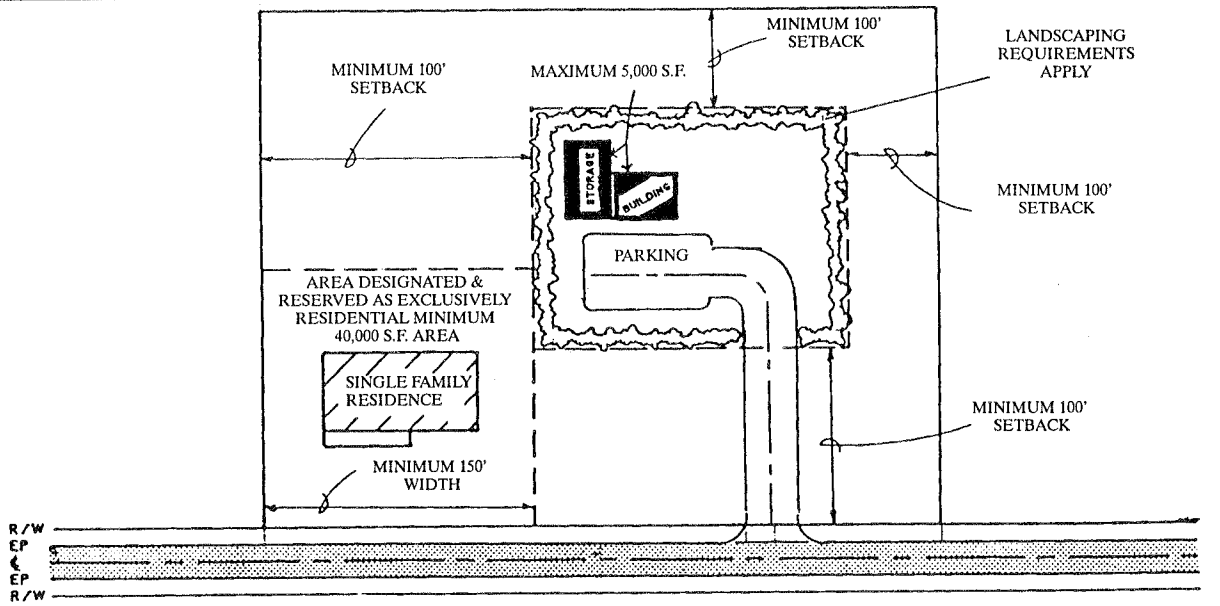
(C) Maximum Area: The total floor area of all buildings occupied by the RFO shall not exceed five thousand (5,000) square feet. The total land area that may be used in conjunction with the Rural Family Occupation is fifteen thousand (15,000) square feet.

(D) Use Separation: All operations of the RFO shall observe a one hundred (100) foot setback from all property lines.

(E) Location: All operations of the RFO shall be located behind the rear line of the building occupied as the principal residence.

(F) Landscaping: All operation of the RFO, including buildings, outside storage areas, and parking shall be treated as a separate use and subject to the landscaping provisions of this Ordinance.

(G) Environmental Review: The Guilford County Environmental Health Division shall evaluate each RFO 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 RFO shall mitigate the impact of these and other environmental concerns. A written evaluation of these potential impacts is required by the Environmental Health Division prior to the consideration of any request for an RFO.



* Minimum lot area is 2 acres.
* Permitted only in Agricultural District
* Maximum 5,000 s.f. building coverage, total land area used in conjunction with Rural Family Occupation is 15,000 s.f.
* Anything associated with a rural family occupation, excluding access, shall be 100' from all property lines.

Figure 6–M
RURAL FAMILY OCCUPATION NO SCALE

(H) Operation

1) The RFO must be owned by the landowner who must reside on the property.

2) No more than five (5) persons shall be employed other than those residing on the property.

3) There shall be no more than two (2) commercial vehicles operating in and out of the property.

4) The RFO shall not be operated between the hours of 9 P.M. to 6 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 which bring to the site goods specifically for the purpose of resale shall be prohibited.

6–4.74 Salvage Yards, Auto Parts and Scrap Processing

(A) Where Required: AG and HI districts.

(B) Minimum Area: The minimum area required to establish a salvage yard shall be five (5) acres.

(C) Outside Storage: An approved opaque fence of uniform construction not less than six (6) feet in height shall be required around the perimeter of the activity. Such fencing shall be located between the salvage yard and the required planting yards.

1) The facility operator(s) shall provide continuous on–site supervision by an employee (s) and/or volunteer(s) during the hours of operation.

(D) Use Separation: No salvage yard, scrap processor, or auto wrecking shall be located within three hundred (300) feet of any residence existing or under construction at the time of installation of such operation or business

6–4.75 Satellite Dish / Communication Tower (Accessory)

(A) Where Required: All districts.

(B) Location

1) All supporting cables and anchors shall be contained on the property.

2) In residential districts, structures shall not be located or placed in any street yard or side yard.

3) Attached and detached satellite dishes eighteen (18) inches in diameter or less shall be exempt from the requirements of subsection (B) (2) above. Detached satellite dishes eighteen inches in diameter or less shall not exceed six (6) feet in height and shall not be located within fifteen (15) feet of any public or private street right–of–way or private lane.

6–4.76 Shelter for the Homeless

(A) Where Required: GO–M, GO–H, GB, HB, LI, HI, and PI districts.

(B) Property Separation: No such facility shall be located within one–quarter (1/4) mile of an existing shelter for the homeless.

(C) Minimum Floor Area: A minimum floor space of fifty (50) square feet shall be provided for each individual sheltered.

(D) Operation:

1) The facility shall be contained within the building of and operated by a government agency or nonprofit organization.

2) The facility operator(s) shall provide continuous on–site supervision by an employee(s) and/or volunteer(s) during the hours of operation.

6–4.77 Shoe Repair or Shoeshine Shop

(A) Where Required: CP district.

(B) Maximum Area: A maximum of three thousand (3,000) square feet of gross floor area shall be permitted per establishment.

(C) Outside Storage: No outside storage of materials shall be permitted.

6–4.78 Shooting Range (Indoor)

(A) Where Required: AG, GB, HB, LI, and HI districts.

(B) Noise: The facility shall be designed to absorb sound to the maximum extent feasible.

6–4.79 Shooting Range (Outdoor)

(A) Where Required: AG and PI districts.

(B) Use Separation: Separation shall be a minimum three hundred (300) feet between range and closest exterior property line.

(C) Access: Controlled to prevent unregulated entrance to firing area.

(D) Security Fencing: Security fencing to prevent an individual from crossing the property downrange.

(E) Dikes (berms): Dikes shall be of sufficient height and thickness to stop all rounds fired downrange. Elevation control is required along the shooting stands to prevent rounds from being fired over the berm.

6–4.80 Single Room Occupancy Residence

(A) Where Required: RM–8, RM–12, RM–18, RM–26, GO–M, GO–H, and PI districts.

(B) Minimum Area: Rooming units shall be a minimum of seventy (70) square feet with an additional minimum of fifty (50) square feet for each additional occupant.

(C) Minimum Common Area: 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 totalling 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.

(D) Operation: On–site management shall be provided on a twenty–four (24) hour basis.

(E) Density Requirements:

1) Conversions of existing hotels or motels to a single room occupancy residence shall be exempt from the density requirement of Table 4–4–4.

2) After January 1, 1994, a newly constructed single room occupancy residence in the GO–M or GO–H District shall be exempt from the density requirements of Table 4–4–4. The residential capacity of the facility shall be determined by provisions of the NC Building Code in conjunction with the applicable setbacks, planting yards, and minimum off–street parking requirements of this Ordinance.

6–4.81 Sports Instructional Schools

(A) Where Required: SC district.

(B) Location of Instruction: No outside instruction shall be allowed.

6–4.82 Swim and Tennis Club – See Section 6–4.35.

6–4.83 Swimming Pools

(A) Where Required: All Districts.

(B) Use Separation

1) Pools shall be located so as to comply with the minimum setback requirement for accessory structures for the district in which it is located.

2) Pools which are not an integral part of the principal building shall be located a minimum of ten (10) feet from the principal building.

(C) Security Fencing: Swimming pools located outdoors shall be protected by a fence, or equal enclosure four (4) feet in height and equipped with a self closing and positive self latching gate provided with hardware for permanent locking.

6–4.84 Tourist Home (Bed and Breakfast)

(A) Where Required: AG, all residential districts, NB, and LB districts.

(B) Use Separation: No such facility shall locate within four hundred (400) feet of a rooming house, boarding house or another tourist home.

(C) Operation

1) The tourist home must be owned by the landowner who also 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.

(D) Signs: There shall be no exterior advertising except that which is permitted for a home occupation.

6–4.85 Truck Stops

(A) Where Required: HB District

(B) Maximum Area: The maximum area shall be for (4) acres.

(C) Lighting: The maximum height of any outdoor lighting source or structure shall be thirty (30) feet.

(D) Screening: A minimum six (6) foot high opaque fence shall be provided adjacent to residentially zoned property.

6–4.86 Turkey Shoots

(A) Where Required: AG district.

(B) 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 a road right–of–way. The line of fire is a line which passes through the firing point and bisects the target. The back stop or target area shall be located not less than five hundred (500) feet 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 two (200) feet from and parallel to the road right–of–way.

4) All backstops shall be constructed a minimum of five hundred (500) feet from a residence located to the rear and/or side of the backstop.

(C) Parking: An off–street parking area adequate in size to store two (2) cars for every back stop shall be provided.

(D) Operation

1) Backstops shall be constructed of a material that will allow the shot to penetrate and not pass through. It shall be of a minimum thickness of two (2) feet and maintained at a height of four (4) feet above the target.

2) The firearms used in turkey shoots shall be limited to shotguns firing shot no larger than number eight (#8). No firearms may be used which have been altered from manufacturer's specifications.

3) The operators of the turkey shoot shall be responsible for maintaining adequate fire protection by notifying the local fire department as to the dates and times of the turkey shoot.

4) Turkey shoots shall be limited to Thursdays, Fridays, and Saturdays and be in operation no later than 11:00 PM.

5) Provisions for sanitation and refuse disposal must be made in accordance with health standards.

(E) Event Permit: The Enforcement Officer shall issue an event permit not to exceed (90) days in a given year for a qualifying turkey shoot.

6–4.87 Utility Substations including Transformer Stations, Telephone Exchanges, Repeater Stations, Pressure Regulator Stations, Pump & Lift Stations, & Similar Structures

(A) Where Required: All districts.

(B) Dimensional Requirements: All buildings shall be considered accessory buildings or structures.

(C) Noise: Equipment producing noise or sound in excess of seventy (70) decibels shall be located no closer than one hundred (100) feet to the nearest residence.

(D) Security Fencing: Security fencing, a minimum of six (6) feet in height, shall be provided around the entire facility.

(E) Outside Storage: If the facility has no outside storage or placement of materials or equipment the Land Use Classification (LUC) shall be considered a one (1), otherwise the LUC shall be considered a four (4).

6–4.88 Veterinary Service (other)

(A) Where Required: GO–M, GO–H, LB, GB, HB, SC, and CP Districts.

(B) Outside Storage: Pens and runs located outdoors are prohibited.

6–4.89 Warehouse (general storage/enclosed)

(A) Where Required: GB and HB districts.

(B) Maximum Area: A maximum of ten thousand (10,000) square feet of gross floor area shall be permitted for warehouse or wholesaling per establishment per lot.

(C) Outdoor Storage: No outdoor storage of warehousing or wholesaling items is permitted.

(D) Land Use Classification: Warehousing or wholesaling uses shall have a land use classification of three (3).

6–4.90 Warehouse (Self–Storage)

(A) Where Required: GB and HB Districts.

(B) Minimum Size: Minimum lot size shall be two (2) acres.

(C) Maximum Size: Maximum lot size shall be five (5) acres.

(D) Lot Coverage: The total ground area covered by buildings shall not exceed fifty percent (50%) of the site.

(E) Maximum Height: Maximum height of building(s) shall be twenty (20) feet.

(F) Storage

1) No outside storage shall be permitted.

2) Storage of hazardous, toxic or explosive substances shall be prohibited.

(G) Operation

1) No business activity other than the rental of storage units shall be conducted on the premises.

2) One residential dwelling unit shall be allowed on the same lot for use as a caretaker dwelling.

6–4.91 Watch or Jewelry Repair Shop

(A) Where Required: CP district.

(B) Maximum Area: A maximum of three thousand (3,000) square feet of gross floor area shall be permitted per establishment.

(C) Outside Storage: No outside storage of materials shall be permitted.

6–5 FENCES

6–5.1 Applicability

This Section regulates all fences unless otherwise provided in this Ordinance. Fences are permitted in required setbacks according to Section 4–6.3 (Encroachments into Required Setbacks), provided the requirements of this Section are met.

6–5.2 Permitted Fence Types

The following fence types are permitted in all zoning districts:

(A) Masonry or stone walls;

(B) Ornamental iron;

(C) Chain–link or woven wire; and

(D) Wood or similar material.

6–5.3 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 in agricultural zoning districts;

(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; and

(E) Fences constructed of concertina wire.

6–5.4 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 Enforcement Officer 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.

6–5.5 Height

(A) Residential Uses

1) Before Front Setback: No fence shall exceed four (4) feet in height up to the front setback line.

2) Behind Front Setback: No fence shall exceed seven (7) feet in height behind the front setback line.

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 seven (7) 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 seven (7) 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) Measurement:

1) Fence height shall be measured in the same manner as buildings. However, where fences are located on retaining walls or man-made berms, the height of the retaining wall or 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, municipal water storage facilities, public correctional and mental institutions, or military facilities, or hazardous or radioactive waste, storage, and disposal facilities.

6-5.6 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.

6-5.7 General Fence Requirements

(A) Obstruction of View: No fence shall be placed or retained in such a manner as to obstruct vision at any intersection of public or private streets.

(B) Obstruction of Drainageway: Fence construction shall not alter or impede the natural flow of water in any stream, creek, drainage swale or ditch.

(C) Historic Districts: Fences in Historic Districts shall meet the guidelines for the particular Historic District in which it is located.

(D) Obstruction of Access: No fence shall block access from doors or windows. Fences must have a clearance of at least two (2) feet from building walls, except where fences project from or to a building wall.

(E) 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.

(F) Location Within Required Planting Yards: The setback of fences within a required planting yard shall be subject to the approval of a landscaping plan.

ARTICLE VII

ENVIRONMENTAL REGULATIONS

7–1 WATER SUPPLY WATERSHED DISTRICTS

7–1.1 District Descriptions

Two overlay districts cover designated water supply watersheds. 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.

7–1.2 Incorporation of Designated Water Supply Watershed Map(s)

This Section incorporates by reference the Guilford County Designated Water Supply Watershed Map(s), dated January 1, 1997, showing Watershed Critical Areas, General Watershed Areas, watershed classifications, and perennial streams of the following: Reidsville, Greensboro, High Point, Jamestown, Randleman, Randleman Dam, Burlington, Sandy Creek and Dan River watersheds.

7–1.3 Applicability

(A) Coverage:

1) This Section 7–1 (Water Supply Watershed Districts) applies to all sites containing new development in the Watershed Critical Area or General Watershed Area, including grading, paving, gravel placement, and construction of buildings and other structures, except for the exempt activities listed in Section 7–1.3(B) below. Section 7–2 (General Watershed Area) and Section 7–3 (Watershed Critical Area) impose additional requirements specific to their overlay district.

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 Enforcement Officer 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 or two family dwelling and its accessory structures on a zone lot that was recorded prior to January 1, 1994 and is locates outside WCA Tiers 1 and 2.

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 Enforcement Officer has determined that equal or improved water quality will result.

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.

4) Existing development until such time that additional new development is initiated on the site.

7–1.4 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 Governing Body; and

4) The Enforcement Officer finds that the 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.

7–1.5 Watershed Development Plan

(A) Plan Required: A watershed development plan in accordance with the performance standards specified in Table 7–2–1 or the requirements of Section 7–3 and with other requirements of this Article shall be submitted to the Enforcement Officer and shall include all applicable information listed in Appendix 2 (Map Standards) of this Ordinance.

(B) Plan Approval: The Enforcement Officer is authorized to approve any watershed development plan which is in conformance with the performance standards specified in Table 7–2–1 or the requirements of Section 7–3 (Watershed Critical Area) whichever is applicable, and with other requirements of this Article.

(C) Approved Plan a Prerequisite: The Enforcement Officer is not authorized to issue any permits, except as provided in Section 3–4.1(D) for development on any land in a WCA or GWA unless and until a 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 shall prepare the plan with the Engineer's Certification of Runoff Control from Table 7–1–1 affixed, signed, sealed, and dated.

(E) Appeals: Appeals of the Enforcement Officer's decision on a watershed development plan shall be made in writing to the Planning Board. The Technical Review Committee shall review the appeal at its first regularly scheduled meeting after receipt of the written appeal and make a recommendation to the Planning Board.

7–1.6 Improvements

(A) Design of Improvements

1) Design of improvements shall:

a) Be performed by a North Carolina registered professional engineer;

b) Be subject to approval of the Enforcement Officer; and

c) Meet or exceed the guidelines in the Guilford County Water Quality Protection Manual, issued by Guilford County, January 1, 1997.

2) The Enforcement Officer may recommend, and the Technical Review Committee may require, that a given runoff control structure(s) be positioned on a site such that water quality protection is improved.

3) 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 Section 5–7.1 (Plans).

(B) Construction of Improvements:

1) The construction of all improvements designed for watershed protection and shown on an approved 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. Engineering certification of completion TABLE 7-1-2 shall be required prior to final approval by the Enforcement Officer.

(C) 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 mechanism to ensure their maintenance shall be established concurrent with or prior to plat recordation.

(D) 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 5-8.2 (Permanent Runoff Control Structures).

2) Maintenance of runoff control structures shall be performed at such time as the designated sediment storage volume of the structure has been lost to sediment or a part of the installation is not functioning as originally designed. The Enforcement Officer shall have the responsibility to inspect runoff control structures annually, to record the results on forms approved or supplied by the N. C. Division of Environmental Management, and to notify the responsible property owner or owner's association when 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 jurisdiction may perform such maintenance or repairs and recover all costs attendant thereto from the property owner or owner's association.

7-1.7 Clustering

(A) Clustering Encouraged: Clustering of residential development is encouraged. Clustering of single family detached development is allowed under the provisions of Section 4-4.1(B) (Single Family Detached Cluster Development). Multifamily development may be clustered so long as the development complies with the standards of Section 4-4.2 (Multifamily Districts).

(B) Performance Requirements: Clustering is allowed if the overall density of the project meets the applicable GWA or WCA 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, and the remainder of the tract remains in a vegetated or natural state.

7-1.8 Stream Buffer Required

In the WCA and the GWA, a stream buffer with a minimum width as specified below measured landward from the normal pool elevation of impoundments and from the bank of each side of streams or rivers, shall be maintained along all perennial waters. [See Section 7-3 (Watershed Critical Area Requirements) for additional requirements concerning stream buffers in the WCA.]

(A) Development Using Low Density Option: Thirty (30) feet.

(B) Development Using High Density Option: One hundred (100) feet.

(C) No new development is allowed in the buffer except for water dependent structures, other structures such as flag poles, signs and security lights which result in only diminutive increases in impervious area and public projects such as road crossings and greenways where no practical alternative exists. These activities shall minimize built-upon surface area, direct run-off away from the surface waters and maximize the utilization of stormwater Best Management Practices.

7-1.9 Stream Channelization

Perennial Streams in a WCA or GWA shall not be channelized without prior approval by the Planning Board.

TABLE 7-1-1

ENGINEER'S CERTIFICATION OF RUNOFF CONTROL

The engineering certification required on Watershed Development Plans and construction plan drawings shall be of the following form:

ENGINEER'S CERTIFICATION OF RUNOFF CONTROL

I certify that this plan will control the (runoff from a one-half inch rainfall over the total drainage area)
(runoff from a one inch rainfall over the total drainage area)
and that the runoff control measures shown on this plan meet or exceed the guidelines in the Guilford County Water Quality Protection Manual issued by Guilford County, January, 1997.

P.E. SEAL _____
SIGNATURE _____
DATE _____

TABLE 7-1-2

ENGINEER'S CERTIFICATION OF COMPLETION

The Engineering certification required upon completion of permanent runoff control structures shall be of the following form:

ENGINEER'S CERTIFICATION OF COMPLETION

I certify that the permanent runoff control structure for ___(name of plat)___ as recorded in PB ___ , PG___ in the Office of the Guilford County Register of Deeds has been completed in conformance with the approved plans and specifications dated ___(approval date)___ .

P.E. SEAL _____
SIGNATURE _____
DATE _____

7–1.10 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.

7–1.11 Modifications

(A) General:

1) Requests for watershed protection modifications shall be submitted in writing on forms supplied by the governing jurisdiction and with a completed watershed development plan showing all pertinent information relative to the site in question. Information not shown on the watershed development plan or not presented in writing shall not be considered pertinent to the modification request.

2) For each request for a minor or major watershed modification, the Technical Review Committee 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 Planning Board hearing.

3) In granting modifications the jurisdiction may require such conditions as will secure, insofar as practicable, the objectives of the requirements being modified.

(B) Minor Watershed Modifications: The Planning Board is designated to approve minor watershed modifications in the General Watershed Areas (GWA) and Watershed Critical Areas (WCA). The Technical Review Committee (TRC) shall review the submitted request and make a recommendation to the Planning Board to approve or deny the modification. The Planning Board shall make its decision after determining that good and justifiable cause for a modification exists. Any minor watershed modification approved by the Planning Board may be appealed to the governing body within 15 days.

(C) Major Watershed Modifications:

1) The North Carolina Environmental Management Commission (EMC) is designated to approve major watershed modifications for both the GWA and the WCA. The review process shall be the same as in subsection (B)2) above, except that the Governing Body shall make recommendations to the EMC. The modification application, hearing notices, and minutes from each committee and board review shall be forwarded to the EMC, which shall approve or deny the modification.

2) Before the Planning Board or Governing Body may grant 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 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 Board or Governing Body for relief.

e) The hardship is peculiar to the applicant's property, rather than the result of conditions that are widespread.

4) The modifications is in harmony with the general purpose and intent of the Ordinance and preserves its spirit.

5) In the granting of the modification the public safety and welfare have been assured and substantial justice has been done.

7–1.12 Watershed Reporting

(A) 10/70 Provision – Watershed Reporting: The Watershed Administrator shall keep records on the County's use of the provisions that 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 percent (70%) 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).

(B) Watershed Modifications: The Watershed Administrator shall keep a record of all watershed modifications. This record shall be submitted for each calendar year to the Division of Water Qualtiy Management on or before January 1st of the the following year and shall provide a description of each project receiving a minor or major modification and the reasons for granting the modification.

7–2 GENERAL WATERSHED AREAS (GWA)

7–2.1 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 forty thousand (40,000) square feet.

(C) Performance Standards: The Watershed Development Plan for any development covered by this Section shall be prepared and submitted in accordance with the performance standards found in Table 7–2–1. The owner, developer, or person submitting the Watershed Development Plan shall indicate which performance standard they have chosen for review and approval.

TABLE 7–2–1
Watershed Performance Standards

Development Type	Schedule
1) Residential development with two (2) or fewer dwelling units per gross acre.	Residential Scoresheet (Table 7–2–2. A score of one hundred (100) or more is required for passing; or Engineering Certification by registered professional engineer, with seal (Table 7–1–1) certifying control of the first one–half (1/2) inch of runoff from built–upon area coverage.
2) Institutional, Commercial, Recreational, and Industrial development with twenty–four (24%) percent or less built–upon area; or Residential development with greater than two (2) dwelling units per gross acre and with twenty–four (24%) percent or less built–upon area.	Institutional, Commercial, Recreational, Industrial and High Density Residential Scoresheet. (Table 7–2–3). A score of 100 or more is required for passing; or Engineering Certification by registered professional engineer, with seal (Table 7–1–1) certifying control of the run–off from a one–half (1/2) inch rain.
3) All development with more than twenty–four (24%) percent of built–upon area. (See Note 2)	Engineering Certification by registered professional engineer, with seal (Table 7–1–1) certifying control of the run–off from a one inch (1") rain.

Note: 1) The owner, developer, or person submitting the Watershed Development Plan shall indicate which Performance Standard shall be used for review and approval.
2) Within a WS–III watershed, development cannot exceed fifty (50%) percent built–upon area unless it is non–residential development and has received an additional allocation option in compliance with Section 7–2.3(B)1) .

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TABLE 7-2-2		Residential Scoresheet		
Maximun Points		Factor	Point Value	Points Earned
20	1.	**Zone:** AG or RS-40	10	
		PD-R (Single Family Detached & Cluster)	15	
		PD-R (Cluster Exclusively)	20	
25	2.	**Built-upon Area:** 0 - 3%	25	
		3 - 7%	20	
		7 - 10%	15	
		10 - 15%	10	
25	3.	**Proximity to Floodway** as Defined By The Federal Insurance Administration: More than 2000 feet	25	
		1000 - 2000 feet	20	
		500 - 1000 feet	15	
		100 - 500 feet	10	
		50 - 100 feet	5	
10	4.	**Soil Type** as Defined on pg. 29 and Table 7, pg. 57 Guilford County Soil Survey: Slight	10	
		Moderate	5	
25	5.	**Drainage** - Protect and Use Natural Drainageways		
		Piped or Improved Drainage With Rip-Rap	5	
		Dispersed Drainage or Protected Drainageways	10	
		Dispersed Drainage and Protected Drainageways	20	
		Enhanced and Protected Natural Drainageways	25	
25	6.	**Slope** - Low Percentage of Slope: 0 - 6% Average Slope of Subdivision or Lot	25	
		6 - 10%	20	
		10 - 15%	5	
25	7.	**Land Cover** - High Percentage of Natural and Stabilizing Vegetation		
		50' Stream Buffer and Natural or stabilizing vegetation on greater than 25% of the lot	25	
		50' Stream Buffer and Natural or stabilizing vegetation on 15 - 25% of lot	20	
		50' Stream Buffer and Natural or stabilizing vegetation on 10 - 15% of lot	15	
		Natural or stabilizing vegetation between units and water	10	
		Ornamental lawn on greater than 5% of the lot	5	
25	8.	**Run-off Control Strategies:** Maximum Runoff Control	25	
		Moderate Runoff Control	20	
		Runoff control in excess of minimum requirements of Erosion Control Ordinance	15	
		Runoff control equal to minimum requirements	5	
10	9.	**Sewage Disposal:** Public Sewer Service	10	
10	10	**Road and Driveway Design:** with Vegetated Ditches	10	
		with Piped Drainage and/or Curb and Gutter and Energy Dissipators	5	
Total: 200			Total	

NOTE:

1) All plans must have 100 or more points and meet all other requirements to be accepted.

2) Do not use this table if gross density exceeds 2 dwelling units per acre or built-upon area greater than 24%.

SUBMISSION REQUIREMENTS

SINGLE FAMILY: Rated prior to approval of a Preliminary Plat. Individual homes on individual lots are not rated.

MULTI–FAMILY: Rated prior to approval of a site plan.

RATING SYSTEM DEFINITIONS

1. Conditional use rezonings will be given the appropriate bonus points if the use and site plan conditions meet the requirements of the bonus zone, such as clustering development on the best soils and terrain of the site.
2. A gravel surface is considered built–upon area.
3. Proximity to floodway is determined by measuring or scaling the distance from the floodway to the closest boundary of the tract.
4. Self explanatory.
5. Protected Drainageway means drainage is channeled by pervious devices such as sod waterways, berms, channels or swales which have been constructed to resist soil erosion by either vegetating, netting, rip–rapping or a combination of those, and which allows infiltration of water into the soil.

   Dispersed Drainage means spread out, as opposed to collecting the runoff in channels, so as to effect increased sheet flow and overland flow.

   Improved Drainageway means channeled by impervious surfaces such as curb and gutter or concrete (gunnite, bituminous,etc.) channels.

   Enhanced Drainage means carried by existing natural drainageways which have been enhanced to resist soil erosion, including stream bank degradation.
6. All slopes are before development.
7. If all or part of an existing lot containing natural or stabilizing vegetation is dedicated to the public for park and open space purposes; such land will count in computing the score.

   Stabilizing Vegetation means any vegetation that protects the soil against erosion.
8. Maximum Runoff Control means approximately one hundred (100%) percent of built–upon area runoff must pass through permanent retention or wet detention pond(s).

   Moderate Runoff Control means at least seventy–five (75%) percent of built–upon area runoff must pass through permanent retention and/or wet detention pond(s).

   Runoff Control in Excess of Erosion Control Ordinance means at least fifty (50%) percent of built–upon area runoff must pass through permanent retention of permanent wet detention pond(s).

   Runoff Control Equal to Minimum Requirements means velocity control of runoff.

   Detention Pond means a pond which collects stormwater runoff, filters the water and releases it slowly over a period of hours or days. It does not have a permanent pool and is sometimes referred to as a dry pond.

   Wet Detention Pond means a pond that has a permanent pool and also collects stormwater runoff, filters the water and releases it slowly over a period of days.

   Retention Pond means a pond that has a permanent pool.
9. No points will be allowed for on–site septic tank systems or private sewage treatment systems.
10. Self Explanatory.

TABLE 7–2–3 Institutional, Recreational, Comm., Industrial & High Density Residential Scoresheet				
Maximum Points		Factor	Point Value	Points Earned
10	1.	Built–upon area: less than 7.5 % Built–upon	10	
		7.5% – 15% Built–upon	5	
25	2.	Proximity to Floodway as Defined By The FEMA		
		More than 2000 feet	25	
		1000 – 2000 feet	20	
		500 – 1000 feet	15	
		100 – 500 feet	10	
		50 – 100 feet	5	
15	3.	Soils – Hydrologic Soil Group (When 50% or more of the site remains Undisturbed.)		
		B	15	
		C	5	
20	4.	Drainageways		
		Vegetated Waterways (Swales)	10	
		Minor Channels with Riprap	10	
		Preserve Natural Drainageways	10	
		Preserve and Protect Natural Drainageways	20	
25	5.	Land Slope (where 50% or more of site remains undisturbed.)		
		0 – 6% Average Slope of Subdivision or Lot	25	
		6 – 10%	20	
		10 – 15%	5	
25	6.	Undisturbed Area: Greater than 50% Undisturbed	25	
		30% – 50% Undisturbed	15	
		20% – 30% Undisturbed	10	
10	7.	Permanent Erosion Control		
		Revegetating Bare Soil Areas	5	
		Revegetating and Protecting Concentrated Flow Areas	10	
60	8.	Permanent Runoff Control Strategies:		
		Natural Infiltration of Required Runoff from:		
		100% of Built–upon Area	60	
		75% of Built–upon Area	45	
		50% of Built–upon Area	30	
		Wet Detention Pond Meeting Performance Standards Controlling Pollutants from:		
		100% of Built–upon Area	50	
		75% of Built–upon Area	40	
		50% of Built–upon Area	25	
		Vegetative Filter for Sites with less than 25% Built–upon Area Meeting Performance Standards	15	
10	9.	Sewage Disposal: Public Sewer System	10	
15	10	Road and Driveway Design:		
		with water from roadside swales or curb cuts directed into natural infiltration	15	
		with Vegetated Ditches	10	
		with Piped Drainage and/or Curb and gutter and Energy Dissipators	5	
Total: 215			Total	

SUBMISSION REQUIREMENTS

NOTE:
1) All plans must have 100 or more points and meet all other requirements to be accepted.
2) Do not use this table if built–upon area exceeds twenty–four (24%) percent.

RESIDENTIAL/COMMERCIAL/INDUSTRIAL SUBDIVISIONS: Rated prior to approval of preliminary plat.

RESIDENTIAL/INSTITUTIONAL/COMMERCIAL/INDUSTRIAL SITE PLANS: Rated prior to approval of site plan unless lot was prequalified by subdivision.

COMMERCIAL/INDUSTRIAL PROJECTS WITHOUT SITE PLANS: Rated prior to approval of the building permit.

RATING SYSTEM DEFINITIONS, EXPLANATIONS AND STANDARDS

1. Built–upon area coverage includes: paved and gravel parking lots, driveways, roads and streets; buildings or other structures which cover the soil. It is computed by the equation: Acres built–upon area divided by total acres in the tract times one–hundred (100%) percent.
2. Proximity to floodway is determined by measuring or scaling the distance from the floodway to the closest boundary of the tract.
3. Hydrologic Soil Groups as defined on pg. 35 of the USDA – SCS Guilford County Soil Survey (12/19/77) and referenced in Table 15.
4. Vegetated waterways (swales) are to be constructed according to USDA – SCS specifications or equivalent methods, and includes installation of channel liners (plastic, jute, or excelsior) where expected flow velocity (10 yr. storm) exceeds three (3) feet per second.

   Rip–rap lined channels are to meet Guilford County specifications.

   Preserving natural drainageways shall mean no disturbance of natural drainageways by cutting, filling, channelization or destroying natural vegetation.

   Preserve and protect natural drainageways shall mean protecting natural channels against stream bank erosion by rip–rap, or establishing soil stabilizing vegetation on stream banks and/or providing for a natural or revegetated buffer strip of twenty–five (25) feet or more on each side of the stream.
5. Slope shall mean the maximum inclination of the land surface from the horizontal as measured in percentage slope. The average slope shall be determined for the entire lot, tract or subdivision.
6. Undisturbed area shall be 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 for the purposes of watershed protection scoresheet evaluation.
7. Revegetating bare soil areas shall mean providing a stabilizing vegetative cover on those areas disturbed by grading of the site where no other land cover (structure, etc.) are to be located.
8. All runoff control methods or devices shall meet or exceed Guilford County design specifications. Retention ponds will be considered in lieu of wet detention ponds on a case by case basis.
9. No points will be allowed for on–site septic tank systems or private sewage treatment systems.
10. Self Explanatory.

(D) Runoff Control:

1) When runoff control is required for development using the low density option [see definition in Section 2-1.2 (Drainage and Watershed Protection) and Table 2-1-1] the runoff control structure(s) may be any one of the following meeting the guidelines in the Guilford County Water Quality Protection Manual:

a) Wet Detention Ponds

b) Retention Pond

c) Natural Infiltration Area

d) Filter Basin

e) Any other technology that the Technical Review Committee (TRC) finds which may be shown to equal or exceed watershed protection standards. The Advisory Board for Environmental Quality (ABEQ) will review proposed new technology and give a recommendation to the TRC within sixty (60) days of submission.

2) When runoff control is required for development using the high density option [see definition in Section 2-2.1 (Drainage and Watershed Protection) and Table 2-1-1] the runoff control shall be by use of a wet detention pond meeting the guidelines in the Guilford County Water Quality Protection Manual.

7-2.2 GWA - Watershed Classification WS-IV

Development shall not exceed seventy 70% percent built-upon area.

7-2.3 GWA - Watershed Classification WS-III

(A) Built-Upon Area Limit: Development shall not exceed fifty (50%) percent built-upon area.

(B) Ten / Seventy (10/70) Option for Non-Residential:

1) Ten (10%) percent of the local jurisdication'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.

2) 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.

3) Developments using this option shall provide an engineer's certification of runoff control for control of the runoff from a one inch (1") rain.

(C) Prohibited Uses: No new discharging landfills.

7-3 WATERSHED CRITICAL AREAS (WCA)

7-3.1 General Provision

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.

7-3.2 District Description

(A) WCA Boundary: The Guilford County Designated Water Supply Watershed Map(s) 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 of 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 (High Point Lake, Oak Hollow Lake, 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 with the following exception. Tier 2 areas surrounding the proposed reservoir at Randleman Lake and the existing Lake Mackintosh are not intended for public purpose unless and until more than twenty-five (25%) percent of the WCA for the reservoir becomes urban in character, by meeting any of the tests defined in NCGS Section 160A-48(c).

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.

7-3.3 Runoff Minimization

The density and built-upon area coverage limits defined in Table 7-3-1 shall apply within the WCA; however is the limits provided in Table 2-1-1 are more restrictive, then these standards would apply.

TABLE 7-3-1

Density and Built-Upon Area Coverage Limits

Residential Density Limits
(expressed as dwelling units / gross acre)

	Tier 1	Tier 2	Tier 3	Tier 4
No Public Sewer	NA	1 du / 5 ac.	1 du / 3 ac.	1 du / 1ac.
Public Sewer	NA	1 du / 5 ac.	2 du / 1 ac.	2 du / 1 ac. or less than or equal to 24% built-upon area.

Built-Upon Area Coverage Limits
(expressed as % maximum)
(for use with high density residential, institutional, commercial, and industrial uses)

	Tier 1	Tier 2	Tier 3	Tier 4
No Public Sewer	NA	2.5%	4.0%	12.0%
Public Sewer	NA	2.5%	24.0%[a]	30.0%[a]

NOTES:
[a] Built-upon area coverages may be increased by ten percent (10%) in Tier 3 and 4 of a WS-IV watershed, when the development is served by public sewer for high density residential, institutional, commercial and industrial areas, if the owner provides for on-site control of the runoff from a one (1) inch rainfall in accordance with this Ordinance.

7–3.4 Land Disturbance Minimization

(A) Erosion Control Plan: See Section 7–4.1 (General Requirements) to determine when an erosion control plan is required.

(B) Street Standards: Refer to Article V (Subdivision: Procedures and Standards) for the minimum street standards. To the extent practicable, the construction of new roads in the WCA should be avoided.

(C) Protection of Fragile Areas:

1) Slopes Greater than Fifteen Percent and Wetlands.

a) 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.

b) Dedication of these areas to the local jurisdiction and the public as drainageway and open space may be required wherever authorized by Article V (Subdivision: Procedures and Standards) or any other provision in local ordinances.

c) Where such dedication is not required, a water quality conservation easement shall be recorded over such wetlands and slopes.

d) Where a water quality conservation easement serves to bring two (2) or more properties into compliance with WCA requirements, the Technical Review Committee may require that the wetlands and slopes covered by such easements be held as common area by an owners' association.

2) Drainage

a) Drainage shall be provided by means of open channels.

b) All such areas shall have protected channels or remain in a natural and undisturbed state, except for road crossings, utilities, erosion control devices and runoff control devices.

c) The undisturbed area width shall be the easement width as specified in Article V (Subdivision: Procedures and Standards).

3) Development on the best soils and terrain of any site is encouraged.

4) Clustering of residential development may be required by the Technical Review Committee in accordance with Section 4–4.1(B) (Cluster Development).

7–3.5 Spill Risk Reduction

(A) Prohibited Uses: The following uses shall be prohibited in a WCA district:

DESCRIPTION	SIC INDUSTRY GROUP MAJOR GROUP NUMBERS
1) Agricultural Uses	
Animal Feeder/Breeder	0210
2) Agricultural Services	
Chemical Treatment and Fertilizer Application for Crops, Weed Control for Crop Operations, including Aerial Crop Dusting	0710, 0721
3) Mining Uses	
Mining and Quarrying	1000
4) Business, Professional and Personal Services	
Automobile Rental or leasing	7510

Automobile Repair Services, Major	0000
Automobile Repair Services, Minor	0000
Automobile Towing and Storage Services	7549
Boat Repairs	3730
Car Wash	7542
Commercial Chemical and Biological Research	8731
Furniture Stripping or Refinishing (including secondary or accessory operations)	7641
Equipment Repair, Heavy	7690
Agricultural Equipment Repair	
Boiler Cleaning and Repair	
Cesspool Cleaning	
Engine Repair, except automotive	
Farm Machinery Repair	
Industrial Truck Repair	
Machinery Cleaning	
Motorcycle Repair Service	
Rebabbitting	
Repair of Service Station Equipment	
Sewer Cleaning and Rodding	
Tank and Boiler Cleaning Service	
Tank Truck Cleaning Service	
Tractor repair	
Welding Repair Shops	
Heavy Construction Equipment Rental and Leasing	7350
Lawn Care, Lawn Fertilizing Services, Lawn Spraying Services, Ornamental Shrub & Tree Services with Spraying	0780
Laundry or Drycleaning Plant	7211, 7216, 7217, 7218
Laundromats, Coin-operated	7215
Pest or Termite Control Services	7342
Septic Tank Services	7699
Truck Driving Schools	8249
Truck & Utility Trailer Rental & Leasing, Light	0000
Truck Tractor & Semi Rental & Leasing, Heavy	0000
Truck Washing	7542
5) Retail Trade	
Fuel Oil Sales	5980
Convenience Stores with fuel pumps	5411
Motor Vehicle Sales (new and used)	5511
Motorcycle Sales	5571
Recreational Vehicle Sales	5561
Service Stations, gasoline	5541
Truck Stops	5541
6) Wholesale Trade	
Agricultural Chemicals, Pesticides, Fertilizers	5191
Chemical and Allied Products	5169
Motor Vehicles	5012
Nursery Stock, Plants Potted	5193
Paints & Varnishes	5198
Petroleum & Petroleum Products	5170
Scrap and Waste Materials	5093
7) Transportation, Warehousing, and Utilities	
Air Transportation Facilities	4789
Bus Terminal and Service Facilities	4100, 4170
Hazardous & Radioactive Waste (transportation, Storage, Disposal.)	4953
Inert Debris Landfills, Major	0000
Petroleum Contaminated Soil Remediation Disposal Sites	0000
Pipelines, except Natural Gas	4600
Railroad Terminal or Yard	4010
Recycling Processing Centers	0000

Refuse & Raw Material Hauling	4212
Sanitary Sewer & Water Treatment Plant Sludge Application Sites	0000
Sewage Treatment Plants	4952
Solid Waste Disposal (nonhazardous)	4953
Trucking or Freight Terminals	4230, 4213
8) Manufacturing and Industrial Uses	
Animal Slaughter or Rendering	0000 (2010)
Arms and Weapons	3480
Asbestos, Abrasive, and Related Products	3290
Asphalt Plant	2951
Batteries	3690
Chemicals, Paints & Allied Products	2800
Concrete, Cut Stone & Clay Products	3240,3270
Cement, Hydraulic	3241
Contractors, Heavy construction	1600
Contractors, Special Trade	1700
Dairy Products	2020
Fats and Oils, Animal	2077
Fats and Oils, Plant	2070
Fish, Canned, Cured or Frozen	2091
Leather and Leather Products (tanning)	3110
Magnetic & Optical Recording Media	3695
Meat & Poultry, Packing & Processing (no rendering)	2010
Metal Coating and Engraving	3470
Paper Products (no coating or laminating)	2670
Paper Products (coating or laminating)	2670
Petroleum and Related Products	2900
Primary Metal Products & Foundries	3300
Pulp and Paper Mills	2610
Rubber & Plastics, Misc.	3000
Rubber & Plastics, Raw	3000
Salvage Yards, Auto Parts	5015
Salvage Yard, Scrap Processing	5903
Solvent Recovery	7389
Surface Active Agents	2843
Textile Products, (no Dying & Finishing)	2200
Textile Products(with Dying & Finishing)	2260

(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 Enforcement Officer 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 Planning Board.

(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.

2) Industrial pre-treatment facilities which prepare wastewater for discharge into a public sewer system shall be permitted in WCA districts.

7-3.6 Storm Water Management

(A) Control of Run-off: Run-off from built-upon areas, shall be controlled as follows:

1) If the built-upon area is twelve (12%) percent or less, the runoff control may be accomplished through use of a permanent infiltration area if the guidelines in the Guilford County Water Quality Protection Manual are met or runoff control from a one-half inch (1/2") rainfall over the total drainage area.

2) If the built-upon area is greater than twelve (12%) the runoff control storage volume shall not be less than the runoff from a one-inch (1") rainfall over the total drainage area flowing into the runoff control structure.

(B) Design Approval: All designs for runoff control structures, shall meet the requirements of Section 7-1.6 (Improvements) and shall be subject to the approval of the Enforcement Officer.

7-4 SOIL EROSION AND SEDIMENTATION CONTROL

7-4.1 General Requirements

(A) Plan Required: No person shall initiate any land-disturbing activity without an erosion control plan approved by the Jurisdiction, 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.

7-4.2 Basic Control Objectives

A soil erosion and sedimentation control plan may be disapproved pursuant to Section 7-4.12(M) Grounds for Plan Disapproval) of this Ordinance 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.

7-4.3 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) Buffer Zone: No land-disturbing activity shall be permitted in proximity to a lake or natural watercourse unless a buffer zone is provided along the margin of the watercourse of sufficient width to confine visible siltation within the twenty-five (25%) percent of the buffer zone nearer the land-disturbing activity, provided, that this subsection (A) shall not apply to a land-disturbing activity in connection with the construction of facilities to be located on, over, or under a lake or natural watercourse. Unless otherwise provided, the width of a buffer zone is measured from the edge of the water to the nearest edge of the disturbed area, with the twenty-five (25%) percent of the strip nearer the land disturbing activity containing natural or artificial means of confining visible siltation;

(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 7-4.4(B)5) of this Ordinance, 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 Jurisdiction.

7-4.4 Design and Performance Standards

(A) Design for Ten-year Storm: Except as provided in Section 7-4.4(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 (DEHNR).

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 (25) - 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.

7–4.5 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: Persons shall conduct land–disturbing activity 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 7–4–1; or

TABLE 7–4–1
Maximum Permissible Velocity for Stormwater Discharges

Material	Maximum Permissible Velocities	
	F.P.S.	M.P.S.
Fine sand (noncolloidal)	2.5	0.8
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.

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 Jurisdiction 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 dissipators 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.

7-4.6 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.

7-4.7 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.

7-4.8 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 planned and conducted in such a manner 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 planned and 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.

7-4.9 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 land owner 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.

7-4.10 Additional Measures

Whenever the Jurisdiction 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.

7–4.11 Existing Uncovered Areas

(A) Applicability: All uncovered areas existing on the effective date of this Ordinance which are the result of land–disturbing activity, 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 Jurisdiction 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 authority serving notice 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 Jurisdiction 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.

7–4.12 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 Jurisdiction, 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 Jurisdiction, 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 Jurisdiction, 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 Jurisdiction will require a revised plan. Pending the preparation of the revised plan, work shall cease or shall continue under conditions outlined by the appropriate authority.

(D) 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.

(E) 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 Jurisdiction. 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.

(F) Local Jurisdiction Review: The Jurisdiction 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 jurisdiction 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 Jurisdiction determines that the plan is inadequate to meet the requirements of this Ordinance, the Jurisdiction may require such revisions as are necessary to comply with this Ordinance.

(G) 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) of this Ordinance.

(H) 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 Jurisdiction, the land–disturbing activity shall not proceed except in accordance with the erosion control plan as originally approved.

(I) 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.

(J) 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 Jurisdiction, unless and until an erosion control plan, as required by this Ordinance, has been submitted to the Jurisdiction, a grading permit has been issued, and a Certificate of Erosion Control Performance has been issued by jurisdiction, indicating that initial erosion control devices have been installed and are functioning properly.

(K) 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.

(L) Surety: The applicant for a grading permit to grade one (1) acre or more may be required to file with the Jurisdiction an improvement security or bond in the form of an escrow account or other instruments satisfactory to the Jurisdiction attorney in the amount deemed sufficient by the Jurisdiction 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 Jurisdiction 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 Jurisdiction. 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 Jurisdiction has certified that the requirements of this Ordinance has 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 Jurisdiction 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. Guilford County shall promptly notify the person submitting the plan that the thirty (30) day time limit for review of the plan pursuant to Section 7–4.12(F) of this Ordinance shall not begin until a complete environmental document is available for review.

7–5 FLOOD DAMAGE PREVENTION

7–5.1 Statutory Authorization

The Legislature of the State of North Carolina has in NCGS 143–21(6), NCGS 153–A–18(3 & 4), NCGS 153–A–6, NCGS 160–A–19(3, 5, & 8), and NCGS 160–A–8, empowered local governmental units to regulate flood hazard areas.

7–5.2 Findings of Fact

(A) Reason for Regulation of Flood Hazard Areas: The flood hazard areas of the Jurisdiction are subject to periodic inundation which could result in loss of life and 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) Causes of Flood Losses: These flood losses are caused by the cumulative effect of:

1) obstructions in flood plains causing increases in flood heights and velocities; and

2) occupancy in flood hazard areas of uses vulnerable to floods or hazardous to other lands and uses which are inadequately elevated, inadequately floodproofed, or otherwise unprotected from flood damages.

7–5.3 General Provisions

(A) Lands to Which this Ordinance Applies: This Ordinance shall apply to all areas of special flood hazard within the Jurisdiction. Bonafide 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 Areas of Special Flood Hazard: The areas of special flood hazard identified by the Federal Emergency Management Agency in its Flood Insurance Study dated , December, 1979, with accompanying maps and other supporting data, and any revision thereto are adopted by reference and declared to be a part of this Ordinance.

(C) Floodway Zone – See Figure 7–A : The floodway zone is an extremely hazardous area due to the velocity of floodwaters which carry debris and potential projectiles and has erosion potential. No encroachments, including fill, new construction, substantial improvements, or other developments shall be permitted 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 occurrence on the base flood discharge. Supporting technical data shall include, but not be limited to a hydrologic and hydraulic analysis performed in accordance with standard engineering practice.

1) Permitted Uses: Development within the floodway zone requires a permit from the Corps of Engineers. 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:

a) General farming, pasture, outdoor plant nurseries, horticulture, forestry, wildlife sanctuary, game farm, and other similar agricultural, quarrying, wildlife and related uses;

b) Ground level loading areas, ground level automobile parking areas, rotary aircraft ports and other similar industrial and commercial uses;

c) Tractor–trailer parking, provided that no trailers shall be detached from tractors;

d) Lawns, gardens, play areas, and other similar uses;

e) 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;

f) 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 or previously approved encroachment in the floodway will not increase the base flood elevation by more than one (1) foot. The increase in base flood elevation due to allowable encroachment of the floodway fringe is listed in the Floodway Data Table in the Flood Insurance Study prepared by the Federal Emergency Management Agency (FEMA). Fill material for utilities shall be permitted only if approved by the Enforcement Officer;

g) Temporary facilities such as displays, circuses, carnivals, or similar transient amusement enterprises;

h) Boat docks, ramps, piers, or similar structures;

i) Dams;

j) Grading but not fill; and

k) 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 one (1) foot above base flood elevation.

2) Prohibited uses: The following uses are prohibited in the floodway zone:

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.

b) Manufactured dwellings.

(D) Floodway Fringe Zone – See Figure 7–A

1) Permitted uses

The following uses shall be permitted within the floodway fringe zone to the extent that they are otherwise permitted by this Ordinance:

a) Uses permitted below flood protection elevation:

i) Any use as permitted and regulated in the floodway zone.

ii) 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.

iii) Structure foundations and supports, provided such are firmly anchored to prevent flotation.

b) Uses permitted above flood protection elevation:

i) Any residential or nonresidential use permitted by this Ordinance provided that the finished floor elevation of any structure is located one (1) foot or more above base flood elevation. Heating and electrical equipment installed below flood protection elevation shall be floodproofed.

ii) Any nonresidential use permitted by this Ordinance provided that all portions of the structure are floodproofed, as provided in this Article, to an elevation at least one (1) foot above base flood elevation.

iii) Heating and electrical equipment installed below flood protection elevation shall be floodproofed. Non-residential structures may floodproof this equipment if placed below the base flood elevation, but the floodproofing must be certified by a professional engineer registered in North Carolina.

2) Prohibited Uses: Uses that are prohibited below the flood protection elevation are the 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.

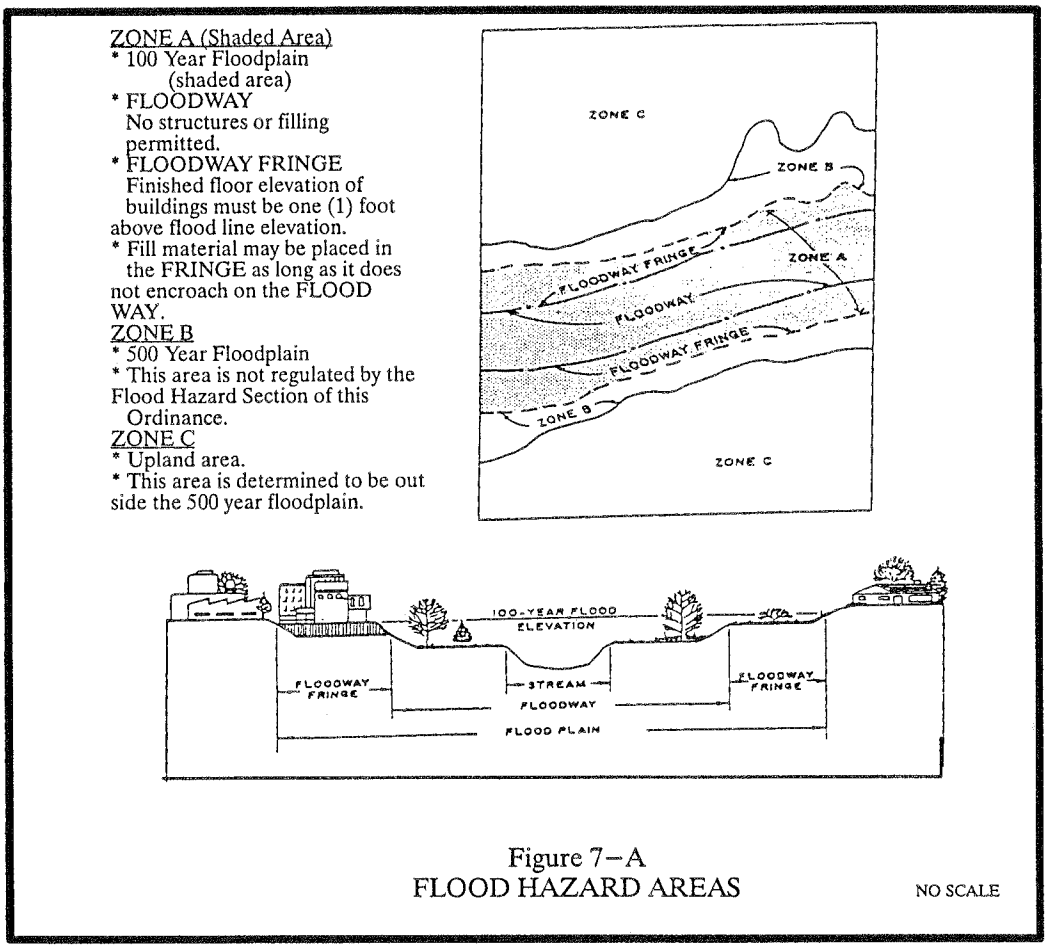


Figure 7-A
FLOOD HAZARD AREAS NO SCALE

7-5.4 Warning and Disclaimer of Liability

The degree of flood protection required by this Article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Article does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This Article shall not create liability on the part of the Jurisdiction or any officer or employee thereof for any flood damages that result from reliance on this Article or any administrative decision lawfully made hereunder.

7-5.5 Flood Plain Development Application, Permit and Certification Requirement

(A) Application for Permit: On a property containing an area of special flood hazard, application for a Flood Plain Development Permit shall be made in accordance with Section 3-3.5 (Flood Plain Development Permit).

(B) Certificate of Floor Elevation/Floodproofing: When a property is located in a flood hazard area or when a structure is floodproofed, a certificate shall be provided in accordance with Section 3-8.4 (Certificate of Floor Elevation/Floodproofing).

(A) General Standards: In all areas of special flood hazard the following provisions are required:

1) All new construction or substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;

2) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over–the–top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;

3) All new construction or substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;

4) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damages;

5) 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;

6) All new or replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

7) 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;

8) On–site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding; and

9) 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 Section.

10) 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.

(B) Specific Standards: In all areas of special flood hazard where base flood elevation data has been provided, as set forth in Section 7–5.3(B), the following provisions are required:

1) Residential Construction: New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated no lower that one (1) foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movement of flood waters shall be provided.

2) Non–Residential Construction: New construction or substantial improvement of any commercial, industrial, or non–residential structure shall have the lowest floor, including basement, elevated no lower than one (1) foot above the base flood elevation. Structures located in A–zones may be floodproofed in lieu of elevation provided that all areas of the structure below the required elevation are water tight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Enforcement Officer as set forth in this Article.

3) Manufactured Housing

a) Manufactured dwellings that are placed, substantially improved, or repaired after incurring substantial damage as the result of a flood shall be elevated on a permanent foundation such

that the lowest floor of the manufactured dwelling is elevated no lower than one (1) foot above the base flood elevation and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. For the purpose of this requirement, manufactured dwellings shall be anchored to resist flotation, collapse, or lateral movement in accordance with the Regulations for Mobile Homes and Modular Housing adopted by the Commissioner of Insurance pursuant to NCGS 143.15.

b) When the required elevation will be met by elevating the chassis at least thirty–six (36) inches above grade, the chassis shall be supported by reinforced piers or other foundation elements of at least equivalent strength. When the elevation of the chassis is above thirty–six (36) inches in height, engineering certification is required.

c) 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 hazard areas. This plan shall be filed with and approved by the Enforcement Officer and the local Emergency Management Coordinator.

4) Elevated Buildings: New construction or substantial improvements of elevated buildings that include fully enclosed areas that are usable solely for the parking of vehicles, building access, or storage in an area other than a basement and which are subject to flooding shall be designed to preclude living space and to automatically equalize hydrostatic flood forces on exterior walls allowing for the entry and exit of floodwaters.

a) Designs for complying with this requirement must be certified by a registered professional engineer or architect or meet the following minimum criteria:

i) Provide a minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;

ii) The bottom of all openings shall be no higher than one (1) foot above grade; and

iii) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

b) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).

c) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms, except to enclose storage areas.

7–5.7 Standards for Streams Without Established Floodways or Base Flood Elevations

(A) Flood Elevations:

1) Within the areas of special flood hazard established in this Article are small streams where no base flood data has been provided or where no floodways have been identified. The provisions in Table 7–5–1 apply within such areas.

TABLE 7–5–1
Stream Non–Encroachment Widths

Cubic Feet per Second (CFS) in 100–year Storm	Required Distance from Stream Centerline
5 – 17 cfs	15 ft.
17 – 70 cfs	30 ft.
70 or more cfs	50 ft. plus 1/2 channel width

2) Except for streets, bridges, and utilities as permitted in Section 7–5.3(C)1)f) (Floodway Zone), no encroachments shall be permitted in drainage easements as required by Article V (Subdivisions: Procedures and Standards). No encroachments, such as fill, new construction, substantial improvements or new development shall be permitted within the distance from the stream centerline designated in Table 7–5–1 or twenty (20) feet each side from the top of the stream bank, 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.

3) If base flood elevation data is available from other sources, all new construction and substantial improvements within such areas shall comply with all applicable flood hazard area provisions of this Article and shall be elevated or floodproofed in accordance with elevations established in this Article.

4) When base flood elevation data is not available from a federal, state, or other source, and the flow is five hundred (500) cubic feet per second (cfs) or greater for a one hundred (100) year storm, the lowest floor including the basement shall be elevated at least one foot above the one hundred (100) year flood elevation certified by a professional registered engineer.

5) When base flood elevation data is not available from a federal, state, or other source, and the flow is less than five hundred (500) cfs for a one hundred (100)–year storm, the lowest floor including the basement shall be elevated at least two (2) feet above the highest adjacent grade.

(B) Standards for Areas of Shallow Flooding (AO Zones): Located within the areas of special flood hazard established in this Article are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. The following provisions shall apply within such areas:

1) All new construction and substantial improvements of residential structures shall have the lowest floor including the basement elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor including the basement shall be elevated at least two (2) feet above the highest adjacent grade.

2) All new construction and substantial improvements of non–residential structures shall:

a) have the lowest floor including the basement elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor including the basement shall be elevated at least two (2) feet above the highest adjacent grade; or

b) be completely floodproofed, together with attendant utility and sanitary facilities, to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

ARTICLE VIII

ENFORCEMENT

8–1 VIOLATIONS

Any of the following shall be a violation of this Ordinance and shall be subject to the enforcement remedies and penalties provided by this Article and by state law.

8–1.1 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.

8–1.2 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.

8–1.3 Violation by Act or Omission

To violate, by act or omission, any term, variance or waiver, condition, or qualification placed by the governing body 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.

8–1.4 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.

8–1.5 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. 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.

8–1.6 Continue a Violation

Each day's violation of any provision of this Ordinance is a separate and distinct offense.

8–2 ENFORCEMENT INTENT

8–2.1 Questions

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 Enforcement Officer and that such questions shall be presented to the Board of Adjustment only on appeal from the Enforcement Officer'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 as provided by law.

8–2.2 Governing Body

It is further the intention of this Ordinance that the duties of the Governing Body in connection with this Ordinance shall not include the hearing and passing upon disputed questions that may arise in connection with the enforcement thereof.

8–3 ENFORCEMENT PROCEDURE

When the Enforcement Officer or his agent finds a violation of this Ordinance, it shall be his 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.

8–3.1 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 Enforcement Officer shall give the owner or occupant written notice, by certified or registered mail to his last known address, or by personal service or by posting notice of the violation conspicuously on the property:

(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; and

(C) the measures necessary to remedy the violation.

8–3.2 Appeal

Any owner or occupant who has received a Notice of Violation may appeal in writing the decision of the Enforcement Officer to the Board of Adjustment (unless this Ordinance has specified that another board shall hear the appeal of the violation) within fifteen (15) days following the date of the Notice of Violation. The Board of Adjustment, or other designated board, shall hear an appeal within a reasonable time, and it may affirm, modify, or revoke the Notice of Violation. In the absence of an appeal, the remedies and penalties sought by the Enforcement Officer in the Notice of Violation shall be final.

8–3.3 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.

8–3.4 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 8–4 (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.

8–4 REMEDIES

Anyone or all of the following procedures may be used to enforce the provisions of this Ordinance.

8–4.1 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.

8–4.2 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 8–5 (Civil Penalties – Assessments and Procedures).

8–4.3 Denial of Permit or Certificate

The Enforcement Officer may withhold or deny any permit, certificate, occupancy or other form of authorization on any land, building, sign, structure or use in which there is an uncorrected violation of a provision of this Ordinance or of a condition or qualification of a permit, certificate or other authorization previously granted.

8–4.4 Conditional Permit or Temporary Certificate

The Enforcement Officer 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.

8–4.5 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 Enforcement Officer may order the work to be immediately stopped. The stop order shall be in writing and directed to the owner, occupant, or person doing the work. The stop 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 NCGS 160A–421 or 153A–361, as applicable, or the NC Building Code.

8–4.6 Revocation of Permits

The Enforcement Officer 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.

8–4.7 Criminal Penalties

Any violation of this Ordinance shall be a misdemeanor or infraction as provided by NCGS 14–4, subject to a maximum fine of $500.00.

8–5 CIVIL PENALTIES – ASSESSMENT AND PROCEDURES

8–5.1 Penalties

Any person who violates any provisions of this Ordinance shall be subject to assessment of a civil penalty in the amount of $25.00 for the first violation; $50.00 for the second violation; $100.00 for the third violation; and $200.00 for the fourth and succeeding violations thereafter. Except that any penalties assessed under subsection 3–14 (C) shall be stayed until all appeals are resolved.

8–5.2 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 8–3.1 (Notice of Violation). If after receiving a notice of violation under Section 8–3.1, the owner or other violator fails to take corrective action, a civil penalty may be imposed under this Section in the form of a citation. The citation shall be served in the manner of a Notice of Violation. The citation shall state the nature of the violation, the civil penalty to be imposed upon the violator and shall direct the violator to pay the civil penalty within fifteen (15) days of the date of the notice.

8–5.3 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.

8–5.4 Continuing Violation

For each day the violation is not corrected, the violator will be guilty of an additional and separate offense and subject to additional civil penalty.

8–5.5 Demand for Payment

The Enforcement Officer 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.

8–5.6 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 Enforcement Officer 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 NCGS 14–4.

8–6 CIVIL PENALTIES – SOIL EROSION AND SEDIMENTATION CONTROL

8–6.1 General

Any person who violates any provisions of Section 7–4 (Soil Erosion and Sedimentation Control), or the Act, or rules or orders adopted or issued pursuant to this Ordinance, or who initiates or continues a land–disturbing activity for which an erosion and sedimentation control plan is required, or not in accordance with the terms, conditions, and provisions of an approved erosion and sedimentation control plan, shall be subject to a civil penalty. No civil penalty shall accrue in excess of $500 per day, in addition to the penalty for failure to submit an erosion and sedimentation control plan as provided in Section 8–6.5 (Erosion and Sedimentation Control Plan).

8–6.2 Notice of Violation

No penalty shall be assessed until the person alleged to be in violation has been notified of the violation by registered or certified mail, return receipt requested, or other means reasonably calculated to give actual notice. The notice shall describe the violation with reasonable particularity, set forth the measures necessary to achieve compliance with the plan, specify a reasonable time period within which the violation must be corrected, and warn that failure to correct the violation within the time period will result in the assessment of a civil penalty or other enforcement action. If, after the allotted time period has expired, the violator has not completed corrective action, a civil penalty may be assessed from the date of receipt of the the notice of violation. However, no time period for compliance need be given for failure to submit a soil erosion and sedimentation control plan for approval or for obstructing, hampering or interfering with an authorized representative while in the process of carrying out his official duties. Each day of continuing violation shall constitute a separate violation.

8–6.3 Notice of Assessment

The Enforcement Officer shall determine the amount of the civil penalty to be assessed under this subsection, shall make written demand for payment upon the person in violation, and shall set forth in detail a description of the violation for which the penalty has been imposed. In determining the amount of the penalty the Enforcement Officer shall consider the degree and extent of harm caused by the violation and the cost of rectifying the damage. Notice of the assessment shall be by registered or certified mail or other means reasonably calculated to give actual notice. 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 the Guilford County attorney for institution of a civil action in the appropriate division of the General Counts of Justice for recovery of the penalty. Such civil actions must be filed within three (3) years of the date the final decision was served on the violator.

8–6.4 Specific Civil Penalties

Civil penalties for specific violations of Section 7–4 (Soil Erosion and Sedimentation Control) shall be assessed as follows:

(A) Grading Without Permit: $500.00 per day for failure to secure a valid grading permit prior to conducting a land–disturbing activity for which a soil erosion and sedimentation control plan is required.

(B) Failure to Protect: $500.00 per day for failure to take all reasonable measures to protect public property, or private property, including lakes and/or natural watercourses, from damage caused by land–disturbing activities.

(C) Failure to Follow Plan: $300.00 per day for failure to conduct a land–disturbing activity in accordance with the provisions of an approved erosion and sedimentation control plan.

(D) Failure to Install Devices: $500.00 per day for failure, when more than one (1) acre is disturbed ($250 per day when one (1) acre or less is disturbed), to install erosion and sedimentation control devices sufficient to

retain the sediment generated by the land–disturbing activity within the boundaries of the tract(s) and prevent off–site sedimentation. .

(E) Failure to Maintain Measures: $300.00 per day for failure to maintain satisfactory erosion and sedimentation control measures, structures and/or devices on the site that are designed to provide protection from the calculated maximum peak rate of runoff from the ten (10)–year storm or the twenty–five (25)–year storm in a High Quality Storm (HQW) zone.

(F) Failure to Maintain Temporary Measures: $250.00 per day for failure to maintain temporary erosion and sedimentation control measures and facilities during the development of the site.

(G) Failure to Maintain Slopes: $250.00 per day for failure on graded slopes and fills to maintain an angle sufficient to retain vegetative cover or other adequate erosion and sedimentation control devices or structures.

(H) Failure to Cover Slopes: $250.00 per day for failure within thirty (30) days of completion of any phase of grading to plant or otherwise provide exposed, graded slopes or fills with ground cover, devices,or structures sufficient to restrain erosion.

(I) Failure to Plant Cover: $250.00 per day for failure on a tract when more than one (1) acre is disturbed, to plant or otherwise provide ground cover sufficient to restrain erosion within thirty (30) working days or one–hundred and twenty (120) calendar days, fifteen (15) working days or sixty (60) calendar days in High Quality Water Zones, whichever is the shorter, following completion of construction or development.

(J) Failure to Revise Plan: $250.00 per day for failure to file an acceptable, revised erosion and sedimentation control plan after being notified of the need to do so.

(K) Failure to Maintain Buffer: $250.00 per day for failure to retain a buffer zone of sufficient width along a lake or natural watercourse to confine visible siltation within the twenty–five (25%) percent of the buffer zone nearest the land–disturbing activity.

(L) Interference with Official Duties: $500.00 per day for obstructing, hampering, or interfering with any authorized agent of the Jurisdiction or the Sedimentation Control Commission while in the process of carrying out his official duties.

(M) Failure to Provide Control: $250.00 per day for failure to install or maintain erosion control devices, or prevent off–site sedimentation on sites of land–disturbing activity not requiring a grading permit and with disturbed area of less than one (1) acre.

8–6.5 Erosion and Sedimentation Control Plan

Any person who fails to submit an erosion and sedimentation control plan as required by this Ordinance shall be subject to a single, noncontinuing civil penalty of not more than $1,000.00. Any person may be subject to additional civil penalties for violation of any other provision of this Ordinance or rules or orders adopted or issued pursuant to this Ordinance.

8–6.6 Civil Penalty Use

Civil penalties collected for erosion and sedimentation control violations shall be used or disbursed as directed by NCGS 113A–64(a).

8–7 CRIMINAL PENALTY – SOIL EROSION AND SEDIMENTATION CONTROL

Any person who knowingly or willfully violates any soil erosion and sedimentation control provisions of this Ordinance, or rule or order adopted or issued pursuant to the soil erosion and sedimentation control provisions, or who knowingly or willfully initiates or continues a land–disturbing activity for which an erosion and sedimentation control plan is required, except in accordance with the terms, conditions, and provisions of an approved plan, shall be guilty of a misdemeanor punishable by imprisonment not to exceed ninety (90) days, or by a fine not to exceed $5,000, or both

8–8 INJUNCTIVE RELIEF – SOIL EROSION AND SEDIMENTATION CONTROL

Whenever the Enforcement Officer has reasonable cause to believe that any person is violating or threatening to violate this Ordinance or any rule or order adopted or issued pursuant to this Ordinance, or any term, condition, or provision of

an approved soil erosion and sedimentation control plan the Enforcement Officer may, either before or after the institution of any other action or proceeding authorized by this Ordinance, institute a civil action in the name of the Jurisdiction, for injunctive relief to restrain the violation or threatened violation. The action shall be brought in the Superior Court of Guilford County. Upon determination by a court that an alleged violation is occurring or is threatened, it shall enter such orders or judgements as are necessary to abate the violation or to prevent the threatened violation. The institution of an action for injunctive relief under this Section shall not relieve any party to such proceedings from any civil or criminal penalty prescribed for violations of this Ordinance.

8–9 OTHER POWERS AND ACTIONS

8–9.1 State and Common Law Remedies

In addition to other enforcement provisions contained in this Article, the Governing Body may exercise any and all enforcement powers granted to it by state law or common law.

8–9.2 Previous Enforcement

Nothing in this Ordinance shall prohibit the continuation of previous enforcement actions.

8–10 REMEDIES CUMULATIVE AND CONTINUOUS

8–10.1 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.

8–10.2 Repeat Violations

If an owner or occupant repeats the same violation within a five (5) 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.

8–11 ACTION BY OTHERS

8–11.1 Adjacent or Neighboring Property

In addition to the remedies of the local government 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.

8–11.2 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.

ARTICLE IX

ADMINISTRATION

9–1 ADMINISTRATIVE PROCEDURES

9–1.1 General

The Governing Body shall provide for the manner in which the provisions of this Ordinance shall be determined, established and enforced, and amended, supplemented or changed. A Board within the context of this Ordinance shall mean any board, commission, or agency empowered therein.

9–1.2 Notice

(A) Rezoning, Variance, Approved Waiver, Certificate of Appropriateness for a Major Work, or Watershed Modification: Whenever there is a request for a zoning map amendment, Special Use Permit, variance, Certificate of Appropriateness for a Major Work, watershed map amendment, watershed modification,or an approved waiver involving a parcel of land, the owner of that parcel of land as shown on the county tax listing, and the owners of all parcels of land adjoining and contiguous to that parcel of land as shown on the county tax listing, shall be mailed a notice of the proposed request or approved waiver.

1) Notice shall be by first class mail to the last addresses listed for such owners on the county tax abstracts.

2) The person or persons mailing such notices shall certify to the governing body that proper notice has been given and such certification shall be deemed conclusive in the absence of fraud.

3) In the case of comprehensive rezoning of all property within the Jurisdiction, notice shall be mailed as required by NCGS 153A–343.

4) Notice of such proposed action shall also be published in a newspaper of general circulation in accordance with North Carolina General Statutes.

5) Each site shall be posted in a conspicuous location(s) with the time, date, and notice of public hearing. Posting shall not be required in the case of comprehensive rezoning.

6) In the case of a waiver approved by the Technical Review Committee pursuant to Section 5–12, notice of the approved waiver and appeal rights shall be made by first class mail to the owner(s) of the parcel of land affected by the approved waiver and the owners of all parcels of land adjoining and contiguous to that parcel of land as shown on the county tax listing.

(B) Text Amendment and Appeal: Whenever there is a request for an action involving a text amendment to this Ordinance or an appeal of an interpretation of this Ordinance, a notice of such proposed action shall be published in a newspaper of general circulation in accordance with North Carolina General Statutes.

(C) Board Approval of Subdivision or Site Plan: Whenever there is a request for an action involving a subdivision or site plan requiring a board approval under this Ordinance; the meeting of the designated board shall have an agenda duly posted in accordance with North Carolina Open Meetings Statutes.

9–1.3 Organization

The Governing Body shall require that each of the Boards provided for by this Ordinance adopt rules and maintain records.

(A) Rules of Conduct: Each Board shall adopt rules necessary to conduct its affairs and to establish Board organization, committees, procedures, meeting notice and meeting conduct.

(B) Conformance of Rules: Such rules adopted by the Board shall be in accordance with state law and the provisions of this Ordinance.

(C) Election and Terms of Officers: Unless otherwise provided by this Ordinance, a Chairman and Vice Chairman of the Board shall be elected by members of the Board to serve a one (1) year term. The Secretary does not have to be a member of the Board.

(D) Record of Meetings: The 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. The Board shall also keep records of its examinations and other official actions. All such records and minutes shall be public record.

9–1.4 Alternate Members

(A) Inclusion of Alternates: The Governing Body may appoint alternate members to serve in the absence of regular members.

(B) Powers and Duties: Each alternate member, attending a meeting of the Board and serving in the absence of a regular member, has and may exercise all the powers and duties of a regular member.

9–1.5 Terms

(A) Length of Terms: Members and alternate members, of the Board shall serve a term of three (3) years, provided that upon initial appointment the terms of office may be staggered. The terms of all Board members shall not expire at the same time.

(B) Maximum Consecutive Terms: Regular members shall not serve more than two (2) consecutive full terms.

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

1) A new member or an alternate member may be appointed to fill the unexpired term of the member so vacating.

2) Members filling vacancies shall serve for the remainder of the unexpired term.

9–1.6 Compensation

Compensation, if any, for Board members may be provided for by the Governing Body.

9–2 THE PLANNING BOARD

9–2.1 Authority

There is hereby created a planning agency, pursuant to NCGS 160A–361 or 153A–321 to be known as the Planning Board.

9–2.2 Membership

The Planning Board shall consist of at least seven (7) members and may have alternates, appointed by the Governing Body.

9–2.3 Powers and Duties

The Planning Board shall have the following powers and duties:

(A) To hear and decide matters in accordance with the terms of this Ordinance; to wit: zoning map amendments, Special Use Permits and Zoning Vested Rights;

(B) To hear and decide matters on appeal from the Technical Review Committee and the Enforcement Officer for soil erosion; to wit: subdivisions, site plans, and soil erosion plans;

(C) To hear and decide on matters pertaining to road name changes, road closings, right–of–way vacations, easement removals, right–of–way encroachments, and watershed matters as assigned;

(D) To provide recommendations to the Governing Body with regard to any of the above matters which may be appealed; as well as those matters which remain with the Governing Body as original jurisdiction such as text amendments and minor watershed modifications in the WCA;

(E) To develop a comprehensive plan for the territory under its Jurisdiction, subject to specific direction from the Governing Body;

(F) To make such other studies and plans and review such other related matters as directed by the Governing Body; and

(G) To exercise other powers and authority provided to it by the Governing Body, this Ordinance, or state law.

9–3 TECHNICAL REVIEW COMMITTEE

9–3.1 Authority

There is hereby created a planning agency, pursuant to NCGS 160A–361 or 153A–321 known as the Technical Review Committee (TRC).

9–3.2 Number of Members

The TRC shall be composed of at least five (5) department or division heads, or their designated representatives appointed by resolution of the Governing Body. Each representative shall have an alternate

9–3.3 Officers

Planning Director or his designated representative shall serve as Chair of the Technical Review Committee. The Committee shall appoint a Secretary.

9–3.4 Powers and Duties

The Technical Review Committee shall have the following powers and duties:

(A) To provide for a continuing, coordinated, and comprehensive review of the technical aspects of this Ordinance, and for the approval of certain technical aspects of development proposals;

(B) To review all technical aspects of all development occurring within the jurisdictional area of the local government;

(C) To review and approve new or altered plans including: subdivisions, clustered or attached residential development, planned unit developments, office, commercial, and industrial developments, street and utility improvements, and any other proposals for development specified by this Ordinance and waivers authorized in Article V (Subdivision: Procedures and Standards);

(D) To recommend to the Planning Board the closing of streets, alleys, easements, and other rights–of–way;

(E) To make recommendations to the Planning Board and the Governing Body on all minor and major watershed modification requests;

(F) To perform any other related duties that the Governing Body may direct; and

(G) To exercise any other power and authority provided to it by the Governing Body, this Ordinance and State law.

9–4 HISTORIC PRESERVATION COMMISSION

9–4.1 Authority

There is hereby created, pursuant to NCGS 160A–400 a Historic Preservation Commission. Pursuant to Section 4 NCGS 160A–400.14, nothing in this Ordinance shall affect the status of any historic district or historic property established or designated under the authority of Part 3 of Article 19 of Chapter 160A of the General Statues; such establishment or designation being prior to the effective date of this Ordinance. Nothing in this Ordinance shall affect the validity of the Guilford County Joint Historic Properties Commission created by ordinance dated June 16, 1980.

9–4.2 Membership

(A) Number of Members: The Historic Preservation Commission shall be composed of at least seven (7) members.

(B) District Representation: Each existing historic district shall be represented by not more than one (1) person on the Historic Preservation Commission, and the remaining membership shall be composed of

persons who have demonstrated an interest in the preservation of historic structures, architectural history or archaeology.

(C) Designation: The Guilford County Joint Historic Properties Commission is designated to perform the duties of a Historic Preservation Commission.

9–4.3 Powers and Duties

The Historic Preservation Commission shall have the following powers and duties:

(A) To review, analyze, and recommend to the Planning Board, items which pertain to existing and potential historic districts and individual structures, buildings, sites or objects to be designated by ordinance as "landmarks";

(B) To undertake an inventory of properties of historical, prehistorical, architectural, and/or cultural significance;

(C) To recommend designation or removal of the designation of "Historic District" for any area within the jurisdiction of the Governing Body. Such designation or removal shall follow an investigation and a report describing the significance of the structures, site features, or surroundings in the district;

(D) To grant or deny the issuance of a Certificate of Appropriateness in accordance with this Ordinance. The Commission may hold public hearings on the issuance or revocation of such Certificates;

(E) To recommend appropriate changes to this Ordinance which relate to a historic district or which relate to the preservation of historic structures, landmarks, or areas within the jurisdiction of the Governing Body;

(F) To acquire by lawful means the fee or any lesser included interest, including options to purchase, to properties within established districts or to any such properties designated as landmarks; to hold, manage, preserve, restore and improve the same; and to exchange or dispose of the property by public or private sale, lease or otherwise, subject to covenants or other legally binding restrictions which will secure appropriate rights of public access and promote the preservation of the property,

(G) To restore, preserve, and operate historic properties;

(H) To recommend to the Governing Body that designation of any area as a historic district or part thereof, or designation of any building, structure, site, area, or object as a landmark, be revoked or removed for cause;

(I) To conduct an educational program with respect to historic properties and districts within its jurisdiction;

(J) To prepare and recommend for adoption a preservation element as a part of the Jurisdiction's comprehensive plan;

(K) To negotiate at any time with the owner of a building, structure, site, area, or object for its acquisition or its preservation, when such action is reasonably necessary or appropriate;

(L) To enter, solely in performance of its official duties and only at reasonable times, upon private lands for examination or survey thereof. However, no member, employee, or agent or the Historic Preservation Commission may enter any private building or structure without the express consent of the owner or occupant thereof;

(M) To review and act upon proposals for alterations, demolitions, or new construction within historic districts, or for the alterations or demolition of designated landmarks, pursuant to this Section; and

(N) To exercise such other powers as may be given it by law or assigned to it by the Governing Body.

9–5 BOARD OF ADJUSTMENT

9–5.1 Authority

A Board of Adjustment is hereby established pursuant to NCGS 160A–338 or 153 A–345.

9–5.2 Membership

(A) Number of Members: The Board of Adjustment shall consist of at least five (5) members and may have alternates as appointed by the Governing Body.

(B) Governing Body Serving as Board of Adjustment: If the Governing Body chooses not to appoint members to the Board of Adjustment, it shall sit as the Board of Adjustment subject to the provisions of this Ordinance.

(C) Powers and Duties

The Board of Adjustment shall have the following powers and duties:

1) To hear and decide appeals from and review any order, requirement, decision, determination, or interpretation made by an administrative official charged with enforcing this Ordinance;

2) To review appeals from the proceedings of the Historic Preservation Commission concerning the issuance of a Certificate of Appropriateness, limited to certiorari;

3) To hear and decide any exceptions which are specifically delegated to it by this Ordinance;

4) To determine and vary application of zoning regulations in harmony with their general purpose and intent and in accordance with general and specific rules contained therein;

5) To hear and decide appeals for variances from the zoning provisions of this Ordinance in cases where special conditions would make strict and literal interpretation and enforcement of the zoning provisions of this Ordinance result in a loss of privileges shared by other properties within the same zoning district;

6) To interpret zoning maps and pass upon disputed questions of district boundary lines and similar questions that may occur in the administration of the Ordinance;

7) To hear and decide all matters referred to it or upon which it is required to pass under this Ordinance; and

8) To determine upon application of an owner or upon referral from the Enforcement Officer whether a proposed nonconforming use is equal or less intensive than an existing, legal nonconforming use, in accordance with Section 3–14.2 (Nonconforming Use of Land).

9–5.3 Voting

(A) Required Vote for Approval: A four–fifths vote of its members shall be required for a Board of five (5) members to:

1) Affirm or reverse any order, wholly or partly; modify a requirement, decision, determination or interpretation; of an administrative officer charged with enforcing this Ordinance;

2) Decide in favor of the applicant on a matter upon which the Board is required to pass under this Ordinance;

3) Grant a variance from the provisions of the Ordinance; or

4) Grant special exceptions for Historic Districts and other purposes as assigned.

(B) Vote of the Chairman: The Board chairman shall vote as any other Board member.

(C) Delay of Decision: The Board may, in its discretion, direct that its decision be delayed to a date or time subsequent to the Board's vote on an appeal.

9–5.4 Court Review

(A) Appeal to Superior Court: Each decision of the Board shall be subject to Superior Court review by proceedings in the nature of certiorari.

(B) Timing of Appeal:

1) Any petition for review by the Superior Court shall be filed with the Clerk of Superior Court within thirty (30) days after the decision of the Board is filed in the Planning or Building Inspections Department; or

2) After a written copy thereof is delivered to every aggrieved party who has filed a written request for such copy with the Secretary or Chairman of the Board at the time of its hearing of the case, whichever is later.

9–5.5 Notice of Decision

The decision of the Board may be delivered to the aggrieved party either by personal service or by registered mail return receipt requested.

9–5.6 Oaths

The Chairman of the Board or any member temporarily acting as Chairman, shall administer oaths to witnesses in any matter coming before the Board.

9–5.7 Appeals To The Board

(A) Appeal Eligibility: Any person aggrieved or any officer, department, board, or bureau of the Jurisdiction may make an appeal.

1) Appeals shall be made within the time prescribed by the Board by general rule, by filing with the officer from whom the appeal is taken and with the Board a notice of appeal, specifying the grounds thereof.

2) The officer from whom the appeal is taken shall forthwith transmit to the Board all papers constituting the record from which such action was taken.

(B) Effect of Appeal: An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board, after notice of appeal has been filed with him, that because of facts stated in the certificate a stay would, in the officer's opinion, cause imminent peril to life or property or that because the violation charged is transitory in nature a stay would seriously interfere with enforcement of this Ordinance.

(C) Effect of Certification: If certification occurs in accordance with Section 9–5.7(B) (Effect of Appeal), proceedings may not be stayed except by a restraining order, which may be granted by a court of competent jurisdiction. Notice of the restraining order shall be given in writing to the officer from whom the appeal is taken.

(D) Notice of Hearing: The Board shall fix a reasonable time for hearing the appeal, give due notice of the appeal to the parties, and decide the appeal within a reasonable time.

(E) Action of Board: The Board may reverse or affirm, in whole or in part, or may modify the order, requirement, decision, or determination or interpretation appealed from, and shall make any order, requirement, decision, determination or interpretation that in the Board's opinion ought to be made under in the circumstances.

(F) Conditions of Rehearing: The Board shall not be required to hear an appeal or application previously denied if it finds that there has been no substantial change in conditions or circumstances bearing on the appeal or application.

9–5.8 Variances

(A) Application: An application for a variance shall be submitted in writing to the Board by filling a copy of the application with the Enforcement Officer.

(B) Procedure: The Board shall:

1) Fix a reasonable time for holding a public hearing on the variance request;

2) Give notice of the variance request as prescribed in Section 9–1.2 (Notice); and

3) Decide the variance request within a reasonable time.

(C) Grounds for Variance:

1) The Board shall make findings of fact that the requirements of Section 9–5.8 (D) (Granting of Variance) have been met by the applicant.

2) The variance requested is the minimum variance that will make possible the reasonable use of the land, building or structure. The fact that property may be utilized for greater profit, however, will not be considered adequate to justify the granting of a variance.

3) The Board shall not, under any circumstances, grant a variance to permit a use or density not otherwise permitted by this Ordinance in the zoning district involved.

4) Neither the nonconforming use of lands, buildings or structures in the same zoning district, nor the permitted use of lands, buildings or structures in other zoning districts shall be considered as grounds for the issuance of a variance. Furthermore, mere financial hardship does not constitute grounds for the granting of a variance.

5) A variance may be granted where a building permit has been issued and, due to unintentional error of the Enforcement Officer in determining the location of the structure on the property, there is a minimal violation of the dimensional requirements, provided that such relief may be granted without substantially impairing the purpose and intent of this Ordinance.

(D) Granting of Variance: A variance may be granted by the Board if evidence presented by the applicant persuades it to reach the following conclusions:

1) There are practical difficulties or unnecessary hardships that would result from in the way of carrying out the strict letter of this Ordinance. The Board may reach this conclusion if it finds that:

a) The applicant complies with the provisions of this Ordinance, he can make no reasonable use of his property;

b) The hardship of which the applicant complains results from unique circumstances related to the applicant's property;

c) The hardship relates to the applicant's property, rather than personal circumstances; and

d) The hardship is not the result of the applicant's own actions.

2) The variance is in harmony with the general purpose and intent of this Ordinance and preserves its spirit.

3) The granting of the variance assures the public safety and welfare and does substantial justice.

(E) Conditions: In granting a variance, the Board may prescribe such reasonable and appropriate conditions and safeguards as will assure that the use of the property to which the variance applies will be compatible with surrounding properties and will not alter the essential character of the neighborhood.

1) Violations of such conditions and safeguards, when a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance.

2) A variance granted subject to a condition shall be permitted only so long as there is compliance with the condition.

3) If a violation of a condition of a variance occurs, the Enforcement Officer may revoke the Certificate of Occupancy.

4) In the event that any such condition is held invalid, for any reason, such holding shall have the effect of invalidating the variance granted and shall render the variance null and void.

(F) Duration: The variance may be issued for an indefinite duration or for a specified duration only. Unless otherwise specified, construction or operation shall be commenced within twelve (12) months of the date of issuance of a variance, or the variance shall become void.

9–5.9 Flood Hazard Appeals

(A) Authority: The Board of Adjustment shall hear and decide appeals and requests for variances from the requirements of the flood control provisions of this Ordinance.

(B) Appeal and Variance Considerations: In passing upon such applications, the Board of Adjustment shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and;

1) The danger that materials may be swept onto other lands to the injury of others;

2) The danger to life and property due to flooding or erosion damage;

3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

4) The importance of the services provided by the proposed facility to the community;

5) The necessity to the facility of a waterfront location, where applicable;

6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

7) The comparability of the proposed use with existing and anticipated development;

8) The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;

9) The safety of access to the property in times of flood for ordinary and emergency vehicles;

10) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;

11) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges; and

12) The effect that granting the appeal or variance would have on the jurisdiction's eligibility for Federal Flood Insurance.

(C) Granting of Variances:

1) Variances may be granted for the repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure,

2) Variances shall not be granted within any designated floodway if any increase in flood levels during the base flood discharge would result.

3) Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

4) Variances shall only be issued upon:

a) A showing of good and sufficient cause;

b) A determination that failure to grant the variance would result in exceptional hardship; and

c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, creation of a nuisance, fraud on or victimization of the public, or conflict with existing local laws ordinances.

5) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and a written statement that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. Such notification shall be maintained with a record of all variance actions.

9–6 ENFORCEMENT OFFICER

9–6.1 Establishment and Authority

The Governing Body shall appoint Enforcement Officer(s) to administer and enforce the provisions of this Ordinance. The Enforcement Officer may be provided with such agents to assist in the administration and enforcement as the Governing Body directs.

9–6.2 General Duties

The Enforcement Officer 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 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 Governing Body.

9–6.3 Flood Hazard Administrator Duties

The Enforcement Officer shall:

(A) Advise that additional federal or state permits may be required, and if specific federal or state permits are known, require that copies of such permits be provided and maintained on file with the development permit;

(B) Notify adjacent communities and the N. C. 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 within a designated Flood Hazard Boundary, and submit evidence of such notification to the Federal Emergency Management Agency;

(C) Approve development plan where such duty is assigned by this Ordinance;

(D) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood–carrying capacity is not diminished;

(E) Prevent encroachments within floodways unless the certification and flood hazard reduction provisions are met;

(F) Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures;

(G) Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been flood–proofed;

(H) When flood–proofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect;

(I) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Article; and

(J) When base flood elevation data or floodway data have not been provided, the Enforcement Officer shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a federal, state or other source, including data developed pursuant to this Ordinance, in order to administer the provisions of this Ordinance.

9–6.4 Airport Zoning Duties

The Enforcement Officer shall also administer and enforce the "Airport Zoning Regulations of the Greensboro–High Point Airport" adopted by the Greensboro–High Point Airport Authority on April 15, 1958, as the same may from time to time be amended, in connection with the enforcement of this Ordinance; provided, however, that this Ordinance shall not limit the effectiveness or scope of such airport zoning regulations. The Enforcement Officer shall not issue a building permit or certificate of occupancy for any building not in conformity with the provisions of the "Airport Zoning Regulations of the Greensboro–High Point Airport," except upon written order of the Board of Airport Zoning Appeals.

9–6.5 Deviation to Dimensional Requirement

If the Enforcement Officer finds that any dimensional requirement in this Ordinance has not been specifically adhered to, but that such deviation was a result of a good faith error and that said error would not adversely impact an adjoining property, he may permit a dimension deviation up to and including one (1) foot. Only one dimension deviation per building may be allowed.

9–6.6 Historic District Requirements

Subject to a Certificate of Appropriateness, the Enforcement Officer may issue permits for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places under the conditions set forth in Section 4–11.1 (Historic Districts).

9–7 MULTI–JURISDICTIONAL DEVELOPMENT ORDINANCE COMMITTEE (MDOC)

9–7.1 Authority

There is hereby established a text amendment review committee, pursuant to Section 3–12.4 of this Ordinance, to be known as the Multi–jurisdictional Development Ordinance Committee (MDOC).

9–7.2 Membership

The MDOC shall consist of at least two (2) members appointed by each participating jurisdiction who shall be residents of the jurisdiction they represent.

9–7.3 Powers and Duties

The MDOC shall have the following powers and duties:

(A) To make recommendations to the Planning Board and Governing Body concerning text amendments to this Ordinance;

(B) To review any other related matters as directed by the Governing Body; and

(C) To adopt Rules and Procedures for their organizations and operation, subject to an affirmative vote of two–thirds of the members of the Committee.

9–8 APPEALS

9–8.1 General

Unless as otherwise provided, appeals to decisions, actions, orders, or interpretations of this Ordinance shall be:

(A) In writing;

(B) Filed within fifteen (15) days of the decision; and

(C) Filed with the Secretary of the Board or Commission to which the appeal is taken.

9–8.2 Planning Board

(A) Unless otherwise provided, appeal from a decision of action of the Technical Review Committee is to the Planning Board. Such appeals shall include subdivisions and site plans, including waivers authorized therein.

(B) Unless otherwise provided, an appeal from a decision of an Enforcement Officer with regard to an erosion control plan, a watershed development plan, a minor subdivision, or a small scale site plan is to the Planning Board.

9–8.3 Board of Adjustment

(A) Unless otherwise provided, the decision of an Enforcement Officer with regard to an interpretation of a zoning provision of this Ordinance, a floodplain boundary, or a zoning boundary, may be appealed to the Board of Adjustment.

(B) Unless otherwise provided, an appeal from an address assignment shall be to the Board of Adjustment.

(C) Appeal from a decision of the Historic Preservation Commission with regard to a Certificate of Appropriateness shall be to the Board of Adjustment in the nature of certiorari.

9–8.4 Governing Board

(A) Appeals from a decision of the Planning Board with regard to a zoning map amendment, conditional use district, special use permit, or watershed development plans shall be to the Governing Body.

(B) Appeals from a decision of the Planning Board with regard to street name changes, road closings, right-of-way vacations, easement removals, subdivision, site plan, or soil erosion and sedimentation control plan shall be to the Governing Body.

9-8.5 Judicial Appeal

Except as otherwise provided, an appeal from a decision of the Governing Body or the Board of Adjustment is to a court of competent jurisdiction.

9-8.6 Soil Erosion and Sedimentation Appeals

(A) Procedure:

1) Written Appeal: The disapproval or modification of any proposed soil erosion and sedimentation control plan by the Enforcement Officer, shall entitle the person submitting the plan to a public hearing if such person submits written demand for a hearing within fifteen (15) days after receipt of written notice of disapproval or modifications.

2) Timing: A hearing held pursuant to this Section shall be conducted by the Planning Board, within thirty (30) days or at the next scheduled meeting, after the date of the appeal or request for a hearing.

3) Recommendation: The Planning Board shall conduct a hearing and shall make a recommendation to the Governing Body, within thirty (30) days after the date of the hearing on any soil erosion and sedimentation control plan.

4) Public Hearing: The Governing Body will render its final decision on any soil erosion and sedimentation control plan upon which a hearing is requested within fifteen (15) days after receipt of the recommendations from the Planning Board.

5) Appeal of Governing Body Denial: If the Governing Body upholds the disapproval or modification of a proposed soil erosion and sedimentation control plan following the hearing, the person submitting the plan shall then be entitled to appeal the Governing Body's decision to the North Carolina Sedimentation Control Commission as provided in NCGS 113A-61(c) and Title 15 NCAC 4B.0018(b).

(B) Direct Appeal to Sedimentation Control Commission: In the event that a soil erosion and sedimentation control plan is disapproved pursuant to Section 7-4.12(M) (Grounds for Plan Disapproval) of this Ordinance, the Jurisdiction shall notify the Director of the Division of Land Resources of such disapproval within ten (10) days. The Jurisdiction shall advise the applicant and the Director in writing as to the specific reasons that the plan was disapproved. The applicant may appeal the Jurisdiction's disapproval of the plan directly to the North Carolina Sedimentation Control Commission.

APPENDIX 1: STREET NAME AND ADDRESS ASSIGNMENT STANDARDS

A–1 PURPOSE AND AUTHORITY

The purpose of the Guilford County Street Address Assignment Standards is to provide for the orderly assignment of street addresses to protect the safety of the general public by facilitating the finding of individual dwellings and businesses for the delivery of public and private goods and services. The Planning Department is the only agency with the authority to assign or modify street addresses within its Jurisdiction.

A–2 STREET ADDRESS SYSTEM

A–2–1 Establishment of Grid System

(A) From Greensboro: Elm Street and Market Street are the base lines used in numbering a street in a north/south or east/west direction. Streets running north and south from Market Street shall be numbered starting with the 100 block. Streets running east and west from Elm Street shall be numbered starting with the 100 block.

(B) From High Point: Main Street and the Southern Railroad tracks are the base lines used in numbering a street in a north/south or east/west direction. Streets running north and south from the Southern Railroad tracks shall be numbered starting with the 100 block. Streets running east and west from Main Street shall be numbered starting with the 100 block.

A–2–2 Odd–Even Numbers

(A) From Greensboro: Going north and south from Elm Street and east and west from Market Street, EVEN addresses will be on the right hand side of the street while ODD addresses will be on the left hand side of the street.

(B) From High Point: Going north and south from Main Street and east and west from the Southern Railroad tracks, EVEN addresses will be on the right hand side of the street while ODD addresses will be on the left hand side of the street.

A–2–3 Vacant Properties

Because there is no way of determining how many structures will eventually be built on vacant land within a block, any system which attempts to number structures consecutively does not provide the flexibility to accommodate change. A street number is assigned for each one hundred (100) feet of lot frontage.

A–2–4 Corner Lot

Corner lots are assigned two (2) numbers since the unit could face either street. The owner or developer shall be assigned the street address that accommodates the front entrance of the structure, at the time of permit application.

A–2–5 Street Address Assignment

(A) Primary Address: Each unit of property will be assigned a primary address. Primary addresses will consist of up to four (4) numerals, and will be determined by the block in which the property is located. The determination of block length will be by each municipality. Single family structures (attached or detached) and townhouses are assigned individual street numbers for each unit.

(B) Secondary Address

1) Multi–family Dwellings: Apartment, twin homes, duplexes, and condominiums are assigned secondary addresses. The secondary address will include the primary address followed by a dash and a number and/or letter. An example would be "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 addresses "1621–1A Smith Street; the second flood "1621–2A Smith Street"; etc.

2) Nonresidential Buildings: Office, commercial and industrial buildings with more than one tenant are also assigned secondary addresses. The designation of the address will be according to the individual jurisdiction only when sufficient numbers are not available or common exterior drives are used. The secondary address will include the primary address followed by a suite number. The first unit on the first floor would be addressed "1621 Smith Street, Suite 101", the second floor "1621 Smith Street, Suite 201," etc.

(C) Timing: Addresses are assigned following preliminary plat or site plan approval for single family attached or cluster developments, townhouses and condominiums and nonresidential group development. Approval of a final plat is required for conventional single family developments before numbers are assigned and building permits issued. The Enforcement Officer is furnished with an approved plat or site plan on which to assign addresses. The plat or site plan will be kept on file in the Planning Department.

A–3 POSTING OF ADDRESSES

Posting of addresses by the property owner shall be as per Street Address Ordinance adopted April 16, 1984. Only digits to be used in the number as opposed to script.

A–4 CHANGE OF EXISTING ADDRESS

In assigning new addresses, as few existing addresses as possible will be changed.

A–4–1 Reason for Change

Existing addresses may be changed for just cause. Examples of just cause are:

(A) Area where no addresses were left for vacant lot(s).

(B) Street name change approved by Planning Board.

(C) Person unknowingly using the wrong address.

(D) Change from rural route and box number to urban street address number.

(E) Street address number series presently in use is incorrect and misleading

A–4–2 Notification

The Planning Department will notify all necessary local government departments, utility service companies and the U.S. Postal Service of any new assignment or change in street address.

A–5 ALPHABET NOT USED

The letters "I" and "O" will not be used in street addresses.

A–6 STREET NAMES

The developer shall submit names for new streets contained within proposed developments. The Planning Department shall approve all street names with right of appeal to the Planning Board. Proposed streets obviously in alignment with existing streets shall be given the same name. In no other case shall the name of proposed streets duplicate existing street names.. The proposed name shall not be phonetically similar to existing names irrespective of suffix.

A–7 STREET NAME PREFIX AND SUFFIX

A–7–1 Prefixes

(A) The prefix "North" shall be used for the northern portion of roadways having the same name. (According to each users grid system.)

(B) The prefix "South" shall be used for the southern portion of roadways having the same name. (According to each users grid system.)

(C) The prefix "East" shall be used for the eastern portion of roadways having the same name. (According to each users grid system.)

(D) The prefix "West" shall be used for the western portion of roadways having the same name. (According to each users grid system.)

(E) The prefix "N.C. Highway" shall be used for all State numbered routes or roadways.

(F) The prefix "U.S. Highway" shall be used for all Federal numbered routes or roadways (excluding those on Interstate System).

(G) The prefix "Interstate Highway" shall be used for all Federal numbered routes or roadways on the Interstate System.

A–7–2 Suffixes

(A) The suffix "Street" shall be used for roadways running generally in a north–south direction or parallel to the base line for the grid system

(B) The suffix "Avenue" shall be used for roadways running generally in a east–west direction or parallel to the base line for the grid system depending on the individual user policy.

(C) The suffix "Drive," "Trail," and "Trace" shall be used for roadways which follow a wandering alignment in different directions and/or intersect both street" and "avenue" and generally have scenic attractiveness.

(D) The suffix "Road" shall be used for roadways running generally in a diagonal direction and/or connecting urban areas.

(E) The suffix "Boulevard" and "Parkway" shall be used for divided roadways, the sides of which are separated by a park or open median strip for their main extent.

(F) The suffix "Terrace", "Point", "Cove", "Dale", or "Way" shall be used for short roadways with an exit from one end only (dead end) with no potential for extension.

(G) The suffix "Court" shall be used for cul–de–sacs.

(H) The suffix "Circle" shall be used for short roadways that are circular or semi–circular in form and intersect the roadways from which they emanate at two different places.

(I) The suffix "Place" or "Lane" shall be used for short roadways generally not over a block in length (exit from both ends) with no regard to predominant direction. (Guilford County uses "Lane" only for Private Lanes as defined by this Ordinance.)

(J) The suffix "Alley" shall be used for short roadways of substandard width as between buildings or at the rear of property, generally used for service.

(K) No suffix shall be used for roadways which bears a name which in actuality is a suffix designation (i.e. Parkway or Boulevard).

A–8 STREET NAME SIGNS

For new public streets, private streets, and private lanes, street name signs and traffic control signs shall be installed to standards found in Section 5–13.3(P) and (Q).

APPENDIX 2: MAP STANDARDS

A–1 NUMBER OF REVIEW AND FILING COPIES TO BE SUBMITTED

Type of Map	Review # of Prints	Filing (after plan approval) # of Prints	# of Mylars	# of Mylar As–Builts
Sketch Plan	9	4	–	–
Preliminary Plan	9	4	–	–
Final Plat	9	9	1	1
Exclusion Map	4	4	–	–
Plot Plan	3	–	–	–
Site Plan / Group Developments including: *Site Layout *Water and Sewer Utility *Grading / Watershed Development Plan *Landscaping Plan	9 Sets	4 Sets	–	–
Street and Utility Construction Plans and Profiles	10 Sets	7 Sets	–	1 Set

A–2 REQUIRED INFORMATION ON MINOR AND MAJOR SUBDIVISIONS, EXCLUSIONS, ANNEXATIONS, PLOT PLANS, AND SITE PLANS / GROUP DEVELOPMENTS

Submission of all maps and/or plans shall contain the following information before submitted to the Planning Department for review. An "X" indicates required information.

Information required on Site Plan sheets are indicated by the following codes:
"A" to be included on all sheets,
"S" to be included on Site Layout sheet,
"U" to be included on Utility sheet,
"E" to be included on Soil and Erosion Control sheet
"L" to be included on Landscaping sheet
"G" to be included on Grading Sheet
"W" to be included on Watershed Development Plan.

Depending on the scale or complexity of the development any or all the sheets may be combined. Additional information may be required for approval of the Site Plan. The Enforcement Officer may waive items required for Sketch Plans if it is judged that they are not necessary to complete the review at the Sketch Plan stage. The site layout meeting the requirements of Article V (Subdivisions: Procedures and Standards) of this Ordinance may serve as the preliminary subdivision plat.

Type of Plan / **Information**	Minor and Major Subdivisions			Exclusion Map	Plot Plan	Site Plan/ Group Develop-ment
	Sketch Plan	Preliminary Plan	Final Plat			
Map or plan size: Maps submitted shall not exceed a maximum size of 24" by 36"	X	X				A
Maps of plans may be drawn on more than one sheet with appropriate match lines	X	X	X	X		A
Standard 18" by 24" sheet for plats to be recorded, 1/2 " border on all sides			X	X		
Original drawn on drafting film, matte both sides with a thickness of 0.003 to 0.004 mil, map to be recorded.			X	X		

Type of Plan / Information	Minor and Major Subdivisions					
	Sketch Plan	Preliminary Plan	Final Plat	Exclusion Map	Plot Plan	Site Plan/ Group Development
Plan Endorsement Block		X				A
Watershed Development Plans shall include...						
Watershed name and classification	X	X				W
Watershed boundaries, WCA boundaries, and WCA Tier lines.	X	X	X		X	W
Total built–upon area shown with total # of acres and percentage of total area noted.	X	X			X	W
The shortest distance to the nearest applicable floodway identified on the applicable Federal Emergency Management Agency (FEMA) map.		X				W
Average % of slope, prior to development.		X				W
Undisturbed area (See watershed protection definition of undisturbed area.) shown with number of acres and percent noted.		X				W
Permanent runoff control structures shown and properly labeled.	X	X	X			W
Note type of sewage disposal used.		X			X	W
Existing and proposed utilities that may conflict with runoff control structures.		X				W
Maintenance responsibility note for permanent runoff control structures, when used.	X	X	X			W
Engineer's certification of runoff control, when required by Ordinance.	X	X				W
Title Block containing:						
Name of Development	X	X	X	X	X	A
Name of map or Plan (sketch plan, preliminary plan, etc.)	X	X	X	X	X	A
Owner's name with address and daytime phone #	X	X	X	X	X	A
Location (including address, city, township, county and state)	X	X	X	X	X	A
Date(s) map(s) prepared or revised	X	X	X	X	X	A
Scale of drawing in feet per inch. Drawing shall be at a scale of not less than 1" equal to 100'. If all lots are greater than 3 acres a smaller scale may be used	X	X	X	X		A
Scale of drawing in feet per inch. Drawing shall be at a scale of not less than 1" equal to 40', if all lots are greater than 3 acres, only the building site needs to be shown.					X	

Type of Plan / Information	Minor and Major Subdivisions			Exclusion Map	Plot Plan	Site Plan/ Group Development
	Sketch Plan	Preliminary Plan	Final Plat			
Scale of drawing in feet per inch. Drawing shall be at a scale of not less than 1" equal to 60', if required for an Improvement Permit.					X	
Bar Graph		X	X	X	X	A
Name, address, and telephone # of preparer of map (licensed surveyor, engineer, or architect)	X	X	X	X	X	A
Developer's name, address, and daytime phone number (if different from owner's)	X	X	X	X	X	A
Zoning district(s) within the property and adjacent properties	X	X	X	X	X	S,L
Existing land use within the property and on adjacent properties	X	X				S,L
Plat book or deed book reference, if any.		X	X	X	X	S
Names of adjoining property owners (or subdivisions or developments of record with plat book reference)		X	X	X		S
Tax map, block, and parcel(s) number	X	X	X	X		S, E, W
Vicinity map showing location of site relative to surrounding area (typically drawn in upper right hand corner), at a scale fo 1" = 2000'	X	X	X	X		A
Corporate limits, county lines, and other jurisdiction lines, if any, on the tract	X	X	X	X		A
Registration and seal of land surveyor			X			S
North arrow and orientation (north arrow shall not be oriented towards bottom of map)	X	X	X	X	X	A
Source of property boundaries signed or sealed by registered land surveyor, architect, landscape architect, or engineer		X			X	S, W
Boundaries of the tract to be subdivided or developed: distinctly and accurately represented and showing all distances		X	X	X	X	A
tied to nearest street intersection (within 300') or U.S.G.S.(within 2000')		X	X	X		S
showing locations of intersecting boundary lines or adjoining properties		X	X	X		S
Location and descriptions of all monuments, markers, and control corners			X		X	S
Existing property lines on tract to be subdivided. If existing property lines are to be changed, label as "old property lines" and show as dashed lines.	X	X	X	X		S

Type of Plan / Information	Minor and Major Subdivisions					
	Sketch Plan	Preliminary Plan	Final Plat	Exclusion Map	Plot Plan	Site Plan/ Group Development
Dimensions, location and use of all existing and proposed buildings; distances between buildings measured at the closest point; distance from buildings to closest property lines	X	X		X	X	S
The name and location of any property or building on the National Register of Historic Places or locally designated historic property		X	X	X		S
Railroad lines and right–of–ways	X	X	X	X	X	A
Water courses, pond, lakes or streams	X	X	X	X	X	A
Marshes, swamp and other wetlands		X			X	A
Areas to be dedicated or reserved for the public or a local jurisdiction		X	X	X	X	A
Areas designated as common area or open space under control of an Owners Association	X	X	X		X	S, L, W
Proposed building locations for twin home or zero lot–line developments	X	X			X	
Location of manufactured dwelling spaces and whether they are designated for single or double wide dwellings					X	S
Typical diagram of manufactured dwelling space						S
Location of designated recreation areas and facilities						
Location of floodway and floodway fringe from Flood Hazard Boundary Maps and cross–section elevations	X	X	X	X	X	A
Existing and proposed topography of tract and 100' beyond property showing existing contour intervals of no greater than 5' (2' where available) and labeling at least two contours per map and all others at 10' intervals from sea level	X	X				A
Proposed lot lines and dimensions	X	X	X	X	X	A
Square footage of all proposed lots under an acre in size and acreage for all lots over an acre in size		X	X	X	X	S
Lots sequenced or numbered consecutively		X	X	X	X	S
Environment Health Division Information for subdivisions without public sewer available ...						
1) Denied lots or lots not evaluated shall be crosshatched and labeled "NO IMPROVEMENT PERMIT HAS BEEN ISSUED FOR THIS LOT."		X	X		X	S
2) The specific location of the proposed facility and appurtenances, the site for the proposed wastewater system, and the location of water supplies and surface waters.					X	
Site calculations including;						

Type of Plan / Information	Minor and Major Subdivisions					
	Sketch Plan	Preliminary Plan	Final Plat	Exclusion Map	Plot Plan	Site Plan/ Group Development
acreage in total tract	X	X	X	X		S, E, W
acreage in public greenways and other open space		X	X			S,L
total number of lots proposed	X	X	X			S
linear feet in streets		X	X			S
area in newly dedicated right–of–way		X	X			S
Show dimensions and location of all parking areas, total provided and minimum required number of parking spaces, driveways, service areas, off–street loading facilities and pedestrian walkways					X	S,L
Within parking areas clearly indicate each parking space, angle of parking and typical size					X	S
Street data illustrating: Existing and proposed rights–of–way lines within and adjacent to property	X	X	X	X	X	S
Existing and proposed rights–of–way within and adjacent to property showing... total right–of–way width dimension	X	X	X	X		S
right–of–way width dimension from centerline of existing public streets		X	X	X	X	S
Existing and proposed streets showing... pavement or curb lines	X	X		X		S, W
pavement width dimension (face–to–face)	X	X		X		S, W
cul–de–sac pavement radius	X	X		X		S, W
existing and proposed street names (refer to Appendix 1)	X	X	X	X		A
Location, dimension and type of all easements	X	X	X	X	X	A
Utility Layout Plan showing connections to existing systems, line sizes, material of lines, location of fire hydrants, blowoffs, valves, manholes, catch basins, force mains, etc. for the following types of utility lines... sanitary sewer		X			X	U
water distribution		X			X	U
storm sewer		X			X	U, G, W
natural gas, electric, cable T.V. etc.		X			X	U
Erosion Control Plans shall included... scale of the drawing shall be no smaller than One (1) inch equals one hundred (100) feet						E

Type of Plan / Information	Minor and Major Subdivisions					
	Sketch Plan	Preliminary Plan	Final Plat	Exclusion Map	Plot Plan	Site Plan/ Group Development
construction sequence		X				E
area to be disturbed with number of graded acres and percentage noted		X				E
temporary sediment control measures, including the design, locations, dimensions and calculations		X				E
permanent erosion controls, including design, locations, dimensions, and calculations. Proposed ponds should have the drainage area and impervious surface area draining to the pond noted.		X	X			S, E
permanent watershed protection controls including ponds, maintenance and access easements and natural filtration and infiltration areas		X	X			S, E, W
stormwater network, including swales, culverts, inlet and outlet structures with grades, elevations, dimensions and hydraulic calculations.		X				U,E
seeding specifications, including seedbed preparation, soil type and amendments, seeding rates and schedule		X				E
soil types as defined in Table 7 of the Guilford County Soil Survey		X				E, W
Landscaping Plan shall include... Location of required Street Planing Yard, Planting Yard and/or Parking Lot Plantings.		X				S,L
Location and type of exterior lighting.						L
Location and screening of dumpsters/compacters (show pad dimensions)						S,L
Location. species, size (caliper or DBH), number, spacing, height of trees and shrubs in required planting areas. (If existing vegetation is to be preserved, indicate approximate height and species mix.)						L
Size of planting yard, walls, berms and fences.		X				S,L
Provisions for watering, soil stabilization, plant protection and maintenance access.						L
Location and description of barriers to protect any vegetation from damage both during and after construction.						L
Location and dimensions of central mail structure(s).						S

Type of Plan / Information	Minor and Major Subdivisions			Exclusion Map	Plot Plan	Site Plan/ Group Development
	Sketch Plan	Preliminary Plan	Final Plat			
Existing and proposed signs (location, height and area).		X				S
Location, dimensions and details of proposed clubhouses, pools, tennis courts, tot lots or other common area recreation facilities.		X				S,L
Front, side and rear elevations of proposed building(s)						If required by TRC
Certificates and Endorsement: (See A–2–3 Map Certificates for wording. Certificates and endorsements should be placed along left border of map.)						
Certificate of Survey Accuracy signed by surveyor and attested by Notary Public.			X	X		
Certificate of Acknowledgement of Notary Public by County Register of Deeds.			X	X		
Certificate of Ownership and Dedication signed by owner(s)			X	X		
Certificate of Approval by Division of Highways of the North Carolina Department of Transportation			X	X		
Certificate stating that no approval is required by Division of Highways of the N.C. Department of Transportation.			X	X		
Certificate of Local Jurisdiction Approval for Recordation			X	X		
Certificate of Health Department Approval			X			
Certificate of Purpose for Plat as required by NCGS 47–30			X			

A–3 MAP CERTIFICATES

(A) Certificate of Survey Accuracy:
I, xxxxxxxxxxxxxx, certify that this plat was drawn under my supervision from (an actual survey made under my supervision) (deed description recorded in Book xxxx, Page xxxx, etc.) (Other); that the boundaries not surveyed are clearly indicated as drawn from information found in Book xxxx, Page xxxx; that the ratio of precision as calculated is 1:xxxxxx; this plat was prepared in accordance with G.S. 47–30 as amended. Witness my original signature, registration number and seal this xxxx day of xxxx, A.D. 19xx.

SEAL OR STAMP

xxxxxxxxxxxxxxxxxxxx
Surveyor

xxxxxxxxxxxxxxxxxxxx
Registration Number

(B) Certificate of Acknowledgement of Notary Public:
North Carolina, xxxxxxxxxx County.
I, a Notary Public of the county and State aforesaid, certify that xxxxxxxxxxxxxx, a registered land surveyor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness may hand and official stamp or seal, this xxxx day of xxxx, 19xx.

xxxxxxxxxxxxxxxxxxxx
Notary Public
SEAL or STAMP My commission expires:

xxxxxxxxxxxxxxxxxxxx

(C) Certificate of Acknowledgement of Notary Public by County Register of Deeds:
North Carolina – Guilford
The foregoing certificate(s) of a Notary of said county is (are) certified to be correct.

This the xxxx day of xxxx 19xx.

(Registrars Name), Register of Deeds

xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx
Deputy, Register of Deeds

(D) Certificate of Ownership and Dedication:
The undersigned hereby acknowledge(s) that the land shown on this plat is within the subdivision regulation jurisdiction of the Board of Commissioners of Guilford County and this plat and allotment to be xxxx free act and deed and hereby dedicate(s) to public use as streets and easements, forever all areas so shown or indicated on said plat.

Signed xxxxxxxxxxxxxxxxxxxx
Attest xxxxxxxxxxxxxxxxxxxx

(E) Certificate of Approval by Division of Highways of the North Carolina Department Transportation:

Department of Transportation
Division of Highways
Proposed Subdivision Road
Construction Standards Certificate

Approved xxxxxxxxxxxxxxxxxx
District Engineer
Date xxxxxxxxxx

(F) Certificate stating no approval is required by Division of Highways of the North Carolina Department of Transportation:
This plat does not require certificate of approval by the Division of Highways as provided in N.C.G.S. 136–102.6, subsection (g).

Signed xxxxxxxxxxxxxxxxxxx Date xxxxxxxxxx
Planning Director

(G) Certificate of Local Jurisdiction Approval for Recordation:
Approved by the Planning Department of Guilford County, North Carolina on the xxxx day of xxxx, 19xx pursuant to Article V of the Guilford County Development Ordinance.

xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx
Planning Director

(H) Certificate of Health Department Approval (Final Plat):
These lots were evaluated in accordance with Article 11 of Chapter 130A and Rules .1901–.1968 of Title 15A subchapter 18A of the North Carolina Administrative Code (T15A, 18A.1901–.1968) by the Guilford County Health Department. Specific lot information can be obtained by contacting the Guilford County Health Department

Date: xxxxxxxxxxx

Signed: xxxxxxxxxxxxxxxxx

(I) Certificate of Purpose of Plat:
The Final Plat shall contain one of the following statement, signed and sealed by the plat preparer....

a. This survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land;
b. This survey is located in such portion of a county or municipality that is unregulated as to an ordinance that regulates parcels of land;
c. This survey is of an existing parcel or parcels of land;
d. This survey is of another category, such as the recombination of existing parcels, a court–ordered survey, or other exception to the definition of subdivision; or
e. The information available to the surveyor is such that the surveyor is unable to make a determination to the best of his or her professional ability to determine the purpose of this plat.

Signed: xxxxxxxxxxxxxxxxx SEAL
Surveyor

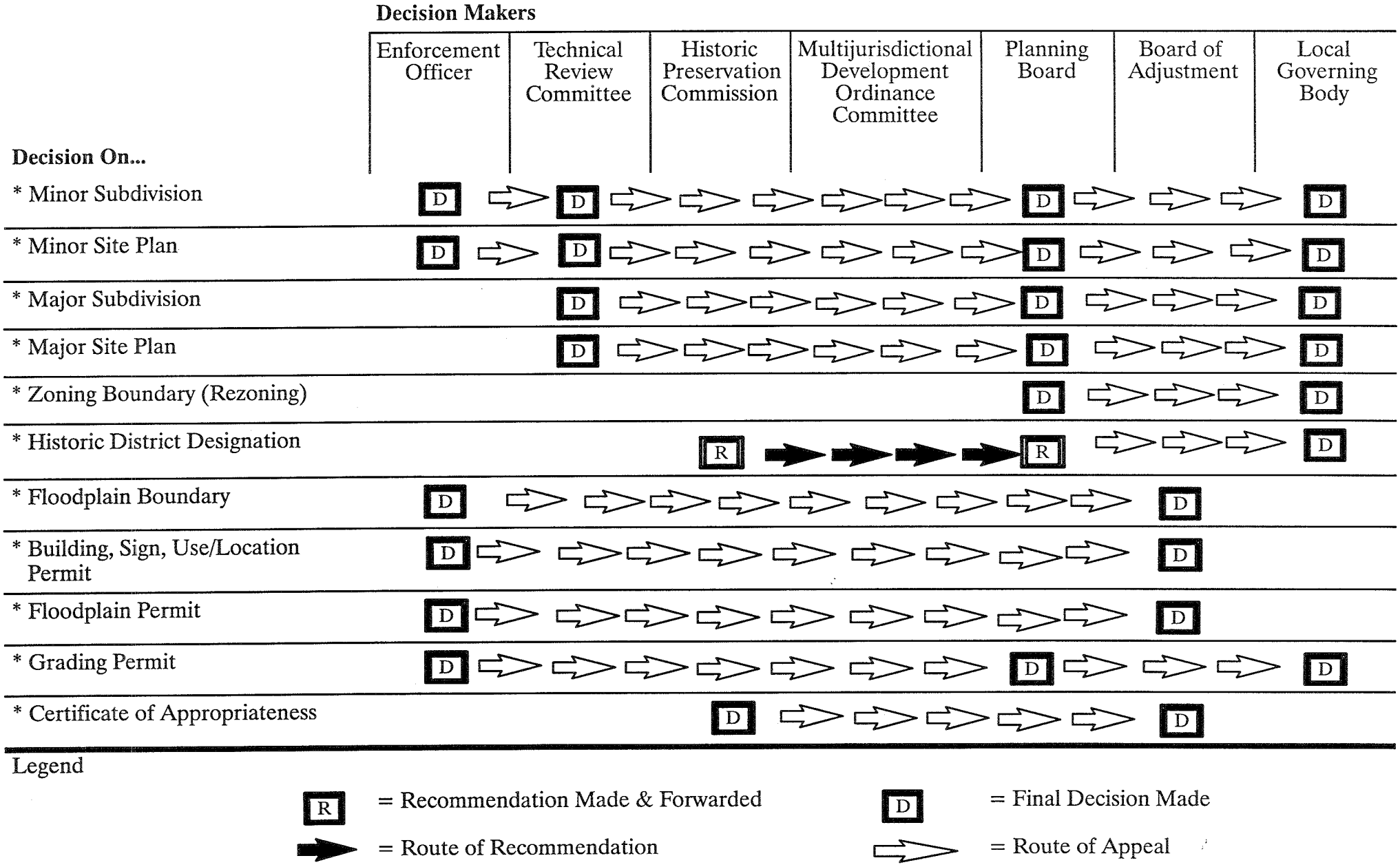
Date: xxxxxxxxxxx

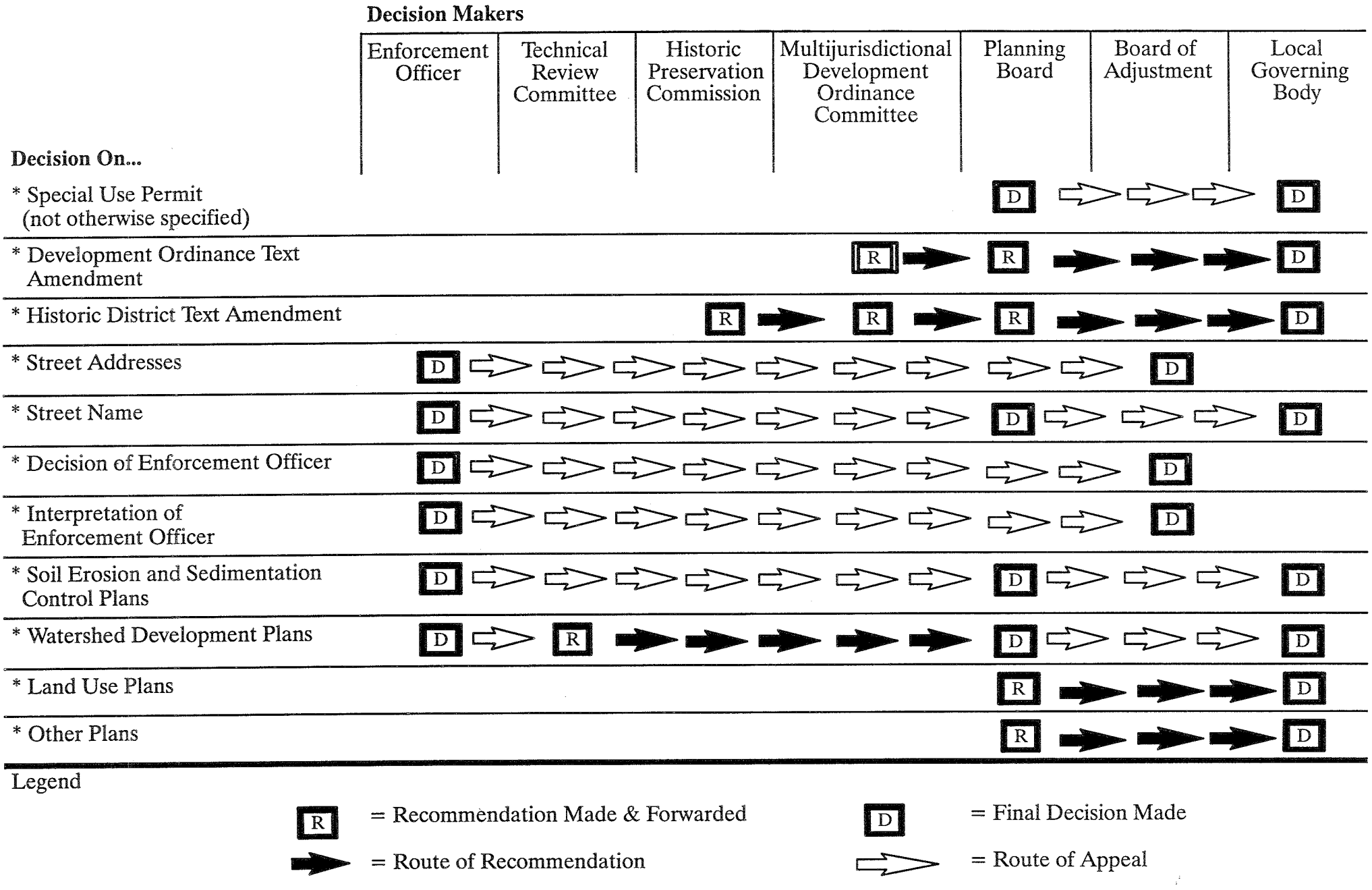
APPENDIX 3: REQUIRED INFORMATION FOR OBTAINING A BUILDING, SIGN, USE/LOCATION, EVENT, FLOODPLAIN AND GRADING PERMIT

Information	Building	Sign	Use/Location	Event	Floodplain	Grading
Plot Plan, for requirement see ...	App. 2	App. 2	App. 2		Sct. 7–5	
Address of job	X	X	X	X	X	X
Name, Address and Telephone of ...						
Property Owner	X	X	X	X	X	X
Building Contractor	X	X	X			
Grading Contractor						X
Name of Subdivision or Development	X		X		X	X
Plat Book and Page Number	X		X		X	X
Tax Map Number	X		X		X	X
Township		X		X		X
Type of Sewage Disposal (i.e. Public Sewer, Septic Tank etc.)	X		X	X		
Type of Water Supply (i.e. Public Water, Private Well etc.)	X		X	X		
Proposed Use (i.e. single family, church, garage etc.)	X		X	X		
Application Type (new, addition, alteration or installation)	X	X	X			
Construction Plans, as required by ...	NC Building Code	Sct. 6–1	NC Building Code			
Erosion Control Plan, if disturbing greater than one acre	X		X		X	X
Watershed Development Plan, if job is located in designated watershed	X		X		X	X
Heated Square Feet	X					
Unheated Square Feet	X					
Number of Stories	X					
Number of Rooms, do not count baths, foyer, etc.)	X					
Number of Baths	X					
Type of Heat and Air Conditioning	X					

Information	Building	Sign	Use/Location	Event	Floodplain	Grading
Subcontractor(s) Name and License Number:						
Electrical	X	X	X			
Plumbing	X		X			
Mechanical	X					
Electrical Power Company	X	X	X			
Gas Power Company	X					
Type of Sign		X				
Dimensions of Sign		X				
Sign Illumination (electrical contractor)		X				
Master Sign or Common Sign Plan, if required		X				
Name, Address and Telephone Number of Sponsor or Organizer				X		
Dates of Event				X		
Financial Responsibility/Ownership Form						X
Manufactured Dwelling only ...						
Year and Model Name			X			
Name, Address and Telephone Number of Setup Contractor			X			
If to be located in Manufactured Dwelling Park						
Name of Park			X			
Space Number			X			

APPENDIX 4: DECISION AND APPEALS CHART




Decision Makers
Enforcement Officer
Technical Review Committee
Historic Preservation Commission
Multijurisdictional Development Ordinance Committee
Planning Board
Board of Adjustment
Local Governing Body
Decision On...
* Special Use Permit (not otherwise specified)
* Development Ordinance Text Amendment
* Historic District Text Amendment
* Street Addresses
* Street Name
* Decision of Enforcement Officer
* Interpretation of Enforcement Officer
* Soil Erosion and Sedimentation Control Plans
* Watershed Development Plans
* Land Use Plans
* Other Plans
Legend
R = Recommendation Made & Forwarded
D = Final Decision Made
= Route of Recommendation
= Route of Appeal

Decision Makers

Decision On...	Enforcement Officer	Technical Review Committee	Historic Preservation Commission	Multijurisdictional Development Ordinance Committee	Planning Board	Board of Adjustment	Local Governing Body
* Zoning Variances						D	
* Subdivision Waivers		D	⇨	⇨	D	⇨	D
* Minor Watershed Modification		R	→	→	R	→	D
* Major Watershed Modification		R	→	→	R	→	R #
* Zoning Vested Right					D	⇨	D

Legend

R = Recommendation Made & Forwarded

D = Final Decision Made

→ = Route of Recommendation

⇨ = Route of Appeal

Authority to grant major modifications rests with the N.C. Environmental Management Commission (EMC). The recommendations of the local Boards and Committees shall be forwarded to the EMC for review.

GUILFORD COUNTY DEVELOPMENT ORDINANCE

AMENDED THROUGH JANUARY 1, 1997

PREPARED BY THE GUILFORD COUNTY
PLANNING & DEVELOPMENT DEPARPMENT

ADOPTED BY THE
GUILFORD COUNTY BOARD COMMISSIONERS
APPROVED NOVEMBER 19, 1990
APPROVED 1991 AMENDMENTS DECEMBER 19, 1991
EFFECTIVE JANUARY 1, 1992

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ARTICLE 1

PURPOSE AND AUTHORITY

1–1 SHORT TITLE

This Ordinance shall be known and may be cited as the "Guilford County Development Ordinance", except as referred to herein, where it shall be known as "this Ordinance".

1–2 REPEALS AND ENACTMENT

1–2.1 Repeal of Inconsistency

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

1–2.2 Enactment

This Ordinance is hereby enacted and shall be the Development Ordinance for Guilford County.

1–2.3 Effective Date

This Ordinance shall become effective on January 1, 1992.

1–3 PURPOSE

1–3.1 General Purpose

It is the purpose of this Ordinance to promote the health, safety, morals, and general welfare of the residents of Guilford County through the regulations of this Ordinance.

1–3.2 Zoning Regulation Purpose

The zoning regulations, adopted and prescribed in this Ordinance, are found by the Governing Body to be necessary and appropriate to:

(A) Lessen congestion in the streets;

(B) Secure safety from fire, panic and other dangers;

(C) Provide adequate light and air;

(D) Prevent the overcrowding of land;

(E) Avoid undue concentration of population;

(F) Facilitate the adequate and economic provision of transportation, water, sewage, schools, park, and other public services;

(G) Protect water quality within watershed critical areas and/or designated municipal watersheds;

(H) Preserve and enhance visual attractiveness and economic vitality; and

(I) Require appropriate setbacks for buildings and other structures to facilitate the safe movement of vehicular and pedestrian traffic, provide adequate fire lanes and ensure adequate distance from dust, noise and fumes created by vehicular traffic.

(J) Establish a zoning vested right upon the approval of a site specific development plan pursuant to NCGS 153A–344.1

1–3.3 Cluster and Zero Side Setback Regulation Purpose

The single family dwelling cluster and zero side setback regulations, adopted and prescribed in this Ordinance, are found by the Governing Body to be necessary and appropriate to:

(A) Encourage innovation in residential development by providing efficient, attractive, flexible and environmentally sensitive design;

(B) Lower the costs of housing by reducing the lot size and the per dwelling unit linear footage of streets, water lines, storm sewers and sanitary sewers;

(C) Reduce the future cost of infrastructure maintenance and, therefore, the burden upon taxpayers and ratepayers;

(D) Encourage development in areas which have major streets and utility lines in place, but are experiencing little or no development;

(E) Protect water quality, preserve wildlife habitats, and protect natural features such as streams, lakes, wetlands, and trees; and

(F) Reduce the amount of grading necessary for site preparation.

1–3.4 Planned Unit Development Purpose

The planned unit development regulations, adopted and prescribed in this ordinance, are found by the Governing Body to be necessary and appropriate to:

(A) Promote all of the purposes listed in Section 1–3.3 (Cluster and Zero Side Setback Regulation Purpose);

(B) Allow diversification of uses in developments intended as cohesive, unified projects;

(C) Allow variation in the relationship of residential and nonresidential uses and structures in such cohesive, unified projects;

(D) Reduce travel time by providing opportunities for employment and services closer to residences; and

(E) Encourage innovation by offering flexibility in design and layout requirements to achieve a greater choice of living and working environments.

1–3.5 Historic District Overlay Purpose

The historic district overlay regulations, adopted and prescribed in this Ordinance, are found by the Governing Body to be necessary and appropriate to:

(A) Protect, safeguard and conserve the heritage of the community;

(B) Promote the sound and orderly preservation of historic areas as a whole, and of the individual properties therein, which embody important elements of social, economic, political or architectural history for the education, pleasure and enrichment of all citizens; and

(C) Enhance property values within historic areas.

1–3.6 Scenic Corridor Overlay Purpose

The scenic corridor overlay regulations, adopted and prescribed in this Ordinance, are found by the Governing Body to be necessary and appropriate to:

(A) Preserve and enhance the appearance and operational characteristics of certain designated roadways; and

(B) Address development issues of special concern with specific requirements which relate to land use, traffic movement, access, environment, signage, landscaping, visual quality and aesthetics.

1–3.7 Manufactured Housing Overlay Purpose

The manufactured housing overlay regulations, adopted and prescribed in this Ordinance, are found by the Governing Body to be necessary and appropriate to:

(A) Provide alternative, affordable housing opportunities for low and moderate income residents in residential areas by allowing for the use of manufactured dwellings;

(B) Establish requirements designed to assure acceptable similarity in exterior appearance between manufactured dwellings and single family dwellings that have been or might be constructed on adjacent or nearby lots; and

(C) Protect property values and preserve the character and integrity of the community or individual neighborhoods within the community.

1–3.8 Subdivision Regulation Purpose

The subdivision (including group development) regulations, adopted and prescribed in this Ordinance, are found by the Governing Body to be necessary and appropriate to:

(A) Promote orderly growth and development;

(B) Provide for suitable residential and nonresidential developments with adequate streets and utilities and appropriate building sites;

(C) Provide for the distribution of population and traffic in a manner which shall avoid congestion and overcrowding;

(D) Provide for the coordination of streets within subdivisions with existing or planned streets and with other public facilities;

(E) Provide for the dedication or reservation of rights–of–way or easements for street and utility purposes;

(F) Provide for the dedication or reservation of adequate spaces for public lands and buildings;

(G) Encourage design that is protective of environmental quality;

(H) Provide for the dedication or reservation of recreation, park and greenway areas; and

(I) Provide proper land records for the convenience of the public and for better identification and permanent location of real property boundaries.

1–3.9 Sign Regulation Purpose

The sign regulations, adopted and prescribed in this Ordinance, are found by the Governing Body to be necessary and appropriate to:

(A) Encourage the effective use of signs as a means of visual communication;

(B) Promote a positive community appearance for the enjoyment of all citizens;

(C) Maintain and enhance the aesthetic environment and the community's ability to attract sources of economic development and growth;

(D) Protect the public from damage or injury attributable to distractions and/or obstructions caused by improperly designed or located signs; and

(E) Protect existing property values in both residential and nonresidential areas.

1–3.10 Off–Street Parking, Stacking, and Loading Regulation Purpose

The off–street parking, stacking, and loading regulations, adopted and prescribed in this Ordinance, are found by the Governing Body to be necessary and appropriate to:

(A) Ensure a sufficient amount of off–street parking, stacking, and loading areas for various land uses;

(B) Ensure easy, convenient circulation of vehicles within parking and loading areas;

(C) Minimize the potential for conflict with traffic on public streets; and

(D) Permit the shared use of parking areas by establishments and/or activities which have different hours of operation.

1–3.11 Planting Yard Purpose

The planting yard regulations, adopted and prescribed in this Ordinance, are found by the Governing Body to be necessary and appropriate to:

(A) Create a better quality of life for the community by encouraging preservation of existing trees and vegetation;

(B) Provide visual buffering and enhance beautification;

(C) Establish appropriate separation between land uses;

(D) Provide the separation necessary to permit certain land uses to coexist harmoniously which might not do so otherwise;

(E) Safeguard and enhance property values and protect public and private investment;

(F) Enhance the community's competitive position in economic development and tourism by improving views, particularly along streets;

(G) Reduce the negative impact of glare, noise, trash, odors, overcrowding, traffic, lack of privacy, and visual disorder when incompatible land uses adjoin one another; and

1–3.12 Watershed Protection Purpose

The watershed protection regulations, adopted and prescribed in this Ordinance, are found by the Governing Body to be necessary and appropriate to:

(A) Protect those portions of designated water supply watersheds which lie closest to existing and proposed water supply reservoirs from activities which could degrade water quality in the reservoirs;

(B) Reduce the volume of nutrients and other chemicals which could enter the water supply by reducing the amount of runoff which any given development will generate;

(C) Minimize land disturbance to reduce the amount of sediment washing into streams and lakes and to enhance the infiltration of runoff into soil;, thus alleviating the sedimentation of water supply lakes which reduces their storage capacity, shortens their useful life, and makes them less able to withstand drought;

(D) Reduce the probability of the release of harmful chemicals into water supply reservoirs, either through natural catastrophe or human error; and

(E) Provide for natural and engineered methods for managing the stormwater which flushes contaminants off of built–upon areas in the designated water supply watersheds and which may reach water supply reservoirs unless controlled.

1–3.13 Soil Erosion and Sedimentation Control Purpose

The soil erosion and sedimentation control regulations, adopted and prescribed in this Ordinance, are found by the Governing Body to be necessary and appropriate to:

(A) Regulate certain land–disturbing activity to control accelerated erosion and sedimentation to prevent the pollution of water and other damage to lakes, watercourses and other public and private property by sedimentation; and

(B) Establish procedures through which the purposes of soil erosion and sedimentation control can be fulfilled.

1–3.14 Flood Damage Prevention Purpose

The flood damage prevention regulations, adopted and prescribed in this Ordinance, are found by the Governing Body to be necessary and appropriate in order to:

(A) Permit only that development within the floodplain which is appropriate in light of the probability of flood damage and which represents a reasonable social and economic use of land in relation to the hazards involved; and

(B) Minimize public and private losses due to flood conditions in specific areas by enactment of provisions designed to:

1) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

3) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;

4) Control filling, grading, dredging and other development which may increase erosion or flood damage;

5) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands;

6) Protect human life and health;

7) Minimize expenditure of public money for costly flood control projects;

8) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

9) Minimize prolonged business interruptions;

10) Minimize damage to public facilities and utilities such as water, sewer, gas, electric, and telephones lines and streets and bridges located in flood plains;

11) Help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas;

12) Permit and encourage the retention of open land uses which will be so located and designed as to constitute a harmonious and appropriate part of the physical development of the community and which will not impede the flow of floodwaters; and

13) Ensure that potential buyers are notified whenever property is in a flood hazard area.

1–4 JURISDICTION

The provisions of this Ordinance shall apply to all the territory encompassed in Guilford County, North Carolina herein referred to as "the Jurisdiction", except for those areas within incorporated municipalities and their extraterritorial jurisdiction, and property owned by the Greensboro–High Point–Winston–Salem Airport Authority. This Ordinance shall govern the development and use of land and structures therein, except for farm land and structures as provided for by NCGS 153A (Counties).

1–8.2 Rules of Construction

For the purposes of this Ordinance, the following rules of construction shall apply:

(A) Tense: Words used in the present tense include the future tense;

(B) Singular and Plural: Words used in the singular number include the plural number, and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise;

(C) Mandatory Meaning: The words "shall," "will," and "must" are mandatory in nature implying an obligation or duty to comply with the particular provision;

(D) Gender: Words used in the male gender include the female gender; and

(E) References: Any reference to an Article or Section shall mean an Article or Section of this Ordinance, unless otherwise specified.

1–9 COMPLIANCE

1–9.1 Compliance

No building, premises, or structure shall be constructed, erected, modified, converted, occupied, placed, maintained or moved, and no land use shall be commenced, maintained, or modified, except as authorized by this Ordinance.

1–9.2 Voluntary Compliance

Nothing in this Section shall be deemed to preclude voluntary compliance with the provisions of this Ordinance for development approved prior to the effective date of this Ordinance.

1–9.3 Conformance with Requirements

Except as herein provided, no applicable permit shall be issued or granted that does not conform to the requirements of this Ordinance. Developments which have received Technical Review Committee or staff approval, Enforcement Officer approval, or a building permit prior to the effective date of this Ordinance, may proceed in accordance with such approval or permit while such approval or permit remains in effect.

1–10 RELATION TO THE COMPREHENSIVE PLAN

The administration, enforcement and amendment of this Ordinance shall be accomplished with consideration of recommendations presented in the documents comprising the Comprehensive Plan. These documents include, but are not limited to the following: land use plan, thoroughfare plan, collector street plan, small area plans, community facilities plan, capital improvement plan, economic development strategies, housing assistance plan, recreation plan, greenways plan, drainage and open space plan and watershed management plan.

1–11 ESTABLISHMENT OF OFFICIAL ZONING MAP

1–11.1 Official Zoning Map

The Jurisdiction is hereby divided into zones, or districts, as established in Article IV (Zoning).

1–11.2 Map Certification

The Official Zoning Map shall be identified by the signature of the Chairman of the Board of County Commissioners, attested by the Clerk, and bear the seal of the Jurisdiction, together with the effective date of this Ordinance.

1–11.3 Map Changes

If changes are made in district boundaries or other matters portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map.

1–5 AUTHORITY

This Ordinance is adopted pursuant to portions of one or more of the following authorities in NCGS: Chapter 63 (Aeronautics), Chapter 69 (Fire Protection), Chapter 74 (Environmental Controls), Chapter 95 (Department of Labor and Labor Regulations), Chapter 106 (Agricultural Regulations), Chapter 113A (Pollution Control and Environment), Chapter 119 (Gasoline and Oil Inspection and Regulations), Chapter 121 (Environmental Controls), Chapter 130A (Public Health), Chapter 133 (Public Works), Chapter 136 (Roads and Highways), Chapter 143 (State Departments, Institutions, and Commissions), Chapter 153A (Counties), Chapter 157 (Housing Authorities), Chapter 168 (Handicapped Persons). This Ordinance may be amended from time to time as required or allowed by subsequent legislative enactments.

1–6 ABROGATION

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

1–7 INTERPRETATION OF ORDINANCE

1–7.1 Minimum Requirements

In the interpretation and application of this Ordinance, all provisions shall be considered to be minimum requirements and deemed neither to limit nor repeal any other powers granted under state statutes.

1–7.2 Greater Restrictions Govern

These regulations shall be the minimum requirements for administration, enforcement, procedures, restrictions, standards, uses, variances, and all other areas addressed by this Ordinance. If any federal or state law or any other existing ordinance or regulation allows lesser regulation this Ordinance shall govern so that, in all cases, the more restrictive limitation or requirement shall govern. Whenever regulations imposed by this Ordinance are less restrictive than regulations imposed by any governmental authority through regulation, rule or restriction, the regulations imposed by that authority shall govern. Regardless of any other provision of this Ordinance, no land shall be developed or used, and no structure shall be erected or maintained in violation of any state or federal regulation.

1–7.3 Rounding of Numbers

All calculations that result in a part or fraction of a whole number shall be rounded up to the next highest whole number, unless otherwise provided in this Ordinance.

1–7.4 Density

(A) Rounding: In calculating density, all calculations that result in a part or fraction of a whole number shall be rounded down to the next lowest whole number.

(B) Dwelling Unit Equivalence:

1) Congregate Care Facilities and Private Dormitories: For the purpose of calculating density for congregate care facilities and private dormitories, two (2) bedrooms shall be equivalent to one (1) dwelling unit.

2) Single Room Occupancy (SRO) Residences: For the purpose of calculating density for single room occupancy (SRO) residences, a rooming unit of less than one hundred and fifty (150) square feet shall be equivalent to one–half (1/2) a dwelling unit and a rooming unit of one hundred and fifty (150) square feet or more shall be equivalent to one (1) dwelling unit.

1–7.5 Figures

The figures provided in this Ordinance are designed to provide a visual explanation to selected Sections of the Ordinance. If any illustration appears to be in conflict with the text of the Ordinance, the text shall govern.

1–8 RULES OF CONSTRUCTION

1–8.1 Word Interpretation

Words not defined in this Ordinance shall be given their ordinary and common meaning.

1–11.4 Unauthorized Changes

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

1–11.5 Map Location

Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map, which shall be located in the Planning Department, shall be the final authority as to the current zoning of property within the Jurisdiction.

1–11.6 Map Damage and Replacement

In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Governing Body may by resolution adopt a replacement Official Zoning Map which shall supersede the prior Official Zoning Map. Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant remaining parts thereof, shall be preserved, together with all available records pertaining to its adoption or amendment.

1–11.7 Replacement of Official Zoning Map

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

1–12 INTERPRETATION OF DISTRICT BOUNDARIES

1–12.1 Boundary Interpretation

Where uncertainty exists as to the boundaries of any district shown on the Official Zoning Map, the following rules shall apply:

(A) Centerline: Where a boundary line lies within and follows a 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 in the edge of such street or alley right–of–way, railroad right–of–way, or utility easement. If such a street or alley right–of–way, railroad right–of–way, or utility easement forming the boundary between two separate zoning districts is abandoned or removed from dedication, the district boundaries shall be construed as following the edge of the abandoned or vacated road bed or utility easement.

(C) Lot Line: Boundaries indicated as approximately following lot lines shall be construed as following such lot lines. In the event that a district boundary line divides a lot or tract, each part of the lot or tract so divided shall be used in conformity with the regulations established by this Ordinance for the district in which said part is located.

(D) City Limits: Boundaries indicated as approximately following city limits or extraterritorial boundary lines shall be construed as following the city limits or extraterritorial boundary lines.

(E) County Line: Boundaries indicated as approximately following county lines shall be construed as following the county line.

(F) Watercourses: Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines.

(G) Extensions: Boundaries indicated as parallel to, or as extensions of street or alley rights–of–way, channelized waterways, railroad rights–of–way, utility easements, lot lines, city limits, county lines, or extraterritorial boundaries, shall be so construed.

(H) Scaling: Where a district boundary does not coincide with any boundary lines as above and no distances are described by specific ordinance, the boundary shall be determined by the use of the scale appearing on the map. In the case of Flood Zones, Corps of Engineers work maps, if available, shall be used for scaling.

(I) 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.

1–12.2 Interpretation by Board of Adjustment

Where existing natural or man-made features on the ground are at variance with those shown on the Official Zoning Map, or are not covered by Section 1–12.1 (Boundary Interpretation), the Board of Adjustment shall interpret the district boundary.

1–12.3 Annexation

If any portion of the territory subject to county jurisdiction under this Ordinance shall be annexed by a municipality, or taken into a municipality's extraterritorial jurisdiction by act of the General Assembly, or in accordance with NCGS 160A, Article 4A or NCGS 160A–360, county regulations and powers or enforcement shall remain in effect until:

(A) The municipality has adopted regulations for said annexed or extraterritorial area; or

(B) A period of sixty (60) days has elapsed following the effective date of annexation or extension of extraterritorial jurisdiction.

1–13 SEVERABILITY

1–13.1 Invalidation

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

1–13.2 Prejudicial Application

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

1–13.3 Lawful Presumption

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

ARTICLE II

DEFINITIONS

2–1 DEFINITIONS

These definitions are grouped in the following functional groups 1) Building and Structure, 2)Drainage and Watershed Protection, 3)Dwelling, 4)Easements, 5)Erosion and Sedimentation Control, 6)Flood Damage Prevention, 7)General, 8)Hazardous Waste, 9)Lot, 10)Setback, 11) Signs, and 12)Streets, Drives, and Lanes. Refer to Section 2–2 (Definition Index) for location of specific words.

2–1.1 Building and Structure

(A) 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.

(B) ACCESSORY STRUCTURE. A detached subordinate structure(s), the use of which is incidental to that of the principal structure and located on the same lot therewith

(C) BUILDING. Any structure having a roof supported by walls or columns constructed or used for residence, business, industry or other public or private purposes.

(D) BUILDING HEIGHT. The vertical distance measured from the average elevation of the finished grade to the topmost section of the roof. See Figure 2–A.

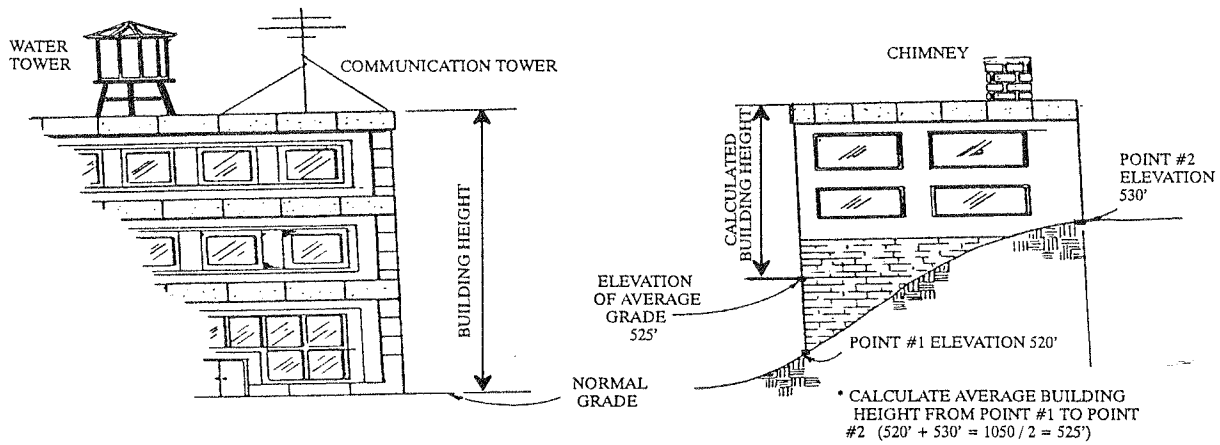


Figure 2–A
MEASUREMENT OF BUILDING HEIGHT

NO SCALE

(E) 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 Figure 2–B.

(F) BUILDING SEPARATION. The minimum required horizontal distance between buildings.

(G) PRINCIPAL BUILDING A building in which is conducted the principal use of the zone lot on which it is located or, in a group development, of the building site on which it is located. Any dwelling is considered a principal building unless it is an accessory dwelling in compliance with Section 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).

(H) PRINCIPAL STRUCTURE. A structure(s) in which is conducted the principal use(s) of the zone lot on which it is located.

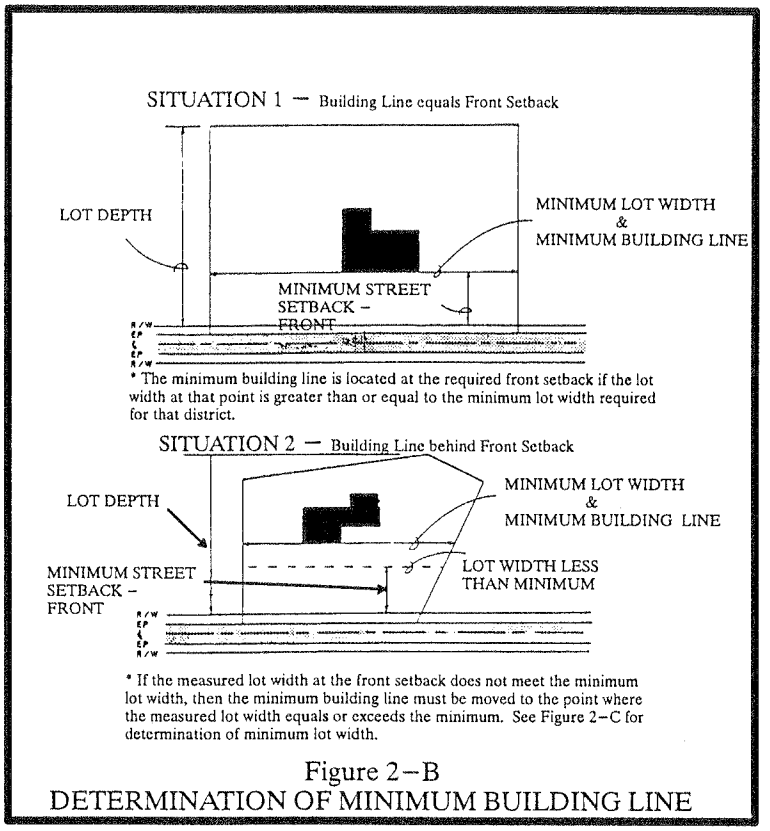


Figure 2–B
DETERMINATION OF MINIMUM BUILDING LINE

NO SCALE

(I) STRUCTURE. Anything constructed, erected, or placed.

(J) TEMPORARY BUILDING. Any building of an impermanent nature, or which is designed for use for a limited time, including any tent or canopy.

(K) TEMPORARY STRUCTURE. Any structure for an impermanent nature or which is designed for use for a limited time, including any tent or canopy.

2–1.2 Drainage and Watershed Protection

(A) 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.

(B) 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.)

(C) DETENTION POND. A pond which collects stormwater runoff, filters the water, and releases it slowly over a period of hours or days. It does not have a permanent pool and is sometimes referred to as a dry pond or wet weather pond.

(D) DEVELOPMENT, EXISTING. Those projects that are built and those projects that, at a minimum, have established a vested right under N. C. zoning law as of January 1, 1994, 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.)

(E) DEVELOPMENT, NEW. Any land-disturbing activity which adds to or changes the amount of built-upon area. (This definition applies only with respect to watershed protection regulations.).

(F) 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.

(G) DRAINAGEWAY AND OPEN SPACE AREA, DEDICATED. The area designated for floodplain and open space purposes on a recorded subdivision plat, and thereby dedicated to the public for such purposes.

(H) DRAINAGE, DISPERSED. Drainage spread out, as opposed to collected in channels, so as to effect increased sheet flow and overland flow.

(I) DRAINAGE, ENHANCED. Drainage carried by existing natural drainageways which have been enhanced to resist soil erosion and stream bank degradation.

(J) DRAINAGE, REQUIRED CHANNEL. The theoretical stream bed section which is required to carry and discharge the runoff from a one-hundred-year storm.

(K) DRAINAGE, TYPICAL REQUIRED CHANNEL SECTION. A cross-sectional view of a required drainage channel.

(L) DRAINAGEWAY. Any natural or man-made channel that carries surface runoff from precipitation.

(M) DRAINAGEWAY, IMPROVED. Drainage channeled by impervious surfaces such as curb and gutter or concrete (gunite, bituminous, etc.) channels.

(N) DRAINAGEWAY, PROTECTED. A natural channel that is protected against stream bank erosion and excessive runoff velocity by any one or a combination of the following: 1) rip-rap channel stabilization; 2) establishment of soil-stabilizing vegetation; 3) velocity reduction structures (stilling pools and drop structures, for example)

(O) 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

(P) HIGH DENSITY OPTION. A density or intensity option for new development wherein the density or intensity exceeds the applicable limit for development under the Low Density Option (see definition below and Table 2-1-1 below), thereby imposing a requirement for engineered stormwater controls (runoff control structures) in conformance with the requirements of the Water Supply Watershed Protection Rules as adopted by the N.C. Environmental Management Commission and the requirements of Article VII (Environmental Regulations) of this Ordinance.

(Q) LOW DENSITY OPTION. A density or intensity option for new 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 the Water Supply Watershed Protection Rules as adopted by the N.C. Environmental Management Commission . The limits vary depending upon the classification of the watershed and upon which overlay zone, Watershed Critical Area (WCA) or General Watershed Area (GWA), is applicable. The limits in effect on July 1, 1993 are shown in Table 2-1-1.

TABLE 2-1-1
DENSITY AND INTENSITY LIMITS
FOR LOW DENSITY AND HIGH DENSITY OPTIONS

WATERSHED CLASSIFICATION	OVERLAY ZONE	LOW DENSITY OPTION		HIGH DENSITY OPTION
		DU/AC	% BUILT-UPON AREA	% BUILT-UPON AREA
WS-IV	WCA	2	24	24-50
WS-IV	GWA	2 [a]	24 [a]	24-70
WS-III	WCA	1	12	12-30
WS-III	GWA	2	24	24-50 [b]

NOTES:
[a] Three (3) DU/AC or thirty-six (36%) percent built-upon area is allowed for projects without a curb and gutter street and driveway system.

■ Refer to Section 7-2.3(B)1) for additional allocation options.

(R) MAXIMUM RUNOFF RETENTION. The passage of approximately one hundred (100%) percent of channelized runoff through permanent retention or wet detention pond(s).

(S) MODERATE RUNOFF RETENTION. The passage of at least seventy-five (75%) percent of runoff through permanent retention or wet detention pond(s).

(T) RETENTION POND. A pond that has a permanent pool.

(U) RUNOFF DETENTION IN EXCESS OF EROSION CONTROL ORDINANCE. The passage of at least fifty (50%) percent of runoff through permanent wet detention or retention ponds.

(V) RUNOFF DETENTION EQUAL TO MINIMUM REQUIREMENTS. Velocity control of runoff.

(W) 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

(X) STABILIZING VEGETATION. Any vegetation that protects the soil against erosion.

(Y) 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.

(Z) STORM, TEN(10)-YEAR. The surface runoff resulting from a rainfall of an intensity expected to be equalled or exceeded, on the average, once in ten (10) years and of a duration which will produce the maximum peak rate of runoff for the watershed of interest under average antecedent wetness conditions.

(AA) STORM, ONE-HUNDRED(100)-YEAR. The surface runoff resulting from a rainfall of an intensity expected to be equalled or exceeded, on the average, once in one hundred (100) years and of a duration which will produce the maximum peak rate of runoff for the watershed of interest under average antecedent wetness conditions.

(AB) STORMWATER RUNOFF. The direct runoff of water resulting from precipitation in any form.

(AC) STREAM. A water course that collects surface runoff.

(AD) 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 bank of each side of streams or rivers. (This definition applies only with respect to watershed protection regulations.)

(AE) 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.

(AF) 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 for the purposes of watershed protection scoresheet evaluation. (This definition applies only with respect to Watershed Protection Regulations.)

(AG) 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.

(AH) MODIFICATION, MAJOR WATERSHED. Modification of the existing regulations that does not meet the definition of a Minor Watershed Modification.

(AI) MODIFICATION, MINOR WATERSHED. Modification of the existing regulations that meets one of the following criteria: (A) Modification of any standard present in the Ordinance but not in the State Water Supply Watershed Protection Rules; (B) Modification 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 modification does not lower the level of performance below that required by the State regulations; or (C) Modification of the State 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.

(AJ) 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.

(AK) 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 proposed Randleman Dam reservoir.

(AL) WATERSHED CRITICAL AREA. That portion of the watershed within the lake basin of the water supply reservoir as delineated in Article VII (Environmental Regulations).

(AM) WET DETENTION POND. A pond that has a permanent pool and also collects stormwater runoff, filters the water, and releases it slowly over a period of days.

2–1.3 Dwelling

(A) 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.

(B) 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.

(C) 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.

(D) 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.

1) Class AA: A manufactured home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the U. S. Department of Housing and Urban Development that were in effect at the time of construction, and that satisfies the following additional criteria:

a) Is occupied only as a single family dwelling;

b) Has a minimum width of sixteen (16) feet;

c) Has a length not exceeding four (4) times its width, with length measured along the longest axis, and width measured perpendicular to the longest axis at the narrowest part;

d) Has a minimum of seven hundred (700) square feet 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 ten (10) degree deflection of being parallel to the lot frontage, unless other orientation is permitted by the Board of Adjustment following a public hearing;

g) Is is set up in accordance with the standards established by the North Carolina Department of Insurance. In addition, a continuous, permanent masonry foundation or masonry curtain wall constructed in accordance with the standards of the North Carolina Uniform Residential Building Code for One– and Two– Family Dwellings, unpierced except for required ventilation and access, shall be installed under the perimeter;

h) Has exterior siding, comparable in composition, appearance durability to the exterior siding commonly used in standard residential construction, consisting of one or more of the following: 1)vinyl or aluminum lap siding (whose reflectivity does not exceed that of flat white paint); 2) cedar or other wood siding; 3)wood grain, weather resistant press board siding; 4) stucco siding; or 5) brick or stone siding;

i) Has a roof pitch minimum vertical rise of three and one–half (3 1/2) feet for each twelve (12) feet 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) All roof structures shall provide an eave projection of no less than six inches, which may include a gutter; and

l) Stairs, porches, entrance platforms, ramps and other means of entrance and exit are installed or constructed in accordance with the standards set by the North Carolina State Building Code, 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 or twenty–four (24) square feet. The use of wood stairs only is prohibited at any entrance.

2) Class A: A manufactured home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the U. S. Department of Housing and Urban Development that were in effect at the time of construction and that meet or exceed criteria (a), (c), (d), (e), (g), (h), (i), (k), and (l) for Class AA manufactured dwellings above.

3) Class B: A manufactured home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the U. S. Department of Housing and Urban Development that were in effect at the time of construction, and that meet or exceed criteria (e), (g) and (h) for Class AA manufactured dwellings above.

4) Class C: Any manufactured home that does not meet the definitional criteria of a Class AA, Class A or Class B manufactured dwellings above.

(E) MODULAR DWELLING. 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.

(F) MULTI-FAMILY DWELLING. 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.

(G) 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.

(H) ROOMING UNIT. A room designed, occupied, or intended for occupancy as separate living quarters with sleeping, but not necessarily cooking and sanitary facilities provided therein.

(I) SHELTER FOR THE HOMELESS. A facility operating year-round which provides lodging and supportive services including, but not limited to, a community kitchen; assistance in obtaining permanent housing; medical counseling, treatment, and/or supervision; psychological counseling, treatment, and/or supervision; assistance in recuperating from the effects of or refraining from the use of drugs and/or alcohol; nutritional counseling; employment counseling; job training and placement; and child care for indigent individuals and/or families with no regular home or residential address; and which complies with the following requirements: 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.

(J) 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.

(K) SHELTER, TEMPORARY. A facility which provides temporary lodging during times of life-threating 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 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 or operation.

(L) SINGLE-FAMILY DETACHED DWELLING. A separate, detached building designed for and occupied exclusively by one (1) family.

(M) 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.

(N) TENANT DWELLING. 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.

(O) TOWNHOUSE DWELLING. 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.

(P) TWIN HOME DWELLING. 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.

(Q) TWO–FAMILY DWELLING. A building on one zone lot arranged and designed to be occupied by two (2) families living independently of each other.

2–1.4 Easements

(A) ACCESS EASEMENT. An easement which grants the right to cross property.

(B) DRAINAGE EASEMENT. An easement which grants the right of water drainage to pass in open channels or enclosed structures.

(C) DRAINAGE MAINTENANCE EASEMENT. 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.

(D) 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.

(E) PEDESTRIAN WAY. A right–of–way or easement dedicated to public use to facilitate pedestrian access to adjacent streets and properties.

(F) SIGHT DISTANCE EASEMENT. An easement which grants to the Governing Body the right to maintain unobstructed view across property located at a street or lane intersection.

(G) UTILITY EASEMENT. 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.

(H) WATER QUALITY CONSERVATION EASEMENT. 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.

2–1.5 Soil Erosion and Sedimentation Control

(A) ACT. The North Carolina Sedimentation Pollution Control Act of 1973 NCGS ss 113A–50 et seq., and all rules and orders adopted pursuant to it.

(B) ACTIVE CONSTRUCTION. Activities which contribute directly to the completion of facilities contemplated or shown on the construction plans.

(C) BEING CONDUCTED. A land–disturbing activity has been initiated and permanent stabilization of the site has not been completed.

(D) BERM, EROSION CONTROL. A mound of material and/or ditch, the purpose of which is to divert the flow of run-off water.

(E) BORROW. Fill material which is required for on-site construction and is obtained from other locations.

(F) BUFFER. An area of land planted or constructed to separate uses.

(G) BUFFER ZONE. The strip of land adjacent to a lake or natural watercourse.

(H) 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.

(I) COMMISSION, SEDIMENTATION. The North Carolina Sedimentation Control Commission.

(J) 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.

(K) DEPARTMENT (DEHNR). The North Carolina Department of Environment, Health and Natural Resources.

(L) DIRECTOR (DEHNR). The Director of the Division of Land Resources of the Department of Environment, Health and Natural Resources.

(M) DISCHARGE POINT. That point at which runoff leaves a tract of land.

(N) DISTRICT, SOIL AND WATER CONSERVATION. The Guilford Soil and Water Conservation District created pursuant to NCGS 139.

(O) 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.

(P) EROSION. The wearing away of land surface by the action of wind, water, gravity, or any combination thereof.

(Q) EROSION, ACCELERATED. Any increase over the rate of natural erosion as a result of land-disturbing activities.

(R) 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.

(S) EROSION, NATURAL. The wearing away of the earth's surface by water, wind, or other natural agents under natural environmental conditions undisturbed by man.

(T) GRADING. Any operation or occurrence by which the existing site elevations are changed, or where any ground cover, natural or man-made, is removed, or any buildings or other structures are removed, or any water course or body of water, either natural or man-made, is relocated on any site, thereby creating an unprotected area. The term "grading" is interchangeable with "land-disturbing activity".

(U) GRADING, PHASE OF. One (1) of the two (2) types of grading, rough or fine.

(V) 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.

(W) GROUND COVER. Any vegetation, masonry, paving, riprap, or other material or materials which render the soil surface stable against accelerated erosion.

(X) 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).

(Y) 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.

(Z) 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.

(AA) 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.

(AB) 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.

(AC) 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.

(AD) 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.

(AE) 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.

(AF) 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.

(AG) 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.

(AH) SITE or TRACT. All contiguous land and bodies of water being disturbed or to be disturbed as a unit, regardless of ownership.

(AI) TWENTY–FIVE (25) YEAR STORM. The surface runoff resulting from a rainfall of an intensity expected to be equalled 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.

(AJ) UNCOVERED. The removal of ground cover from, on or above the soil surface.

(AK) 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.

(AL) 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.

(AM) WASTE. Surplus materials resulting from on–site construction and disposed of at other locations.

(AN) WORKING DAYS. Days exclusive of Saturday and Sunday during which weather conditions or soil conditions permit land–disturbing activity to be undertaken.

2–1.6 Flood Damage Prevention

(A) AREA OF SPECIAL FLOOD HAZARD. The land in the flood plain within a community subject to a one (1%) percent or greater chance of flooding in any given year. It includes both the floodway and the floodway fringe.

(B) BASE FLOOD. The flood having a one (1%) percent chance of being equalled or exceeded in any given year (100-year flood).

(C) BASE FLOOD ELEVATION. The elevation to which structures and uses regulated by this Ordinance are required to be elevated or flood proofed.

(D) BASEMENT. The lowest level or story which has its floor subgrade on all sides. (This definition applies only with respect to flood damage prevention regulations.)

(E) ELEVATED BUILDING. A non-basement building built to have the top of the elevated floor above the ground by means of fill, solid foundation with openings sufficient to facilitate the unimpeded flow of floodwaters, perimeter walls, pilings, columns (post and piers), shear walls parallel to the flow of water, or breakaway walls.

(F) FLOOD AND FLOODING. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters, or the unusual and rapid accumulation of runoff of surface waters from any source.

(G) FLOOD BOUNDARY AND FLOODWAY MAP. An official map of the community, issued by the Federal Emergency Management Agency, where the one hundred (100) – year flood boundary has been designated and further delineated as a floodway and floodway fringe area.

(H) FLOOD INSURANCE RATE MAP (FIRM). An official map of the community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

(I) FLOOD INSURANCE STUDY. The official report provided by the Federal Emergency Management Agency (FEMA). The report contains flood profiles, as well as the Flood Boundary/Floodway Map, and the water surface elevation of the base flood.

(J) FLOOD PLAIN. The relatively flat area or low land adjacent to the channel of a river, stream, or watercourse, lake or other body of standing water, which has been or may be covered by flood water.

(K) FLOOD PROTECTION ELEVATION. The elevation to which structures and uses regulated by Section 7-5 (Flood Damage Prevention) are required to be elevated or flood proofed.

(L) FLOODING, AREA OF SHALLOW. A designated AO or VO Zone on a community's Flood Insurance Rate Map (FIRM), with base flood depths from one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

(M) FLOODPROOFING. A combination of structural provisions, changes, or adjustments to properties and/or structures subject to flooding primarily for the reduction or elimination of flood damage.

(N) FLOODWAY. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

(O) FLOODWAY FRINGE. The land area located between the floodway and maximum elevation subject to inundation by the base flood as defined herein.

(P) FLOOR. The top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

(Q) HIGHEST ADJACENT GRADE. The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of the structure.

(R) LEVEE. A man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

(S) LOWEST FLOOR. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

(T) MANUFACTURED DWELLING. 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 does not include recreational vehicle. (This definition applies only with respect to flood damage prevention regulations.)

(U) MANUFACTURED DWELLING PARK. A parcel (or contiguous parcels) of land divided into two or more manufactured dwelling spaces for rent. (This definition applies only with respect to flood damage prevention regulations.)

(V) MEAN SEA LEVEL. The average height of the sea for all stages of the tide. It is used as reference for establishing various elevations within the flood plain. For purposes of this Ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD).

(W) NATIONAL GEODETIC VERTICAL DATUM (NGVD). The vertical control used as a reference for establishing varying elevations within the flood plain.

(X) NEW CONSTRUCTION. Structures for which the "start of construction" commenced on or after the effective date of this Ordinance, including any subsequent improvements to such structures.

(Y) OBSTRUCTION. Any dam, wall, embankment, levee, dike, pile, abutment, spoil material, bridge, conduit, culvert building, wire, fence, refuse, fill, structure or matter in, along, across or projecting onto any channel, watercourse, or regulatory flood hazard area which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream to the damage of life or property.

(Z) OBSTRUCTION, NATURAL. Any rock, tree, gravel, or analogous natural matter that is an obstruction and has been located in the floodway by a nonhuman cause.

(AA) START OF CONSTRUCTION. Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, or improvement was within one hundred and eighty (180) days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footing, installation of piles, 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 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.)

(AB) STRUCTURE. A walled and roofed building, a manufactured home including a gas or liquid storage tank, or other man-made facilities or infrastructures that are principally above ground. (This definition applies only with respect to flood hazard regulations.)

(AC) SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure 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." (This definition applies only with respect to flood hazard regulations.)

(AD) SUBSTANTIAL IMPROVEMENT. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which 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 actual repair work performed. The term does not, however, include either: (1) any project for improvement of a structure to comply with existing state and local health, sanitary, or safety code specifications which have been identified by the Enforcement Officer 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 damage prevention regulations.)

2-1.7 General

(A) ADDRESS. The official street number assigned by the Jurisdiction for a specific lot, building or portion thereof.

(B) 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 air freight or passengers.

(C) ASSEMBLY. A joining together of completely fabricated parts to create a finished product.

(D) ATHLETIC FIELD. Outdoor sites, often requiring equipment, designed for formal athletic competition in field sports (e.g. softball, soccer, football).

(E) AUTO WRECKING. A person that provides open storage, disassembling, or salvaging for more than two (2) junked motor vehicles.

(F) 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.

(G) 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.

(H) BASEMENT. A story of a building or structure having one-half or more of its clear height below grade.

(I) 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.

(J) BLOCK. The land lying within an area bounded on all sides by streets.

(K) BOARD OF ADJUSTMENT. A quasi-judicial body, appointed by the Governing Body, that is given certain powers under this Ordinance.

(L) BOARDING HOUSE. A dwelling or part thereof, in which lodging is provided by the owner or operator to more than three (3) boarders.

(M) 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.

(N) 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.

(O) 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.

(P) CERTIFICATE OF COMPLIANCE/OCCUPANCY. A statement, signed by the Enforcement Officer, 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.

(Q) 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.

(R) 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.

(S) COUNTY. Refers to Guilford County, North Carolina.

(T) 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 dripline.

(U) 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.

(V) 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.

(W) DEVELOPER. A person engaging in development.

(X) 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.

(Y) 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.

(Z) DORMITORY, PRIVATE. A multiple unit residential accommodation which is established directly or indirectly in association with a college, business college, trade school or university, for the purpose of housing students registered and attending such as institution. A private dormitory may contain food preparation and eating facilities primarily for the use of its occupants.

(AA) DRIPLINE. A vertical line extending from the outermost portion of a tree's canopy to the ground.

(AB) 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 Guilford County Code, entitled "Ordinance Regulating Adult Oriented Establishments," as amended.

(AC) FAMILY. One (1) or more persons occupying a dwelling unit and living as a single household.

(AD) 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.

(AE) FENCE. A physical barrier or enclosure consisting of wood, stone, brick, block, wire, metal or similar material, used as a boundary or means or protection or confinement, but not including a hedge or other vegetation.

(AF) 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.

(AG) FLYING FIELD, PRIVATE (accessory use). A private airstrip used for individual aircraft take off 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 aRe requirements of Section 4–5.4; and 4)that cannot be used or operated as a commercial airport.

(AH) GRADE, FINISHED. The final elevation of the ground surface after development.

(AI) GRADE, NATURAL. The elevation of the ground surface in its natural state before man-made alterations.

(AJ) GREENWAY. Public open space owned and maintained by the local government which has been designated on an officially adopted greenway plan.

(AK) 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.

(AL) 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.

(AM) 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.

(AN) 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.

(AO) 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.

(AP) 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 Guilford County Code and with all zoning and Special Use Permit requirements of this Ordinance.

(AQ) 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.

(AR) 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, wood and uncontaminated earth. Disposal of any other types of wastes must be approved by the State Division of Health Services.

(AS) 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 and be in operation one (1) year or less.

Any disposal site not meeting all the requirements listed above shall be considered a Major Land Clearing and Inert Debris (LCID) Landfill.

(AT) LANDFILL, SANITARY/SOLID WASTE. A site for solid waste disposal from residential, industrial or commercial activities.

(AU) 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.

(AV) 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.

(AW) MIXED DEVELOPMENT. A mixture of residential and permitted office and/or commercial uses in the GB, HB, SC, and CP Districts.

(AX) MOTOR VEHICLE, BUSINESS AND PERSONAL USE OF. A motor vehicle used for transportation at least once every seven (7) days.

(AY) 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 of 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.

(AZ) 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.

(BA) 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.

(BB) 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.

(BC) 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.

(BD) 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.

(BE) OWNER. A holder of any legal or equitable estate in the premises, whether alone or jointly with others, and whether in possession or not.

(BF) 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.

(BG) PLANNED UNIT DEVELOPMENT. An area of land under unified ownership or control to be developed and improved as a single entity under a Unified Development Plan in accordance with and subject to the requirements of this Ordinance.

(BH) PLANNING DEPARTMENT. The Planning and Development Department of Guilford County.

(BI) PLAT. A surveyed map or plan of a parcel of land which is to be, or has been subdivided.

(BJ) 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.

(BK) 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.

(BL) 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.

(BM) PRIVATE SEWER. A system which provides for collection and/or treatment of wastewater from a development, or property, and which is not maintained with public funds.

(BN) PRIVATE WATER. A system which provides for the supply and/or distribution of potable water for use by a development, project, or owner, and which is not operated or maintained by a government organization or utility district.

(BO) PUBLIC SEWER. 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.

(BP) PUBLIC WATER. 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

(BQ) 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.

(BR) 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.

(BS) 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.

(BT) RECYCLING COLLECTION POINT. An incidental use that serves as a neighborhood drop-off point for temporary storage of recoverable resources.

(BU) 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.

(BV) 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.

(BW) ROOF LINE. The top edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.

(BX) SALVAGE YARD, AUTO PARTS. Any establishment listed in the Standard Industrial Classification Manual under Industry Number 5015. Also, any land or area used, in whole or part, for the storage, keeping, accumulation, dismantling, demolition, or abandonment of inoperable vehicles or parts therefrom.

(BY) 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.

(BZ) 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.

(CA) 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;
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 plan 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).

(CB) 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...

(CC) SOIL SCIENTIST. The Soil Scientist of Guilford County or his designated agents(s).

(CD) SOLID WASTE. Garbage, refuse and other discarded solid materials.

(CE) SUBDIVIDER. Any person who subdivides land.

(CF) SUBDIVISION. All divisions of a tract or parcel of land into two (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 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;

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 dedication is involved, and if the resultant lots are equal to or exceed the standards of this Ordinance.

(CG) 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.

(CH) SUBDIVISION, MINOR (PRIVATE). A subdivision involving not more than four lots, all or some of which may have access on a private lane.

(CI) 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.

(CJ) 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.

(CK) SWIMMING POOL, NONPERMANENT. A swimming pool that is so constructed that it may be readily disassembled for storage and reassembled to its original integrity.

(CL) TENANT. Any person who alone, or jointly, or severally with others, or occupies a building under a lease or holds a legal tenancy.

(CM) TOURIST HOME. A private residence in which accommodations are provided for lodging and may include meals for overnight guests for a fee.

(CN) 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.

(CO) UNDERSTORY TREE. A species of tree which normally grows to a mature height of fifteen (15) to thirty-five (35) feet in height.

(CP) 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.

(CQ) USE, MIXED. Occupancy of building or land by more than one use.

(CR) 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.

(CS) USE(S), PRINCIPAL. The primary purpose or function that a lot or structure serves or is proposed to serve.

(CT) VARIANCE. Official permission from the Board of Adjustment to depart from the requirements of this Ordinance.

(CU) WAIVER. Official permission from any designated body, other than the Board of Adjustment, to depart from the requirements of this Ordinance.

(CV) WALL, RETAINING. A structure, either masonry, metal, or treated wood, designed to prevent the lateral displacement of soil, rock, fill or other similar material.

(CW) 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.

(CX) 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.

2–1.8 Hazardous Waste

(A) DISPOSAL (OF HAZARDOUS OR TOXIC SUBSTANCE(S)). The destruction, discharge, deposit, injection, dumping, spilling, leaking, or placing of any hazardous waste or toxic substance into or on any air, land, or water.

(B) DISPOSAL FACILITY. A facility or part of a facility at which hazardous waste or toxic substance is intentionally placed into or on any land or water, and at which hazardous waste or toxic substance will remain after closure.

(C) HAZARDOUS WASTE GENERATOR. Any person whose act or process produces hazardous waste or toxic substance identified or listed in Part 261 of the North Carolina Hazardous Waste Management Rules, or whose act first causes a hazardous waste or toxic substance to become subject to regulation, provided that "generator" does not include a facility which accepts hazardous waste or toxic substances for the purpose of treatment, storage, or disposal, and in that process creates a different hazardous waste or toxic substance.

(D) HAZARDOUS OR TOXIC SUBSTANCE. Any solid waste as defined in NCGS 130A–290(18), or any substance regulated under the Federal Toxic Substance Control Act of 1976, (PL 94–476), as amended from time to time, which because of its quantity, concentration, or physical chemical or infectious characteristic(s) may: 1.) cause or significantly contribute to an increase in serious irreversible or incapacitating illness, or; 2) pose a substantial present or potential threat to the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

(E) HAZARDOUS WASTE LONG–TERM STORAGE FACILITY. Any facility or any portion of a facility constructed for storage of the residuals of the treatment of hazardous waste, on or in land.

(F) HAZARDOUS WASTE MANAGEMENT. The systematic control of the collection, source separation, storage, transportation, processing, treatment, recovery and disposal of hazardous wastes.

(G) HAZARDOUS WASTE TREATMENT FACILITY. A facility which is established and operated for the recovery, recycling, treatment, storage during collection and prior to treatment, short–term storage after treatment, collection, processing, volume reduction, source separation, or transportation used exclusively in connection with the facility, of hazardous waste; and which facility includes several of the following

equipments and processes: incinerators, rotary kilns, drum handling, washing and crushing facilities, raw waste tank storage, reduction, neutralization, detoxification, wastewater treatment facilities, including settling systems, aerobic digesters, anaerobic digesters, clarifiers, neutralization facilities, solidifying facilities, evaporators, reactions to facilitate "reuse" or recycling, analytical capabilities, and other similar appropriate technologies, activities and processes as may now exist or be developed in the future.

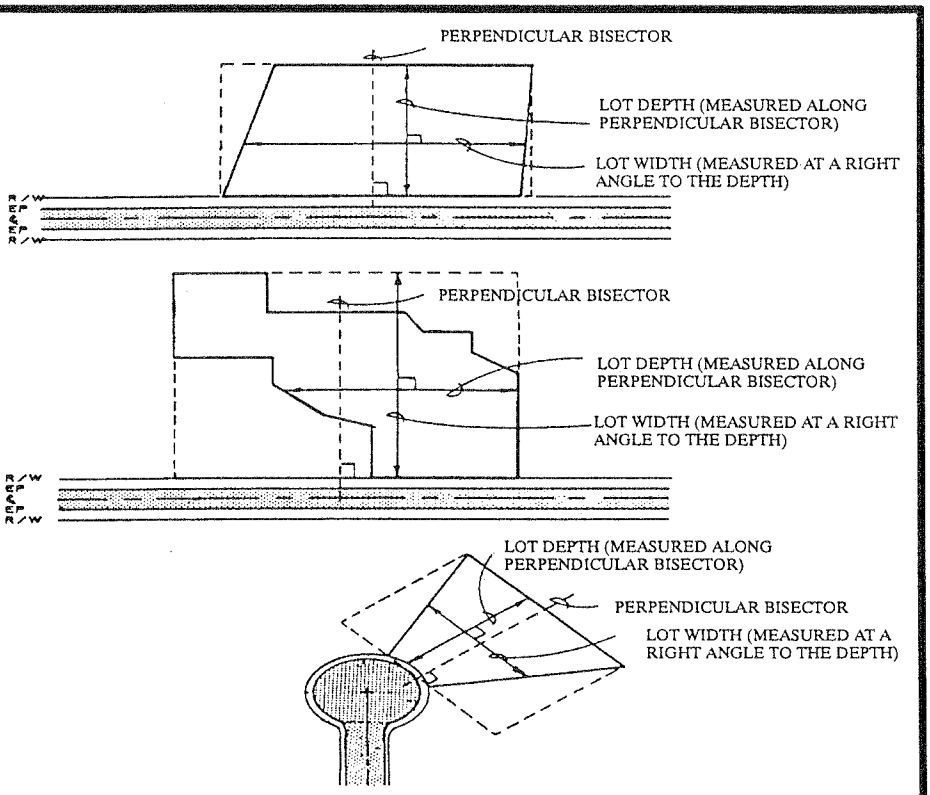
(H) LONG-TERM RETRIEVABLE STORAGE OF HAZARDOUS WASTE. The storage in closed containers in facilities (either above or below ground) with adequate lights; impervious cement floors; strong visible shelves or platforms; passageways to allow inspection at any time; adequate ventilation if underground or in closed buildings; protection from the weather; accessible to monitoring with signs on both individual containers and sections of storage facilities; and adequate safety and security precautions for facility personnel, inspectors and invited or permitted members of the community.

2-1.9 Lot

(A) BUILDABLE OR ZONE LOT. 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.

(B) CORNER LOT. A lot abutting two (2) or more streets at their intersection.

(C) FLAG LOT. A lot, created by a subdivision, with less street frontage than is required by Article IV (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.



* Enclose the lot in the smallest possible square or rectangle.
* Draw a perpendicular bisector through the square or rectangle.
* The lot depth is measured along the perpendicular bisector.
* The lot width is measured at a right angle to the lot depth.

Figure 2-C
MEASUREMENT OF LOT DEPTH AND LOT WIDTH
NO SCALE

(D) 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."

(E) LOT COVERAGE. The portion of a lot covered by buildings(s) and/or structure(s)

(F) LOT DEPTH. The distance measured along the perpendicular bisector of the smallest possible rectangle enclosing the lot. See Figure 2–C.

(G) 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.

(H) LOT WIDTH. The mean width measured at right angles to its depth at the building line. See Figure 2–C.

(I) REVERSE FRONTAGE LOT. A through lot which is not accessible from one of the parallel or non–intersecting streets upon which it fronts.

(J) THROUGH LOT. A lot abutting two (2) streets that do not intersect at the corner of the lot.

(K) TOWNHOUSE LOT. 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.

2–1.10 Setback – See Figure 2–D.

(A) INTERIOR SETBACK. A setback from any property line not alongside a street.

(B) STREET SETBACK. Any setback from a street, road, or lane.

(C) REAR SETBACK. A setback from an interior property line lying on the opposite side of the lot from the front street setback.

(D) SETBACK. The minimum required horizontal distance between a structure or activity and the property line, street right–of–way line, or street centerline.

(E) SIDE SETBACK. Any interior property line setback other than a rear setback.

(F) ZERO SIDE SETBACK. 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.

2–1.11 Signs – See Figure 2–E.

(A) ANIMATED SIGN. Any sign which flashes, revolves, rotates or swings by mechanical means, or which uses a change of lighting to depict action, or to create a special effect or scene.

(B) 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.

(C) 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.

(D) 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.

(E) CANOPY SIGN. 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.

(F) 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.

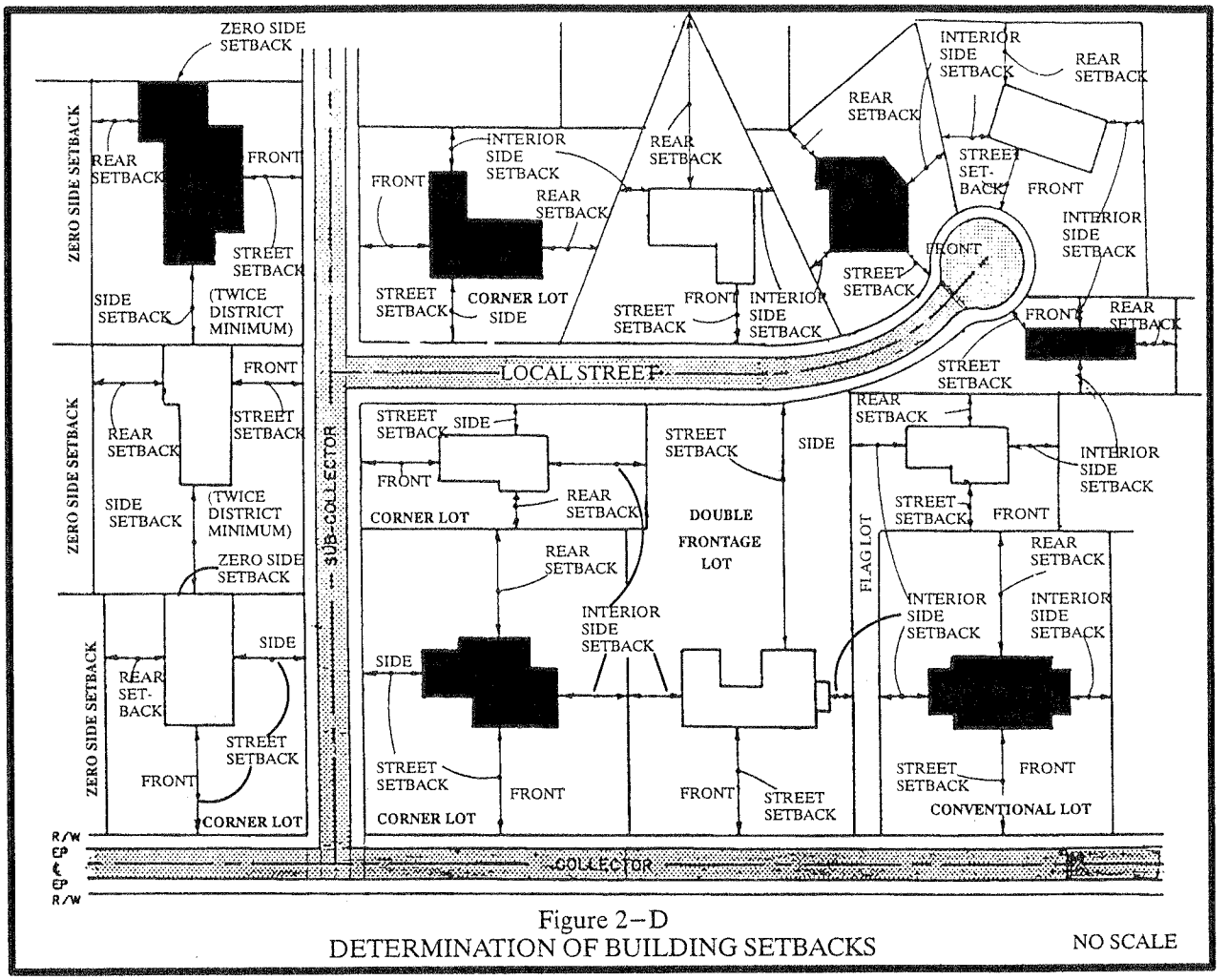


Figure 2–D
DETERMINATION OF BUILDING SETBACKS NO SCALE

(G) DIRECTIONAL SIGN. Any sign with no commercial message that indicates the direction to churches, hospitals, colleges and similar institutional uses.

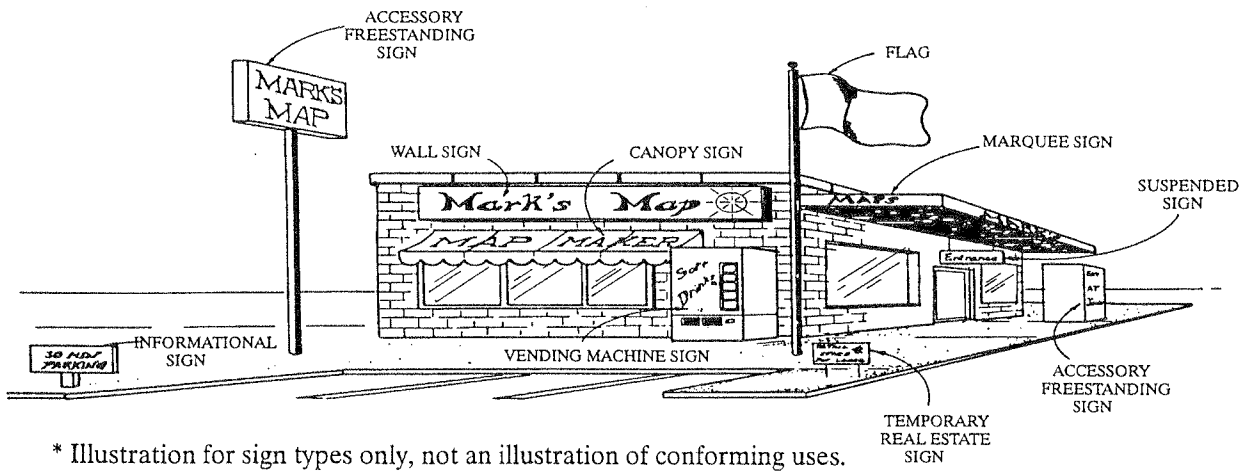
(H) ELECTRONIC CHANGEABLE COPY SIGN. A sign on which the copy changes automatically on a lampbank, such that the message or display does not run continuously in the travel mode, and any message or display remains stationary for a minimum or one (1) second on streets where the speed limit is fifty–five (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.

(I) FLASHING SIGN. A type of animated sign which contains an intermittent, blinking, scintillating, or flashing light source, or which includes the illusion of intermittent or flashing light, or an externally mounted intermittent light source. An electronic changeable copy sign is not a flashing sign.

(J) FREESTANDING SIGN. Any sign which is supported by structures or supports which are placed on, or anchored in the ground, and which structures or supports are independent from any building or other structure.

(K) GOVERNMENTAL SIGN. Any sign erected by or on behalf of a governmental body to post a legal notice, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic.

(L) IDENTIFICATION SIGN. 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.



* Illustration for sign types only, not an illustration of conforming uses.

Figure 2–E
TYPES OF SIGNS

(M) INFORMATION BOARD. Signs which display messages in which the copy may be arranged or rearranged by hand.

(N) INSTRUCTIONAL SIGN. 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.

(O) MARQUEE. Any permanent roof–like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

(P) MARQUEE SIGN. Any sign attached to, in any manner, or made a part of a marquee.

(Q) MULTI–TENANT BUILDING. A building that is used for two or more occupancies, provided each occupancy is separated by construction having fire–resistive ratings in compliance with the NC Building Code.

(R) NONCONFORMING SIGN. 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.

(S) 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

(T) PLAYBILL. Any sign announcing entertainment offered, or to be offered, at a business location on the site where the sign is displayed

(U) PORTABLE SIGN. 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.

(V) PROJECTING SIGN. Any sign which is end mounted or otherwise attached to an exterior wall of a building which forms an angle with said wall.

(W) ROOF SIGN. 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.

(X) 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, tradenames, insignias, numerals, figures, design, symbols, fixtures, colors, illumination or projected images, or any other attention directing device.

(Y) 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.

(Z) 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.

(AA) SUSPENDED SIGN. A sign which is suspended from the underside of a horizontal plane surface and is supported by such surface.

(AB) TEMPORARY SIGN. Any sign that is displayed for a limited period of time and is not permanently mounted.

(AC) 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.

(AD) VEHICLE SIGN. 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.

(AE) WALL SIGN. 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.

(AF) WARNING SIGN. Any sign with no commercial message that displays information pertinent to the safety or legal responsibilities of the public such as signs warning or high voltage, "no trespassing," and similar directives.

(AG) WINDOW SIGN. 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 or glass and which is visible from the exterior of the window.

2–1.12 Streets, Drives, and Lanes – See Figure 2–F. (The numbers in parenthesis indicate the street classification, with "1" being the highest and "9" being the lowest.

(A) ALLEY. A roadway which affords only a secondary means of access to abutting property.

(B) 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.

(C) COLLECTOR STREET (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.

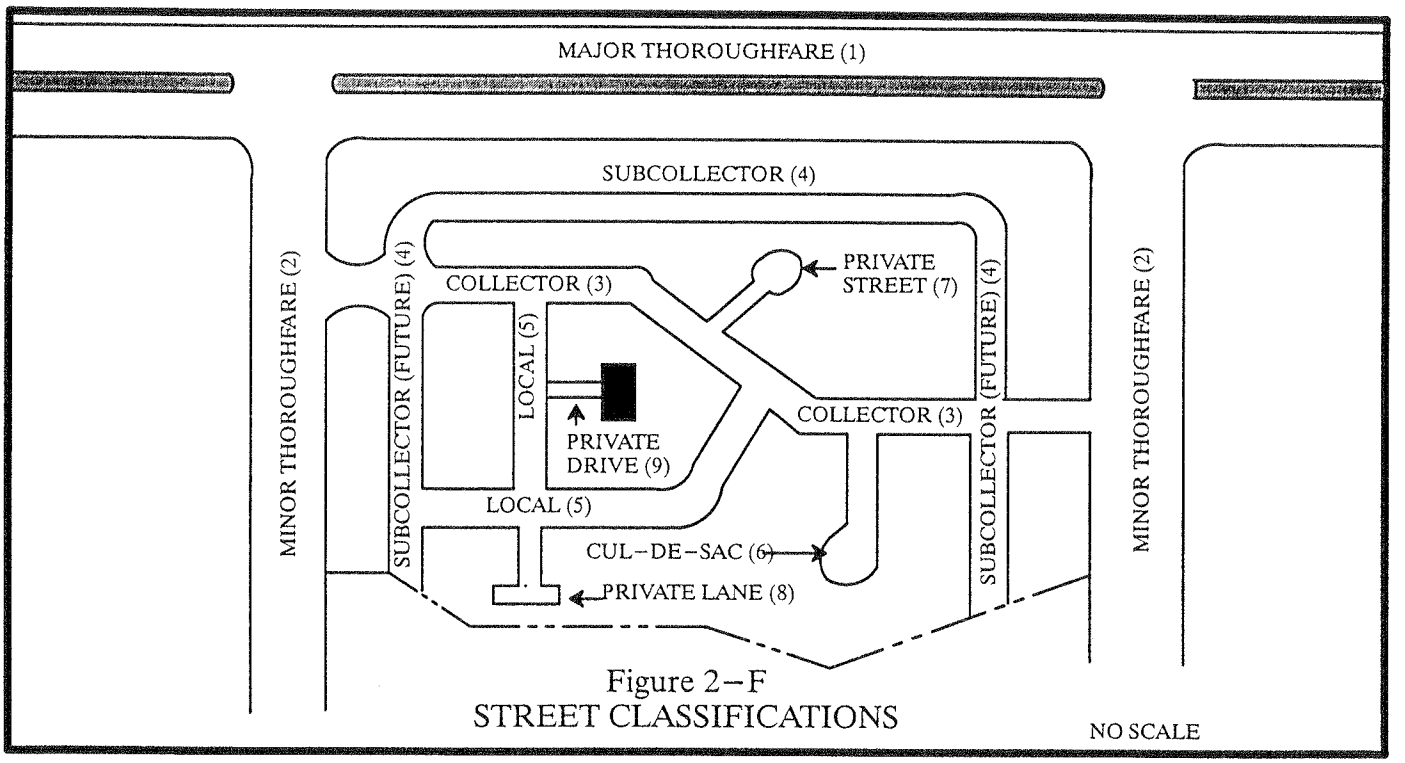


Figure 2-F
STREET CLASSIFICATIONS

NO SCALE

(D) CUL-DE-SAC STREET (6). A short local street having one end open to traffic and the other end permanently terminated by a vehicular turnaround.

(E) LOCAL STREET (5). A street whose primary function is to provide access to abutting properties.

(F) MAJOR THOROUGHFARE STREET (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.

(G) MINOR THOROUGHFARE STREET (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.

(H) PRIVATE DRIVE (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.

(I) PRIVATE LANE (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.

(J) PRIVATE STREET (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.

(K) PUBLIC STREET. 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.

(L) 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.

(M) SUBCOLLECTOR STREET (4). A street whose principal function is to provide access to abutting properties, but which is also designed to be used or is used to connect local streets with collector or higher classification streets.

(N) THOROUGHFARE PLAN. A plan adopted by the Governing Body 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.

2–1.13 Historic Districts

(A) CONTRIBUTING STRUCTURE. A structure listed as historically and architecturally significant in the OAK RIDGE DESIGN GUIDELINES.

(B) NONCONTRIBUTING STRUCTURE. A structure listed as not historically and architecturally significant in the OAK RIDGE DESIGN GUIDELINES.

(C) MINOR WORK. Work activities which do not result in a substantial or irreversible alteration to the general exterior appearance of a structure , its grounds, or site when viewed from the street right of way; therefore not requiring design review by the Historic Preservation Commission, but requiring approval of a Certificate of Appropriateness by the Enforcement Officer.

(D) MAJOR WORK. Work activities which could result in a substantial or irreversible alteration to the general exterior appearance of a structure, its grounds or site when viewed from the street right of way; therefore, requiring design review and approval of a Certificate of Appropriateness by the Historic Preservation Commission

(E) ROUTINE MAINTENANCE. Work activities not already listed under minor or major work and which include ordinary repair and replacement when there is no change in the design, materials, or general exterior appearance of a structure, its grounds or a site when viewed from the street right–of–way; therefore, not requiring design review or application for a Certificate of Appropriateness.

2–2 DEFINITION INDEX

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ARTICLE III

PERMITS AND PROCEDURES

3–1 PERMIT REQUIRED

No person shall undertake any development activity subject to this Ordinance without first obtaining a permit from the Enforcement Officer(s).

3–2 PERMIT EXEMPTIONS

3–2.1 Building Permit Exemptions

The following are exempt from building permit requirements:

(A) Farm buildings (other than residences) for farm use;

(B) Facilities for storing, handling and utilizing liquified petroleum gases for fuel and anhydrous ammonia or other liquid fertilizers; but not including tanks and tank farms;

(C) Facilities of a public utility or an electric or telephone membership corporation (except buildings);

(D) Accessory buildings with no horizontal dimension greater than twelve (12) feet; and

(E) Federal or State owned buildings.

3–2.2 Grading Permit Exemptions

The following land–disturbing activities are exempt from grading permit requirements:

(A) For the purpose of fighting fires;

(B) For the stock piling of raw or processed sand, stone, or gravel in material processing plants and storage yards, provided that sediment control measures have been utilized to protect against off–site damage;

(C) Areas that do not exceed one (1) acre in surface area. In determining the area, lands under one or diverse ownership being developed as a unit shall be aggregated;

(D) Those undertaken on agricultural land for the production of plants and animals useful to man, including but not limited to: forage and sod crops, grain and feed crops, tobacco, cotton and peanuts; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules or goats, including the breeding and grazing of any or all such animals; bees and aviary products; fur animals;

(E) Those undertaken on forest land for the production and harvesting of timber and timber products and which are conducted in accordance with Forest Practice Guidelines Related to Water Quality (best management practices) as adopted by the North Carolina Department of Environment, Health and Natural Resources (DEHNR). If land–disturbing activity undertaken on forestland for the production and harvesting of timber and timber products is not conducted in accordance with Forest Practice Guidelines Related to Water Quality, the provisions on this Ordinance shall apply to such activity and any related land–disturbing activity on the tract;

(F) Mining activity undertaken by persons as defined in NCGS 113A–52(8) who are otherwise regulated by the provisions of The Mining Act of 1971, NCGS 74–46 through 74–68; and

(G) Land–disturbing activity over which the State has exclusive regulatory jurisdiction as provided in NCGS 113A–56(a).

3–2.3 Sign Permit Exemptions

No sign permit shall be required for signs exempted by Section 6–1 (Sign Regulation).

3–3 PERMIT APPLICATIONS

3–3.1 General Requirements

(A) Submission: Unless otherwise specified, all applications for permits under this Ordinance shall be submitted by the owner of the property or the authorized agent of such owner. The Enforcement Officer may require reasonable proof of agency from any person submitting an application as an agent.

(B) Form of Submission: An application for any permit under this Ordinance shall be submitted in such form, number of copies and format as required by Appendix 3 (Table of Required Information for Obtaining a Permit), together with such fees as required.

(C) Waiver of Submission Requirements: The Enforcement Officer may waive submission of required elements of information when in his opinion such information is otherwise available or is not necessary to review the application. The Enforcement Officer may refuse to process an incomplete application.

(D) Processing: All applications for permits shall be submitted, reviewed and processed in accordance with the requirements of this Ordinance.

(E) Approved Plans: A copy of required plans or information submitted with the application shall be returned to the applicant after the Enforcement Officer has marked the copy either approved or disapproved and attested to same. A similarly marked copy shall be retained by the Enforcement Officer.

(F) Improvement Permit and Authorization to Construct Required: A permit for any building or use for which a State or County Health Department Improvement Permit for installation of a well and/or an Improvement Permit/Authorization to Construct a new sewage disposal system is required shall not be issued until such Improvement Permit or Authorization to Construct has been issued by the State or County Health Department.

(G) Conformance with "Airport Overlay District": The Enforcement Officer shall not issue a building, sign, or use/location permit or Certificate of Occupancy for any building or sign not in conformity with the provisions of the "Airport Zoning Overlay District," except upon written order of the Board of Airport Zoning Appeals.

3–3.2 Building, Sign, Use/Location Permits

Application for a building, sign, and use/location permits shall be made to the Enforcement Officer.

3–3.3 Event Permit

(A) Application: Application for an event permit shall be made to the Enforcement Officer at least three (3) working days prior to the start of the event.

(B) Permit Required: An event permit shall be obtained for non–permanent facilities and activities which will have a duration more than three (3) days but not more than thirty (30) days. Examples of this type of event uses are: a carnival, a turkey shoot, a revival or similar activity conducted on a short term basis. Turkey shoots may have a duration not to exceed ninety (90) days. Refer to Section 6–4 (Development Standards) for additional requirements for Turkey Shoots.

(C) Purpose of Permit: The purpose of this permit will be to authorize a specific use for a defined period of time; and to coordinate health, traffic, and other code specific inspections necessary to the safe and healthful operation of the event.

(D) Permit Issuance: The event permit shall not be issued until evidence is shown that the following conditions have been or will be complied with:

1) Ample off–street parking shall be provided for the event, in addition to required parking for the use or uses located at the event site;

2) The owner of the property where the event is to be held, or his agent, shall provide to the Enforcement Officer written authorization that the event may take place on the property;

3) An event held outside of a building and within five hundred (500) feet of any residence shall cease operation by 10:00 p.m;

4) Noise shall be controlled so that no adjoining property owner or occupant is unduly disturbed by the event; and

5) Licenses and/or permits required by other agencies shall be obtained prior to the issuance of the event permit.

(E) Maximum Number of Permits: No more than three (3) permits may be issued on the same property for the same event in any one calendar year.

3–3.4 Grading Permit

Application for a grading permit shall be made to the Enforcement Officer, in accordance with provisions of Section 7–4 (Soil Erosion and Sedimentation Control). A Certificate of Erosion Control Performance is required in accordance with Section 3–8.3.

3–3.5 Floodplain Development Permit

Application for a Floodplain Development Permit shall be made to the Enforcement Officer on appropriate forms prior to any development activities, and shall include, but not be limited to the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

(A) Where base flood elevation data is provided in accordance with Article 7–5.3(B), the application for a Floodplain Development Permit shall show:

1) The elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures, and
2) If a nonresidential structure has been floodproofed in accordance with Article 7–5.6,(B)2), the elevation (in relation to mean sea level) to which the structure was floodproofed.

(B) Base Flood Elevation not Provided: Where base flood elevation data are not provided, the application for a development permit must show construction of the lowest floor at least two (2) feet above the highest adjacent grade.

(C) Watercourse Alteration or Relocation: Where any watercourse will be altered or relocated as a result of proposed development in a flood hazard area, the application for a development permit shall include: a description of the extent of watercourse alteration or relocation; a report certified by a registered professional engineer on the effects of the proposed project on the flood–carrying capacity of the watercourse and the effects on properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation.

(D) Certificate Required: A floor elevation or flood–proofing certificate is required in accordance with Section 3–8.4. When a nonresidential structure is floodproofed, the applicant shall provide a certificate from a registered professional engineer or architect that the nonresidential floodproofed structure meets the floodproofing criteria.

(E) Temporary Structure: Prior to the issuance of a floodplain development permit for a temporary structure, the following requirements must be met:

1) All applicants must submit to the Enforcement Officer a plan for the removal of such structure(s) in the event of a hurricane or flash flood notification. The plan must include the following information:

a) The name, address and phone number of the individual responsible for the removal of the temporary structure;

b) The time frame prior to the event at which a structure will be removed;

c) A copy of the contract or other suitable instrument with a trucking company to insure the availability of removal equipment when needed; and

d) Designation, accompanied by documentation, of a location outside the floodplain to which the temporary structure will be moved.

(F) Accessory Structure: When accessory structures (sheds, detached garages, etc.) with a value of three thousand dollars ($3,000) or less are to be placed in the floodplain, the following criteria shall be met:

1) Accessory structures shall not be used for human habitation;

2) Accessory structures shall be designed to have low flood damage potential;

3) Accessory structures shall be firmly anchored in accordance with Section 7–5.6; and

4) Section facilities, such as electrical and heating equipment, shall be elevated in accordance with Section 7–5.6.

3–4 PERMIT ISSUANCE

3–4.1 Permit Sequence

(A) Order of Review and Issuance: The order of permit issuance shall be as follows:

1) A Grading Permit may be issued in advance of other permits and plan approvals, except watershed development plans;

2) If required, a Health Department Improvement Permit/Authorization to Construct for well or septic, driveway permit, sewer and water construction plans, site or plot plan, and watershed development plan shall be issued, approved, or authorized prior to issuance of a building, sign, use, location or occupancy permit.

(B) Recordation of Final Plats: Recordation of Final Plats may be deferred on group development projects and projects in excess of fifty thousand (50,000) square feet of gross floor area. A Certificate of Occupancy may not be issued until all platting requirements are met.

(C) Phasing of Projects: Phased projects may be occupied in phases as long as compliance is achieved in each phase, and access and other requirements are met.

(D) Permits Prior to Final Plan Approval: The Enforcement Officer may issue permits for model homes, temporary construction trailers, safety structures, and other customary construction mobilization structures prior to site plan and final plat approval.

(E) Concurrent Review: Review of plans may be concurrent.

3–4.2 Fees

The Governing Body may establish a Schedule of Fees, charges and expenses, and a collection procedure, for building permits, sign permits, use/location permits, conditional use and special use permits, grading permits, variances, waivers, appeals and other matters pertaining to this Ordinance. No permit, certificate, variance etc. shall be issued unless or until such costs, charges, fees, or expenses as established, have been paid in full, nor shall any action be taken on proceedings before the administrative board authorized by this Ordinance unless or until charges and fees have been paid in full.

3–5 PERMIT APPEALS

3–5.1 Permit Denial

Any owner or occupant who has been denied a permit may appeal the denial by giving notice of appeal in writing to the Enforcement Officer within (15) days, in accordance with Section 9–8 (Appeals).

3–5.2 Appellant Body

An appeal from permit denial shall be made to the appropriate body in accordance with Section 9–8 (Appeals).

3–6 INSPECTIONS AND INVESTIGATIONS

3–6.1 Periodic Inspections

The Enforcement Officer shall have the right, upon presentation of proper credentials, or inspection warrant if necessary, to enter on any premises within the jurisdiction of the Governing Body at any reasonable hour for the purposes of inspection, determination of plan compliance or other enforcement action.

3–6.2 Investigation

The Enforcement Officer shall have the power to conduct such investigation as he may reasonably deem necessary to carry out his duties as prescribed in this Ordinance, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigating and inspecting the sites of any complaints or alleged violations of this Ordinance.

3–6.3 Written Statements

The Governing Body or its agent shall also have the power to require written statements, certificates and certifications or the filing of reports under oath, with respect to pertinent questions relating to complaints or alleged violations of this Ordinance.

3–7 PERMIT EXPIRATION

3–7.1 Building, Sign, Use/Location Permit Expiration

(A) Start of Construction: If the work authorized by a building, sign, use, or location permit has not begun within one–hundred and eighty (180) days from the date of issuance thereof, the permit shall be void and a new permit, consistent with all provisions of this Ordinance, shall be required. For purposes of this Section, construction shall be deemed to have begun at the time of completion of an approved foundation inspection.

(B) Permit Continuance: If, after start of construction, the work is discontinued for a period of one (1) year, the permit shall immediately expire. No work authorized by any permit that has expired shall thereafter be performed until a new permit has been secured.

(C) Posting: The building sign, use, or location permit must by posted in a prominent place on the site at all times it is in effect.

3–7.2 Grading Permit Expiration

(A) Expiration: A grading permit shall be valid for one (1) year unless it is revoked by the Enforcement Officer or the grading project is completed and a Certificate of Compliance is issued by the Enforcement Officer within the one (1) year period.

(B) Renewal: The grading permit may be reissued for an additional one hundred eighty (180) day period, if adequately justified, by making a written request to the Enforcement Officer. No permit fee will be required for reissuance of a grading permit; however, the applicable surety shall remain in effect.

(C) Eighteen (18) Month Limit: If grading or protection of the site is not completed within eighteen months, the person conducting the land–disturbing activity shall be required to obtain a new grading permit by following the same procedures whereby the original permit was issued.

(D) Posting: The grading permit must be posted in a prominent place on the site of the land–disturbing activity at all times it is in effect.

3–7.3 Improvements Permit Expiration

(A) Application Expiration: The application and pertinent information prepared as necessary to obtain an Improvements Permit becomes invalid two (2) years from the date of application or expires upon expiration of the Preliminary Plat whichever comes first.

(B) Permit Expiration:

1) Improvements Permits for which a plot plan is provided shall be valid without expiration.

2) Improvements Permits for which a health drawing is provided shall be valid for five (5) years.

3) An Improvement Permit, once approved, may be revoked, pursuant to Section 8–4.6, if there has been alternation of the site or soil conditions, changes to the proposed famility, or document falisification causing revocation of the permit.

3–8 CERTIFICATE REQUIREMENTS

3–8.1 Certificate of Occupancy and Compliance

(A) Certificate of Occupancy Required: No land, building, or sign shall be structurally altered, erected, moved, occupied, or its use changed until a Certificate of Occupancy is issued by the Enforcement Officer. This certificate shall state that the building and/or proposed use thereof complies with the provisions of this Ordinance. Farm uses and buildings, except residences, are exempt from the provisions of this Ordinance outside municipalities.

(B) Nonconforming Use: A Certificate of Occupancy shall be required for the purpose of renewing or altering a nonconforming use.

(C) Certificate of Occupancy Application: A Certificate of Occupancy shall be applied for concurrently with the application for a building, sign, use/location permit.

(D) Issuance: A Certificate of Occupancy shall be issued as soon as practical after completion of construction or alterations of such building or sign after:

1) Inspection by the Enforcement Officer to determine compliance with all applicable provisions of this Ordinance;

2) If required, issuance of an Operations Permit for a septic system or other approved sanitary disposal method by the County or State Health Department;

3) Compliance with all applicable provisions of related health, building, and fire codes.

(E) Certificate of Occupancy and Compliance: A Certificate of Occupancy may also serve as a Certificate of Compliance under the building code, in which case it shall be known as a Certificate of Occupancy and Compliance.

3–8.2 Temporary Certificate

A Temporary Certificate of Occupancy may be issued by the Enforcement Officer 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 Temporary Certificate of Occupancy may be for a time period as the Enforcement Officer deems appropriate to complete the work, but not to exceed one hundred eighty (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 Temporary Certificate of Occupancy.

(C) Work Incomplete: If the work is not completed within the period of the Temporary Certificate of Occupancy, the Enforcement Officer shall notify the owner. The owner shall cease use of the building and

land immediately and shall not resume such use until a Certificate of Occupancy has been issued. Failure to cease use shall subject the owner or operator to civil penalties and other enforcement actions available under this Ordinance.andCompliance 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.

3–8.3 Certificate of Erosion Control Performance

A Certificate of Erosion Control Performance shall be issued after initial soil erosion and sedimentation control devices have been installed, inspected and certified to be installed and functioning properly in accordance with an approved grading plan. After issuance of a grading permit, grading on the site shall be limited to that required to install soil erosion and sedimentation control devices until the Certificate of Erosion Control Performance is issued.

3–8.4 Certificate of Floor Elevation/Flood Proofing

If the property is located in a flood hazard area, a Certificate of Floor Elevation or Flood Proofing after the lowest floor is completed shall be provided within twenty–one (21) days of establishment of the flood–proofing by whatever construction means. It shall be the duty of the permit holder to submit to the Enforcement Officer a certificate of the elevation of the lowest floor, flood–proofed elevation, or the elevation of the bottom of the horizontal structural members of the lowest floor, whichever is applicable, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When flood–proofing is utilized for a particular building, said certification shall be prepared by or under direct supervision of a professional engineer or architect and certified by same. Any work done within the twenty–one (21) day period and prior to submission of the certification shall be at the permit holder's risk. The Enforcement Officer shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make corrections required hereby shall be cause to issue a stop–work order for the project.

3–8.5 Certificate of Appropriateness

A Certificate of Appropriateness shall be required for all activities specified in Section 4–11.1 (Historic District Overlay) whether a building permit is otherwise required or not.

3–8.6 Record

A record of all certificates shall be kept on file by the Enforcement Officer.

3–8.7 Construction and Use

Construction and use as provided in the Certificate of Occupancy, building permit, use/location permit, sign permit or grading permit issued on the basis of approved plans or applications authorizes only the use, arrangement, and construction set forth in such approved plans or applications. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation.

3–9 DEDICATION OR RESERVATION OF RIGHT–OF–WAY

3–9.1 Dedication of Right–of–Way with Density Transfer

Whenever a tract of land located within the Jurisdiction is proposed for subdivision or for use pursuant to a special use permit, and a portion of it is embraced within a corridor for a street or highway on a plan established and adopted pursuant to NCGS 136–66.2, the Jurisdiction may provide for the dedication of right–of–way within that corridor pursuant to any applicable legal authority, or:

1) The Jurisdiction may require an applicant for subdivision plat approval or for a special use permit, or for any other permission pursuant to a land use control ordinance authorized by local act to dedicate for street or highway purpose, the right–of–way within such corridor if the Jurisdiction allows the applicant to transfer density credits attributable to the dedicated right–of–way to contiguous land owned by the applicant. No dedication of right–of–way shall be required pursuant to this Section unless the board or

agency granting final subdivision plat approval or the special use permit, or permission shall find, prior to the grant, that the dedication does not result in the deprivation of a reasonable use of the original tract and that the dedication is either reasonably related to the traffic generated by the proposed subdivision or use of the remaining land or the impact of the dedication is mitigated by measures provided in this Ordinance.

2) If the Jurisdiction does not require the dedication of right-of-way within the corridor pursuant to subsection 1) of this Section or other applicable legal authority, but an applicant for subdivision plat approval or a zoning or building permit, or any other permission pursuant to land use control ordinance authorized by local act elects to dedicate the right-of-way, the Jurisdiction may allow the applicant to transfer density credits attributable to the dedicated right-of-way to contiguous land that is part of a common development plan.

3-9.2 Reservation of Right-of-Way Through Official Roadway Corridor Maps

(A) Authority: Under the authority granted by NCGS 136-2E Governing Bodies or NC Department of Transportation may from time to time adopt, amend, supplement, or change a roadway corridor official map for any streets or roadways identified on the adopted Thoroughfare Plan.

(B) Effect of Roadway Corridor Official Map

1) After a roadway corridor official map is filed with the Register of Deeds, no building permit shall be issued for any building or structure or part thereof located within the roadway corridor, nor shall approval of a subdivision, as defined in Article V (Subdivisions: Procedures and Standards), be granted with respect to property within the roadway corridor. The provisions of this Section shall not apply to valid building permits issued prior to the effective date of this Section, or to building permits for buildings and structures which existed prior to the filing of the roadway corridor, provided the size of the building or structure is not increased and the type of building code occupancy as set forth in the NC Building Code is not changed.

2) No application for building permit issuance or subdivision plan approval shall be delayed by the provisions of this Section for more than three (3) years from the date of the original building permit or subdivision plan submittal.

3) Real property that lies within a roadway corridor marked on an official map is designated a special class of property and is taxable at twenty (20%) percent of the general tax rate levied on real property by the taxing unit in which the property is situated if:

a) As of January 1, no building or other structure is located on the property; and

b) The property has not been subdivided, as defined in Article V (Subdivisions: Procedures and Standards), since it was included in the corridor.

3-10 SURETIES OR IMPROVEMENT GUARANTEES

3-10.1 Agreement and Security

(A) Financial Guarantee in Lieu of Immediate Installation for Approval: In lieu of requiring the completion, installation, and dedication of all improvements prior to final plat approval or issuance of the Certificate of Occupancy, the Jurisdiction may enter into an agreement with the developer whereby the developer shall complete all required improvements. Once said agreement is signed by the developer and the security required herein is provided, the final plat may be approved or the Certificate of Occupancy may be issued, if all other requirements of this Ordinance are met. To secure this agreement, the developer shall provide, any or a combination of the following guarantees to cover the costs of the uncompleted improvements;

1) Surety Performance Bond(s)

a) The developer shall obtain a surety bond from a surety bonding company authorized to issue said bonds in North Carolina.

b) The bond shall be payable to the Jurisdiction and shall be in an amount equal to the entire estimated cost as approved by the Jurisdiction, of installing all uncompleted improvements.

2) Cash or Equivalent Security

a) The developer shall deposit cash, an irrevocable letter of credit or other instrument readily convertible into cash at face value, either with the Jurisdiction or in escrow with a financial institution. The use of any instrument other than cash shall be subject to approval of the Jurisdiction. The amount of deposit shall be equal to the entire estimated cost, as approved by the Jurisdiction, of installing all uncompleted improvements.

b) If cash or other instrument is deposited in escrow with a financial institution as provided above, then the developer shall file with the Jurisdiction an agreement between the financial institution and himself guaranteeing the following:

i) that said escrow account shall be held in trust until released by the Jurisdiction and may not be used or pledged by the developer in any other matter during the term of the escrow; and

ii) that in case of a failure on the part of the developer to complete said improvements, the financial institution shall, upon notification by the Jurisdiction immediately pay the funds deemed necessary by the Jurisdiction to complete the improvements, up to the full balance of the escrow account, or deliver to the Jurisdiction any other instruments fully endorsed or otherwise made payable in full to the Jurisdiction.

(B) Duration of Financial Guarantees

1) The duration of a financial guarantee shall be of a reasonable period to allow for completion and acceptance of improvements. In no case shall the duration of the financial guarantee for improvements exceed two (2) years.

2) All developments whose improvements are not completed and accepted fourteen (14) days prior to the expiration of the financial guarantee shall be considered to be in default. Said guarantee may be extended with the consent of the Jurisdiction, if such extension takes place prior to default.

(C) Default

1) Upon default, the surety bonding company or the financial institution holding the escrow account shall, if requested by the Jurisdiction, pay all or any portion of the bond or escrow fund to the Jurisdiction up to the amount deemed necessary by the Jurisdiction to complete the improvements. Upon payment, the Jurisdiction shall expend such funds or portion thereof to complete all or any portion of the required improvements. The Jurisdiction shall return any funds not spent in completing the improvements. Default on a project does not release the developer from liability and responsibility for completion of the improvements.

2) Release of Guarantee Security: The Jurisdiction may release a portion or all of any security posted as the improvements are completed and approved by the Jurisdiction.

3–10.2 Oversized Improvements

The Jurisdiction may require installation of certain oversized utilities or the extension of utilities to adjacent property when it is in the interest of future development. If the Jurisdiction requires the installation of oversized improvements, the Jurisdiction shall reimburse the developer for the oversizing based on the rates set by the Jurisdiction.

3–11 SITE PLAN AND PLOT PLAN PROCEDURES

3–11.1 Applicability

(A) Health Drawing/Plot Plan Required: No building permit for a single–family or two–family dwelling and their accessory(s) on a single lot shall be issued until an Authorization to Construct, if required; and a Plot Plan, prepared in accordance with Appendix 2 (Map Standards), has been approved.

(B) Site Plan Required: No other building permit shall be issued on a lot until a Site Plan, prepared in accordance with Appendix 2 (Map Standards), has been approved for the development. Except that no

new or amended Site Plan shall be required if an adequate Site Plan is already on file, no change in the parking requirements is required, and no increase in built–upon area is proposed or required.

3–11.2 Submission of Site Plans

(A) Timing: Site Plans for review by the Technical Review Committee shall be submitted to the Planning Department at least seven (7) days prior to the next scheduled meeting.

(B) Site Plan Compliance: Site Plans shall contain all applicable information listed in Appendix 2 (Map Standards). The Site Plan shall consist of four sheets: a site layout, a water and sewer utility plan, a conceptual landscaping plan showing planting yard areas, types of plantings (i.e. canopy trees, understory trees, shrubs), and number of plantings, and a grading, erosion control and watershed development plan, if required. Depending on the scale or complexity of the development, any or all of the sheets may be combined. A site layout meeting the requirements of Article V (Subdivision:Procedures and Standards) of this Ordinance may also serve as the preliminary subdivision plat.

(C) Fees: All fees shall be due and payable when the Site Plan is submitted according to the Schedule of Fees.

3–11.3 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; an application for Certificate of Appropriateness; an application for a grading permit, or other applications for approvals required for the particular project.

3–11.4 Site Plan and Plot Plan Approval

(A) Approval of Site/Plot Plan: The Site Plan or Plot Plan shall be approved when it meets all requirements of this Ordinance or proper waivers and/or variances are obtained.

(B) Approval Authority:

1) Site Plans submitted for developments, or additions to existing developments, of less than fifteen thousand square feet (15,000 ft.^{2}) of gross floor area, but not more than eight (8) dwelling units in a single building; or for open uses of land, or expansions of open uses of land, involving less than forty thousand square feet (40,000 ft^2); may be approved by the Planning Department.

2) Site Plans submitted for developments, or additions to existing developments, with fifteen thousand square feet (15,000 ft.^{2}) or more of gross floor area; or for open uses of land, or expansions of open uses of land involving forty thousand square feet (40,000 ft^2) or more; may be approved by the Technical Review Committee.

(C) Action by Technical Review Committee: If the Site Plan is approved, the applicant may proceed with other requirements necessary to obtain a Building Permit. If The Technical Review Committee denies the Site Plan, reasons for the denial shall be stated in writing and the Site Plan may be revised and resubmitted. The Technical Review Committee shall take action within thirty (30) days of reviewing the Site Plan. If the Site Plan is denied or granted conditional approval, or if no action is taken within thirty (30) days by the Technical Review Committee, the applicant may appeal the Site Plan to the Planning Board. The appeal may be made within fifteen (15) days after denial, conditional approval, or lack of action by the Technical Review Committee.

(D) Action by Planning Board: If a Site Plan is appealed to the Planning Board, it shall be scheduled, subject to filing deadlines, to be reviewed at the next regularly scheduled meeting. If the Site Plan is denied, or granted conditional approval, or if no action is taken by the Planning Board, the applicant may appeal the Site Plan to the Governing Body within fifteen (15) days after Planning Board action.

(E) Conditional Approvals: If the Site Plan is granted conditional approval by the Planning Department, Technical Review Committee, Planning Board or Governing Body, the applicant shall revise and resubmit the Site Plan. The Planning Department shall review the revised Site Plan and, if it meets all the approval conditions and is otherwise substantially unaltered, shall signify on the plan the change from conditional approval to approval. If the Site Plan is not revised within sixty (60) days to meet the approval conditions, or the applicant notifies the Planning Department that he is unwilling to revise the Site Plan, it shall be deemed denied.

(F) Expiration of Site Plan or Plot Plan Approval: If construction or development does not begin within two (2) years following site plan or plot plan approval; or is begun within two (2) years and then discontinued for a period greater than one-hundred and eighty (180) days; such approval shall expire, and a new site plan or plot plan must be submitted in accordance with the procedures in this Section.

3-11.5 Street and Utility Construction

(A) Plans: When required street and utility construction plans for all public or private streets, and water, sanitary sewer, and storm sewer facilities shall be submitted to the Jurisdiction 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 that section and being required to serve that section.

(B) 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.

(C) Inspections: Work performed pursuant to approved street and utility construction plans shall be inspected and approved by the appropriate authority.

3-11.6 Runoff Control Structures and Soil Erosion and Sedimentation Control Devices Installation

Any approved permanent runoff control structure(s) and soil erosion and sedimentation control device(s) may be installed prior to approval of street and utility construction plans.

3-11.7 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.

3-12 ZONING MAP AND TEXT AMENDMENTS

3-12.1 General Requirements

(A) Amendments and Modifications: Zoning regulations, restrictions, and zone boundaries as shown on the Official Zoning Map may from time to time be amended, supplemented, changed, modified or repealed according to the provisions of this Ordinance.

(B) Prior Building Permit Approval: Amendments, modifications, supplements, repeal or other changes in zoning regulations and zone boundaries shall not be applicable or enforceable without the consent of the owner with regard to lots for which building permits have been issued, pursuant to state law, prior to the enactment of the ordinance making the change or changes, so long as the permits remain valid and unexpired or not revoked.

(C) Authorized Submission: The Governing Body, any Local Board, Commission or Department or any person who resides or owns property within the zoning jurisdiction of Guilford County may petition for an amendment to this Ordinance.

3-12.2 Requirements for Zoning Map Amendments

(A) General Requirements: Any person authorized to seek an ordinance amendment shall submit an application according to a form provided by the Planning Department, along with other required information pursuant to Appendix 2 (Map Standards) in cases where sketch plans or site plans are required.

(B) Fee: All fees shall be due and payable when the application is made according to the Schedule of Fees.

(C) Filing of Application:

1) No application for rezoning to the same district shall be filed within a one (1) year period from the date of final action on the previous rezoning request (other than a withdrawal, subject to the

provisions of Section 3–12.2(F) Application Withdrawal, prior to the public hearing) on a given parcel of land or portion thereof unless the Planning Board determines that evidence submitted to them merits consideration for a public hearing at their next meeting.

2) A second request for the same parcel of land or portion thereof for a different zoning district may occur within a one (1) year period from final action on the initial request.

3) Under no circumstances may more than two (2) zoning map amendments be filed for rezoning a given parcel of land or any portion thereof within any one (1) year period.

(D) Notification: The posting of signs, publishing of legal notices and other procedures as provided in Article IX (Administration) shall be followed.

(E) Public Hearing: The Planning Board shall hold a public hearing on the application. The Planning Department shall present the application to the Planning Board, together with the Planning Department's recommendations, at the first regularly scheduled meeting following proper filing and notice of the application.

(F) Application Withdrawal:

1) An application for amendment may be withdrawn by the applicant anytime before submission of the public notice to the newspaper announcing the public hearing.

2) After submission of such notice, an application may be withdrawn at the discretion of the Planning Board or Governing Body at the public hearing.

3) No more than two (2) withdrawals may occur on the same parcel of land or portion thereof within a one (1) year period.

4) No application shall be filed on the same parcel of land or portion thereof within a one (1) year period after the date of the second withdrawal.

(G) Continuance: The Planning Board may continue a rezoning request for up to two (2) months provided the reason for said continuance is stated in the motion to continue. Nothing in this Section shall prohibit a continuance being granted for a greater period of time provided it is mutually agreed upon by all parties concerned. Upon failure of the Planning Board to act on a request immediately following all proper continuances, or if no action is taken, the petitioner may take the rezoning application to the Governing Body without a recommendation from the Planning Board.

(H) Voting:

1) A favorable 5/7's vote, from the Planning Board shall constitute final action unless appealed in accordance with Article IX (Administration).

2) Applications receiving less than a 5/7's favorable vote, but a majority favorable vote from the Planning Board members present and voting shall constitute a favorable recommendation of the application and shall be forwarded to the Governing Body.

3) Applications receiving less than a majority favorable vote or unfavorable from the Planning Board shall constitute denial of the application unless appealed in accordance with Section 9–8 (Appeals).

4) Applications receiving less than a 5/7's favorable vote from the Planning Board, appealed applications and their decisions shall be scheduled for a public hearing before the Governing Body.

5) Applications that are denied by the Planning Board and subsequently appealed to the Governing Body shall require a simple majority vote to be approved.

(I) Appeals:

1) Any decision of the Planning Board may be appealed to the Governing Body.

2) Such Appeals shall be made within fifteen (15) days of the decision by filling with the Clerk to the Governing Body a written notice of appeal.

3-12.3 Amendments to the Flood Zoning Map

(A) Authorization to Amend: The location of any floodway zone or floodway fringe zone may be amended in cases where:

1) A flood control project of the federal, state, county or city government has substantially altered the flood hazard;

2) Flood data indicates that the boundaries or either of the zones as shown on the official flood zoning map are no longer correct;

3) A private individual, corporation, firm or governmental agency has submitted plans to the appropriate local authority, state agencies, and the Federal Emergency Management Agency for a channel improvement or relocation or a street or bridge which would affect the location of the existing zone boundaries as shown on the Official Flood Zoning Map. Any development activity requiring as a prerequisite an amendment to the Official Flood Zoning Map shall not be allowed until the amendment to the Official Flood Zoning Map is approved; or

4) Amendment approval is a prerequisite whenever the proposed development or proposed use combined with the allowable encroachment of the floodway fringe and with any previously placed or previously approved encroachment in the floodway will increase the base flood elevation by more than one (1) foot. The increase in base flood elevation due to the allowable encroachment of the floodway fringe is listed in the Floodway Data Table in the Flood Insurance Study prepared by the Federal Emergency Management Agency (FEMA)

(B) Application Process: Application for an amendment to the Official Flood Zoning Map shall be processed in the same manner as an amendment to the official zoning map. The applicant shall be responsible for submitting the proposed amendment and supporting documentation to the Federal Emergency Management Agency (FEMA) for its approval. The application for flood zone map amendments shall be deemed incomplete if not accompanied by a letter of approval from FEMA.

(C) Conformance to State Statutes: The Official Flood Zoning Map and all amendments thereto shall be filed in accordance with NCGS 143-215.56(c).

3-12.4 Requirements for Text Amendments

(A) Submission of Application: Applications to amend the text of this Ordinance shall be submitted to the Planning Department.

(B) MDOC Recommendations: The Planning Department shall refer such applications to the Multi-jurisdictional Development Ordinance Committee (MDOC) for a recommendation. The MDOC shall make its recommendation to the Planning Board within sixty (60) days of said referral.

(C) Planning Board Procedure: Applications for text amendments shall be processed, considered and voted upon in the same procedure as that required for zoning map amendments except that the Planning Board does not have authority to approve a text amendment.

(D) Planning Board Recommendation: The Planning Board shall make a recommendation to the Governing Body concerning the proposed text amendment after receipt of the recommendation from MDOC.

(E) Application Approval: The Governing Body shall approve or disapprove the text amendment after receipt of the recommendation from the MDOC and Planning Board.

(F) Amendments to Soil Erosion and Sedimentation Control Requirements: Guilford County shall incorporate revisions required by the Commission within eight (8) months following receipt of the required revisions. If standards and provisions of this Ordinance currently meet or exceed the required revisions, the Commission shall be so notified within ninety (90) days of their receipt.

(G) Amendments to Water Supply Watershed Regulations: Amendments to the water supply watershed regulations found in this Ordinance are required by G.S. 143–214.5 to be reviewed and approved by the N.C. Environmental Management Commission (EMC). The Planning Department shall refer copies of all amendments upon adoption to the Supervisor of the Classifications and Standards Group, Water Quality Section, N.C. Division of Environmental Management. Amendments to the water supply watershed regulations shall not be effective until approved by the EMC.

3–12.5 Amendments to the Designated Water Supply Watershed Maps

(A) Authorization to Amend: The Water Supply Watershed Maps may be amended in cases where:

1) A new water supply watershed is established;

2) A Watershed Critical Area boundary is changed;

3) A Watershed Critical Area tier line is shifted; or

4) A water supply watershed classification is changed.

(B) Application Process: Applications for Water Supply Watershed Map amendments shall be processed in accordance with the same procedures used for Zoning Map amendments.

3–13 CONDITIONAL USE DISTRICTS AND SPECIAL USE PERMITS

3–13.1 Purpose of Conditional Use Districts

If the regulations and restrictions of a zoning district permitting a proposed use are inadequate to ensure the compatibility of the proposed development with the immediately surrounding neighborhood in accordance with the principles of this ordinance and applicable adopted plans, the property owner may apply for rezoning to a Conditional Use District bearing the same designation as a standard zoning district but subject to additional conditions. The owner shall in such application specify the nature of the proposed development and shall propose conditions to ensure compatibility between the development and the surrounding neighborhood.

3–13.2 General Requirements

(A) Conditional Use District Application: A Conditional Use District application shall be considered only upon request by the property owner(s)

(B) Other Regulations Apply: Within a Conditional Use District, all standards and requirements of the corresponding zoning district shall be met, except to the extent that the conditions imposed are more restrictive than those standards.

(C) Uses Within District: Within an approved Conditional Use District, no use shall be permitted except pursuant to the conditions imposed on the Conditional Use District in the approval of the rezoning.

(D) Conditions: The conditions imposed may limit the uses which are permitted on the property to some one or more use(s) otherwise permitted in the zone. Such conditions may further specify the location on the property of the proposed use, the number of dwelling units, the location and extent of supporting facilities such as parking lots, driveways, and access streets, the location and extent of buffer areas and other special purpose areas, the timing of development, the location and extent of right–of–ways and other areas to be dedicated for public purposes, and other such matters as the applicant may propose as conditions upon the request.

(E) Non–compliance to District Conditions: Any violation of a condition included in the approval of a Conditional Use District shall be treated the same as any other violation of this Ordinance and shall be subject to the same remedies and penalties as any such violation. Any violation of such a condition shall be deemed to be the same type of violation as the use of a property for a use not permitted under the district regulations, for the reason that any use permitted in a Conditional Use District is permitted only subject to the specified conditions.

3–13.3 Procedure

Applications for Conditional Use Districts shall be processed, considered, and voted upon in the same procedure as that required for zoning map amendments.

3–13.4 Special Use Permits

(A) Approval Procedure: Applications for Special Use Permits shall be processed in accordance with the procedures used for the review of applications for zoning map amendments. All evidence presented at the public hearing in regard to applications for Special Use Permits shall be under oath. The Chairman of the Board or any member temporarily acting as Chairman shall administer oaths to witnesses.

(B) Conditions for Approval: An application for a Special Use Permit shall be approved by the Planning Board if and only if the Planning Board finds that:

1) The proposed use is represented by an "S" in the column for the district in which it is located on the Permitted Use Schedule in this Ordinance.

2) The proposed conditions meet or exceed the development standards found in Article VI (Development Standards).

3) Either the use as proposed, or the use as proposed subject to such additional conditions as the owner may propose or the Planning Board may impose, is consistent with the purposes of the District and compatible with surrounding uses.

4) The Special Use Permit shall be granted when each of the following Findings of Fact have been made by the Planning Board:

a) That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan submitted;

b) That the use meets all required conditions and specifications;

c) That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and

d) That the location and character of the use, if developed according to the plan submitted, will be in harmony with the area in which is is to be located and in general conformity with the plan of development of the Jurisdiction and its environs.

(C) Greater Restrictions: In granting a Special Use Permit, the Planning Board may impose more restrictive requirements upon such permit as it may deem necessary in order that the purpose and intent of this Ordinance are served.

(D) Permit Denial: If the Planning Board fails to make the findings required by paragraph (B) or makes other findings inconsistent with the required findings, then such proposed permit shall be denied.

(E) Permit Applicability: Any Special Use Permit so authorized shall be perpetually binding upon the property included in such permit unless subsequently changed or amended through application for a new or amended Special Use Permit or until a use otherwise permitted in the district is established.

(F) Compliance with Approved Permit: No building or other subsequent permit or approval shall be issued for any development on property subject to a Special Use Permit except in accordance with the terms of the permit and the district.

(G) Submission of Site Plans: Site plans for any development made pursuant to any Special Use Permit shall be submitted for review in the same manner as other development plans required by this Ordinance.

(H) Minor Modification(s): In approving such Site Plans, the Technical Review Committee may make minor modifications to the requirements of such Special Use Permit where such modification will result in equal or better performance and provided that the objective and purpose of the requirements and conditions of the Special Use Permit are maintained.

(I) Amendment of Permit: The Planning Board may change or amend any Special Use Permit subject to the same consideration as provided for in this Ordinance for the original issuance of a Special Use Permit.

(J) Timing of Amendment Proposal: No proposal to change or amend any Special Use Permit shall be considered within a one (1) year period after the date of the original authorization of such permit or within a one (1) year period after the hearing of any previous proposal to change or amend any such permit.

(K) Effect of Invalidity: If for any reason any condition imposed pursuant to these regulations is found to be illegal or invalid, such Special Use Permit shall be null and void and of no effect.

(L) Non–compliance with Permit Conditions: If after receiving a Notice of Violation for violation of the terms or conditions of a Special Use Permit, the owner fails to correct such violations within a reasonable time, then the Special Use Permit may, after a hearing, be revoked by the Planning Board. The Planning Board shall revoke such permit on all or part of a development if it finds that there has been a violation that: was intentional; or continued for an unreasonable time after the owner had notice thereof; or was substantially inconsistent with the purposes of the district and continued for any time after the owner had notice thereof and the opportunity to cure. All of the other remedies of this ordinance for a zoning violation shall apply to a violation of the terms of a Special Use Permit. Civil and/or criminal penalties may accrue pending the correction of a violation of a Special Use Permit, notwithstanding the fact that the owner may correct the violation within a reasonable time for purposes of the revocation provisions of this paragraph.

3–14 NONCONFORMING LOTS, USES, AND STRUCTURES

3–14.1 Nonconforming Lots of Record

(A) Single Lot of Record:

1) When a lot has an area or width which does not conform to the dimensional requirements of the district where located, but such lot was of record at the time of adoption of this Ordinance or any subsequent amendment which renders such lot nonconforming, then such lot may be used for a use permitted in the district where located, provided the following are complied with, setback dimensions and other requirements, except area or width.

2) In residential zones, only a single family dwelling shall be permitted on the nonconforming lot.

3) Nothing contained herein exempts a lot from meeting the applicable provisions of the Guilford County Board of Health regulations.

(B) Lots with Contiguous Frontage in One Ownership;

1) 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.

2) 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.

(C) Reduction of a Lot of Record: A lot of record reduced to less than the required area, width, or setback dimension as the result of a condemnation or purchase by a local or state government agency shall become a non–conforming lot of record.

3–14.2 Nonconforming Use of Land

(A) Continuance of Nonconforming Use of Land: Any nonconforming use legally existing at the time of adoption or amendment of this Ordinance, 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 3–14.2(B).

(B) Conditions for Continuance: Such nonconforming use of land shall be subject to the following conditions;

1) No nonconforming use shall be changed to another nonconforming use unless such use is determined to be of equal or less intensity. In determining whether a nonconforming use is of equal or less intensity, the Board of Adjustment shall consider:

a) probable traffic of each use;

b) parking requirements of each use;

c) probable number of persons on the premises of each use at a time of peak demand;

d) off–site impacts of each use, such as noise, glare, dust, vibration or smoke.

2) 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.

3) No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Ordinance.

4) If any nonconforming use of land ceases for any reason for a continuous period of more than one (1) year, any subsequent use of such land shall be a permitted use in the district in which such land is located.

5) The resumption of a nonconforming use of land shall not be permitted if such nonconforming use is superseded by a permitted use for any period of time.

6) No additional structure(s) not conforming to the requirements of this Ordinance shall be erected in connection with such nonconforming use of land.

(C) Junked Motor Vehicles: Any junked motor vehicle made nonconforming by subsequent amendment to this chapter shall be discontinued within 365 days following the date of such amendment. If the owner or occupant of a property fails to comply with a Notice of Violation concerning a junked motor vehicle any penalty assessed by the Enforcement Officer for a violation under the subsection shall be stayed until all appeals are resolved.

3–14.3 Nonconforming Structures

(A) 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 3–14.2(B).

(B) Conditions for Continuance: Such nonconforming structures shall be subject to the following conditions:

1) No nonconforming structure may be enlarged or altered in any way which increases its dimensional deficiencies; however any nonconforming structure or portion thereof may be altered to decrease its dimensional deficiencies. Any enlargement of the structure shall conform to the current dimensional requirement.

2) In the event of damage by fire or other causes to the extent exceeding fifty (50%) percent of its tax value prior to such damage as established by the County Tax Department, reconstruction of a nonconforming structure shall be permitted only in compliance with the dimensional provisions of this Ordinance.

3) In the event of damage by fire or other causes to the extent causing less than fifty (50%) percent of its tax value prior to such damage as established by the County Tax Department, reconstruction of a nonconforming structure shall be permitted provided it is constructed:

a) in the same manner in which it originally existed; or

b) in compliance with the dimensional requirements.

4) No nonconforming structure shall be moved or relocated unless it is made to comply with the dimensional and use requirements of the district in which it is relocated.

(C) Preservation of Safe or Lawful Conditions: Nothing in this Ordinance shall prevent the strengthening or restoration to a safe or lawful condition any part of any building declared unsafe or unlawful, by the Building Inspector or other duly authorized official.

3–14.4 Nonconforming Situation Resulting from Governmental Acquisition

Any zone lot reduced in size by municipal, county or state condemnation or purchase of land shall obtain nonconforming lot or building status to the extent that said condemnation or purchase causes noncompliance with any provisions of this Ordinance.

3–15 HISTORIC DISTRICTS

Request for changes in the zoning classification of property within a historic district shall be processed and considered in the same manner and procedure as set forth in this Ordinance for rezoning requests, except that the Historic Preservation Commission shall forward a recommendation to the Planning Board prior to Planning Board taking action on any such request.

3–16 ZONING VESTED RIGHTS

3–16.1 Establishment of a Zoning Vested Right

(A) Establishment of Vested Right: A zoning vested right shall be deemed established upon the valid approval, or conditional approval, by the appropriate approval authority as specified in Section 3–16.2 of a site specific development plan, following notice and public hearing by the Planning Board.

(B) Approval of Site Specific Development Plan:

1) The approving authority may approve a site specific development plan upon such terms and conditions as may reasonably be necessary to protect the public health, safety and welfare.

2) Notwithstanding subsections (A) and (B) above, approval of a site specific development plan with the condition that a variance be obtained shall not confer a zoning vested right unless and until the necessary variance is obtained.

(C) Effective Date of Approval: A site specific development plan shall be deemed approved upon the effective date of the approval authority's action or ordinance relating thereto.

(D) Effect of Additional, New or Amended Regulations: The establishment of a zoning vested right shall not preclude the application of overlay zoning that imposes additional requirements but does not affect the allowable type or intensity of use, or ordinances or regulations that are general in nature are applicable to all property subject to land use regulation by the Jurisdiction including, but not limited to, building, fire, plumbing, electrical and mechanical codes. Otherwise, the application of new or amended regulations shall become effective with respect to property that is subject to a site specific development plan upon the expiration or termination of the vested right in accordance with this Ordinance.

(E) Vested Right Runs with Property: A zoning vested right is not a personal right, but shall attach to and run with the applicable property. After approval of a site specific development plan, all successors to the original landowner shall be entitled to exercise such right while applicable.

3–16.2 Approval Procedures

(A) Notice and Public Hearing: Notice of any proposed approval for a zoning vested right shall be as provided in Section 9–1.2(A)4). The Planning Board shall hold a public hearing on the matter in accordance with Section 9–2.3(A).

(B) Approval by Enforcement Officer: The following plans shall be vested for two (2) years from the date of approval by the Enforcement Officer following notice and public hearing by the Planning Board:

1) a preliminary plat for a minor subdivision;

2) a plot plan;

3) minor site plans in accordance with Section 3–11.4.

4) a master or common sign plan;

5) a watershed development plan; or

6) a landscaping plan.

(C) Approval by Technical Review Committee: The following plans shall be vested for two (2) years from the date of approval or conditional approval by the Technical Review Committee following notice and public hearing by the Planning Board:

1) a preliminary plat for a major subdivision; or

2) a major site plan approved in accordance with Section 3–11.4 but not including master or common sign plans, watershed development plans or landscaping plans.

(D) Approval by Planning Board: The following plans shall be vested for two (2) years from the date of approval by the Planning Board or Governing Body, whichever is appropriate, following notice and public hearing:

1) a Special Use Permit; or

2) a Planned Development – Residential or Planned Development – Mixed unified development plan.

3–16.3 Plans Not Vested

(A) Conceptual Plans: Because the following plans frequently lack sufficient detail, they are not vested under this Ordinance:

1) a Planned Development – Residential or Planned Development – Mixed sketch plan; or

2) a subdivision master plan or sketch plan.

(B) Plans Not Relating to Type and Intensity of Use: The following types of plans are reviewed and approved under statues not related to the type and intensity of use in the context of NCGS 153A–334.1 and, therefore, are not considered vested in the meaning of this Ordinance:

1) soil erosion and sedimentation control plans;

2) utility and street construction plans; or

3) building and other construction plans.

3–16.4 Compliance

(A) Conformance Review: Following approval or conditional approval of a site specific development plan, nothing in this Ordinance shall exempt such a plan from subsequent reviews and approvals to ensure compliance with the terms and conditions of the original approval, provided that such reviews and approvals are not inconsistent with the original approval.

(B) Noncompliance: Nothing in this Ordinance shall prohibit the revocation of the original approval or other remedies for failure to comply with applicable terms and conditions of the approval or the zoning Ordinance.

(C) Life of Building Permit: A building permit shall not expire or be revoked because of the running of time while a zoning vested right under this Section is outstanding.

3–16.5 Termination

A zoning right that has been vested as provided in this Ordinance shall terminate:

(A) at the end of the applicable vesting period with respect to buildings and uses for which no valid building permit application has been filed;

(B) with the written consent of the affected landowner;

(C) upon findings by the Governing Board that natural or man–made hazards on or in the immediate vicinity of the property, if uncorrected, would pose a serious threat to the public health, safety, and welfare if the project were to proceed as contemplated in the site specific development plan;

(D) Upon payment to the affected landowner of compensation for all costs, expenses, and other losses incurred by the landowner, including, but not limited to, all fees paid in consideration of financing, and all architectural, planning, marketing, legal, and other consultant's fees incurred after approval by the Jurisdiction together with interest thereon at the legal rate until paid. Compensation shall not include any diminution in the value of the property which is caused by such action;

(E) upon findings by the Governing Board that the landowner or his representative intentionally supplied inaccurate information or made material misrepresentations which made a difference in the approval by the approval authority of the site specific development plan; or

(F) upon the enactment or promulgation of a State or Federal law or regulation that precludes development as contemplated in the site specific development plan, in which case the approval authority may modify the affected provisions, upon a finding that the change in State or Federal law has a fundamental effect on the plan.

ARTICLE IV

ZONING

4–1 DISTRICTS ESTABLISHED

In order to achieve the purposes of this Ordinance as set forth, all property within the jurisdiction of Guilford County except property owned by the Piedmont Triad International Airport Authority, is divided into districts with the designations and purposes listed in Section 4–2 (District Descriptions).

4–2 DISTRICT DESCRIPTIONS

4–2.1 General Use Districts

(A) Agricultural

AG AGRICULTURAL DISTRICT

The AG, Agricultural District, is primarily intended to accommodate uses of an agricultural nature, including farm residences and farm tenant housing. It also accommodates scattered non–farm residences on large tracts of land. It is not intended for major residential subdivisions. 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 discourage scattered commercial and industrial land uses;
3) to concentrate urban development in and around area growth centers, thereby avoiding premature conversion of farmland to urban uses;
4) to discourage any use which, because of its character, would create premature or extraordinary public infrastructure and service demands.

(B) Single–Family Residential: In the following districts the number refers to the minimum lot size in thousands of square feet.

1) RS–40 RESIDENTIAL SINGLE–FAMILY DISTRICT

The RS–40, Residential Single–Family District is primarily intended to accommodate single–family detached dwellings on large lots in areas without access to public water and wastewater services. The district is established to promote single–family detached residences where environmental features, public service capacities or soil characteristics necessitate very low density single–family development. The overall gross density in RS–40 areas will typically be 1.0 unit per acre or less.

2) RS–30 RESIDENTIAL SINGLE–FAMILY DISTRICT

The RS–30, Residential Single–Family District is primarily intended to accommodate low density single–family detached dwellings on large lots in areas without access to public water and wastewater services. The overall gross density in RS–30 areas will typically be 1.3 units per acre or less.

The following districts require public sewer service:

3) RS–20 RESIDENTIAL SINGLE–FAMILY DISTRICT

The RS–20, Residential Single–Family District is primarily intended to accommodate low to moderate density single–family detached dwellings in suburban areas at an overall maximum density of 1.9 units per acre.

The following districts require public water and sewer service:

4) RS–15 RESIDENTIAL SINGLE–FAMILY DISTRICT

The RS–15, Residential Single–Family District is primarily intended to accommodate moderate density single–family detached dwellings in suburban areas at a maximum overall density of 2.5 units per acre.

5) RS–12 RESIDENTIAL SINGLE–FAMILY DISTRICT

The RS–12, Residential Single–Family District is primarily intended to accommodate moderate density single–family detached dwellings in suburban or urban areas at a maximum overall density of 3.0 units per acre.

6) RS–9 RESIDENTIAL SINGLE–FAMILY DISTRICT

The RS–9, Residential Single–Family District is primarily intended to accommodate moderate to high density single–family detached dwellings in urban areas with a maximum overall density of 4.0 units per acre.

7) RS–7 RESIDENTIAL SINGLE–FAMILY DISTRICT

The RS–7, Residential Single–Family District is primarily intended to accommodate high density single–family detached dwellings in urban areas at a maximum overall density of 5.0 units per acre.

8) RS–5 RESIDENTIAL SINGLE–FAMILY DISTRICT

The RS–5, Single–Family Residential District is primarily intended to accommodate high density single–family detached dwellings in urban areas at a maximum overall density of 7.0 units per acre.

(C) Multi–Family Residential: In the following districts the number refers to dwelling units per gross acre. Public water and sewer service is required in all districts.

1) RM–5 RESIDENTIAL MULTI–FAMILY DISTRICT

The RM–5, Residential Multi–Family District is primarily intended to accommodate duplexes, twin–homes, townhouses, cluster housing and similar residential uses at a maximum overall density of 5.0 units per acre.

2) RM–8 RESIDENTIAL MULTI–FAMILY DISTRICT

The RM–8, Residential Multi–Family District is primarily intended to accommodate duplexes, twin–homes, townhouses, cluster housing and similar residential uses at a maximum overall density of 8.0 units per acre.

3) RM–12 RESIDENTIAL MULTI–FAMILY DISTRICT

The RM–12, Residential Multi–Family District is primarily intended to accommodate multi–family uses at a maximum overall density of 12.0 units per acre.

4) RM–18 RESIDENTIAL MULTI–FAMILY DISTRICT

The RM–18, Residential Multi–Family District is primarily intended to accommodate multi–family uses at a maximum overall density of 18.0 units per acre.

5) RM–26 RESIDENTIAL MULTI–FAMILY DISTRICT

The RM–26, Residential Multi–Family District is primarily intended to accommodate multi–family uses at a maximum overall density of 26.0 units per acre.

(D) Office, Commercial, and Industrial

1) LO LIMITED OFFICE DISTRICT

The LO, Limited Office District is primarily intended to accommodate low intensity medical, professional, administrative and government office uses on small to mid–sized sites near residential areas.

2) GO–M GENERAL OFFICE MODERATE INTENSITY

The GO–M, General Office Moderate Intensity District is primarily intended to accommodate moderate intensity office and institutional uses, moderate density residential uses at a maximum of 12.0 units per acre, and supporting service and retail uses.

3) GO–H GENERAL OFFICE HIGH INTENSITY

The GO, General Office High Intensity District is primarily intended to accommodate high intensity office and institutional uses, high density residential uses at a maximum of 26.0 units per acre, and supporting service and retail uses.

4) NB NEIGHBORHOOD BUSINESS DISTRICT

The NB, Neighborhood Business District is primarily intended to accommodate very low intensity office, retail and personal service uses within residential areas. The district is established to provide convenient locations for businesses which serve the needs of surrounding residents without disrupt-

ing the character of the neighborhood. It is not intended to accommodate retail uses which primarily attract passing motorists. Compatibility with nearby residences is reflected in design standards for both site layout and buildings.

5) LB LIMITED BUSINESS DISTRICT

The LB, Limited Business District is primarily intended to accommodate moderate intensity shopping and services close to residential areas. The district is established to provide locations for businesses which serve nearby neighborhoods. The district is typically located near the intersection of collectors or thoroughfares in areas which are otherwise developed with residences.

6) GB GENERAL BUSINESS DISTRICT

The GB, General Business District is primarily intended to accommodate a wide range of retail, service and office uses. The district is typically located along thoroughfares in areas which have developed with minimal front setbacks.

7) HB HIGHWAY BUSINESS DISTRICT

The HB, Highway Business District is primarily intended to accommodate those retail service and distributive uses which are typically located along thoroughfares. The district is established to provide locations for establishments which require high visibility and good road access, or which cater primarily to passing motorists. Developments in this district generally have substantial front setbacks.

8) SC SHOPPING CENTER DISTRICT

The SC, Shopping Center District is primarily intended to accommodate a wide range of high intensity retail and service developments meeting the shopping needs of the community and the region. The district is established on large sites to provide locations for major developments which contain multiple uses, shared parking and drives, coordinated signage and high–quality landscaping.

9) CP CORPORATE PARK DISTRICT

The CP, Corporate Park District is primarily intended to accommodate office, warehouse, research and development and assembly uses on large sites in a planned, campus–like setting compatible with adjacent residential uses. The district may also contain retail and service uses which customarily locate within planned employment centers.

10) LI LIGHT INDUSTRIAL DISTRICT

The LI, Light Industrial District is primarily intended to accommodate limited manufacturing, wholesaling, warehousing, research and development and related commercial/service activities which, in their normal operations, have little or no adverse effect upon adjoining properties.

11) HI HEAVY INDUSTRIAL DISTRICT

The HI, Heavy Industrial District is primarily intended to accommodate a wide range of assembling, fabricating and manufacturing activities. The district is established for the purpose of providing appropriate locations and development regulations for uses which may have significant environmental impacts or require special measures to ensure compatibility with adjoining properties.

(E) Public and Institutional

PI PUBLIC AND INSTITUTIONAL DISTRICT

The PI, Public and Institutional District is intended to accommodate mid– and large–sized public, semi–public and institutional uses which have a substantial land use impact or traffic generation potential. It is not intended for smaller public and institutional uses customarily found within residential areas.

4–2.2 Planned Unit Development Districts

(A) PD–R PLANNED UNIT DEVELOPMENT – RESIDENTIAL

The PD–R District is intended to accommodate a variety of housing types developed on large tracts in accordance with a Unified Development Plan. The PD–R District also accommodates neighborhood business and office uses which primarily serve nearby residents.

(B) PD–M PLANNED UNIT DEVELOPMENT – MIXED

The PD–M District is intended to accommodate residential, commercial and light industrial uses developed on large tracts in accordance with a Unified Development Plan.

4–2.3 Conditional Use Districts

(A) Districts Established: A Conditional Use District, bearing the designation CU, is hereby established as a companion district for every district established in Section 4–2. These districts are CU–AG, CU–RS–40, CU–RS–30, CU–RS–20, CU–RS–15, CU–RS–12, CU–RS–9, CU–RS–7, CU–RS–5, CU–RM–5, CU–RM–8, CU–RM–12, CU–RM–18, CU–RM–26, CU–LO, CU–GO–M, CU–GO–H, CU–NB, CU–LB, CU–GB, CU–HB, CU–SC, CU–CP, CU–LI, CU–HI, CU–PI, CU–PD–R, and CU–PD–M. All regulations which apply to a general use zoning district also apply to the companion conditional use district. All other regulations, which may be offered by the property owner and approved by the Jurisdiction as part of the rezoning process, also apply.

(B) Application: The Conditional Use District classification will be considered only upon request of the property owner for rezoning.

4–2.4 Overlay Districts

Overlay Districts establish certain area regulations which are in addition to the underlying general use, planned unit development or conditional use district(s).

(A) WCA WATERSHED CRITICAL AREA DISTRICT

The WCA Overlay District 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 water supply intakes or reservoirs. These regulations are specified in Section 7–1 (Water Supply Watershed Districts) and Section 7–3 (Watershed Critical Areas).

(B) GWA GENERAL WATERSHED AREA DISTRICT

The GWA Overlay District is intended to set forth regulations for the protection of public drinking water supplies and are applicable to all lands which drain toward such supplies and are outside of the WCA Overlay District. These regulations are specified in Section 7–1 (Water Supply Watershed Districts) and Section 7–2 (General Watershed Areas).

(C) FH FLOOD HAZARD DISTRICT

The FH Overlay District is intended to set forth regulations which will minimize the damage done by floods. These regulations are specified in Section 7–5 (Flood Control).

(D) HD HISTORIC DISTRICT

The HD Overlay District is intended to set forth regulations which will help maintain the historic integrity of certain areas in Guilford County. These regulations are specified in Section 4–11 (Overlay District Requirements).

(E) SR SCENIC CORRIDOR DISTRICT

The SR Overlay District is intended to set forth regulations which will enhance the attractiveness of major thoroughfares which enter and/or pass through Guilford County. These regulations are specified in Section 4–11 (Overlay District Requirements).

(F) AR AIRPORT DISTRICT

The AR Overlay District is intended to prohibit the erection of structures which would, by virtue of their height, interfere with operations at Piedmont Triad International Airport. The District is also intended to keep residential densities near the Airport very low so as to minimize the negative effects of aircraft noise on homes. Regulations for the AR Overlay District are specified in Section 4–11 (Overlay District Requirements).

(G) MH MANUFACTURED HOUSING DISTRICT

The MH Overlay District is intended to set forth regulations governing the development of subdivisions for manufactured housing in certain areas of Guilford County. These regulations are specified in Section 4–11 (Overlay District Requirements).

4–3 PERMITTED USES

4–3.1 Permitted Use Schedule

(A) Tabulation of Permitted Uses: Within each zoning district indicated on the Official Zoning Map and subject to all requirements and conditions specified in this Ordinance, land, buildings, and structures shall only be used and buildings and structures shall only be erected which are intended or designed to be used for uses listed in the Permitted Use Schedule, Table 4–3–1. In the appropriate columns of Table 4–3–1 uses permitted by right in the various districts are indicated with a "P", uses requiring a Special Use Permit are indicated by an "S", uses permitted by right subject to meeting additional development standards as set forth in Article VI (Development Standards) are indicated with a "D", and uses requiring a Manufactured Housing overlay zone are indicated with a "Z". The column on the far right labeled "LUC" indicates the Land Use Classification of each use as it relates to Planting Yard requirements found in Section 6–4 (Landscaping Regulations).

(B) Formulation of Permitted Use Schedule

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

2) When a use is not listed in the Permitted Use Schedule, the Enforcement Officer shall classify it with that use in the table most similar to it. The SIC Manual shall serve as a guide in classifying any unlisted use. If the Enforcement Officer should determine that a use is not listed and is not similar to a use in the Permitted Use Schedule, than said use is prohibited.

3) Rental and leasing of any commodity shall be permitted under the same classification and in the same districts as are sales of that commodity, unless rental or leasing of that commodity is listed separately in the Permitted Use Schedule.

4) If an industrial plant or facility involves two (or more) manufacturing activities with different SIC codes on the same zone lot, the industrial plant shall be permitted only in those zoning districts where the more restricted activity is permitted. (For example, an industrial plant preparing canned peanuts and also manufacturing the cans is allowed in those zoning districts permitting can manufacturing.)

4–3.2 Mixed Uses

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

4–3.3 Prohibited Uses

Within certain overlay districts, some uses are prohibited, regardless of the uses permitted in the underlying zoning district(s). The following uses are prohibited in the Overlay Districts listed.

(A) Scenic Corridor Overlay District [4–11.3(A)2)]: Class A, B, and C Manufactured Dwellings are prohibited in the Scenic Corridor Overlay District.

(B) Airport Overlay District [4–11.4(B)]: Multi–family housing and single–family housing on lots less than forty thousand (40,000) square feet are prohibited in the Airport Overlay District. .

(C) Watershed Critical Area [7–3.5(A)]: See Section 7–3.5 (Spill Risk Reduction) for the list of uses prohibited in the Watershed Critical Areas.

(D) Flood Hazard Area [7–5.3(D)2)]: 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 from the flood hazard areas.

TABLE 4–3–1 PERMITTED USE SCHEDULE

Use Type	Ref. SIC	Zoning Districts																								LUC
		AG	RS 40	RS 30	RS 20	RS 15	RS 12	RS 9	RS 7	RS 5	RM 5	RM 8	RM 12	RM 18	RM 26	LO	GOM	GOH	NB *	LB *	GB *	HB *	SC	CP *	LI *	HI	PI	
AGRICULTURAL USES																												
Agricultural Production (Crops)	0100	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	1
Agricultural Production (livestock)	0200	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	1
Animal Feeder/Breeder WCA	0210	D																										1
Animal Services (livestock)	0751	P																						P	P			3
Animal Services (other)	0752	P															D	D		D	D	D	D	D	P	P		3
Fish Hatchery	0920	P																						P	P			4
Forestry	0810	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	1
Horticultural Specialities	0180	P																				P			P	P		2
Veterinary Service (livestock)	0741	P																							P	P		3
Veterinary Service (other)	0742	P															D	D		D	D	D	D	D	P	P		3
MINING USES																												
Mining and Quarrying WCA	1000	S																								S		5
RESIDENTIAL USES																												
Boarding and Rooming House, less than 9 residents	7021	S												P	P	P	P	P										2
Boarding and Rooming House, 9 or more residents	7021	S												S	S	S	P	P										2
Common Recreation and Service Facilities	0000	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P									1
Congregate Care Facility	0000											D	D	D	D		D	D									D	2
Family Care Facility	0000	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P								P	1
Group Care Facility	0000													S	S		D	D									D	2
Manufactured Dwelling (Class AA)	0000	P	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z													1
Manufactured Dwelling (Class A, B, C)	0000	P	Z	Z									Z	Z	Z													1
Manufactured Dwelling Park	0000	S											S	S	S													2
Multifamily Dwelling (including Condominium)	0000										P	P	P	P	P		P	P										2

WCA = Prohibited in the WCA, See Section 7–3.5(A) WS–III = New landfills which require a NPDS Permit for disposing of treates leachate are prohibited in WS_III (GWA) Watersheds P=Use by Right D=Development Standards S=Special Use Permit Required Z=Overlay Zoning Required *=Indicates Additional District Requirements, See Section 4–4.3(B).

TABLE 4–3–1 PERMITTED USE SCHEDULE

Use Type	Ref. SIC	Zoning Districts: AG	RSE 40	RS 30	RS 20	RS 15	RS 12	RS 9	RS 7	RS 5	RMHS	RM 8	RM 12	RM 18	RM 26	LO	GOM	GOH	NB *	LB *	GB *	HB *	SC	CP *	LI *	HI	PI	LUC
Private Dormitory	0000													S	S		D	D								P	2
Shelter for the Homeless	0000																D	D			D	D			D	D	D	2
Single Family Detached Dwelling	0000	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P									1
Single Room Occupancy (SRO) Residence	0000											S	S	S	S		D	D									D	2
Temporary Shelter	0000												S	P	P												P	2
Townhouse Dwelling	0000										P	P	P	P	P		P	P										2
Two Family Dwelling (Twin Home or Duplex)	0000	P									P	P	P	P	P	P	P	P	P									1
ACCESSORY USES AND STRUCTURES																												
Accessory Dwelling Unit	0000	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D										
Accessory Uses and Structures (customary)–See Sct. 4–5	0000	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Caretaker Dwelling	0000	D														D	D	D	D	D	D	D	D	D	D	D	D	
Emergency Shelter	0000	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Home Occupation (including renting of rooms)	0000	D	D	D	D	D	D	D	D	D	D	D	D	D	D		D	D	D									
Flying Field, Private	0000	D																								D	D	
Junked Motor Vehicle	0000	P	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	
Migrant Labor Housing	0000	D																										
Recycling Collection Point	0000	P									P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Rural Family Occupation	0000	S																										
Satellite Dish / Communication Tower	0000	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	
Swimming Pool	0000	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	
Yard Sale (no more than *3* per year)	0000	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P									
RECREATIONAL USES																												
Amusement or Water Parks, Fairgrounds	7996	S																				D			D			4
Athletic Fields	0000	S	S	S	S	S	S	S	S	S	S	S	S	S	S	D	P	P	D	P	P	P	P	P	P	P	P	1

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TABLE 4-3-1 PERMITTED USE SCHEDULE

Use Type	Ref. SIC	Zoning Districts																								LUC
		AG	RS 40	RS 30	RS 20	RS 15	RS 12	RS 9	RS 7	RS 5	RM 5	RM 8	RM 12	RM 18	RM 26	LO	GO M	GO H	NB *	LB *	GB *	HB *	SC	CP *	LI *	HI	PI	
Auditorium, Coliseum or Stadium	0000																					P	P		P		P	3
Batting Cages	7999																					D			D	D		3
Billiard Parlors	7999																			P	P	P	P					3
Bingo Games	7999																			P	P	P	P					3
Bowling Center	7933																				P	P	P		P			3
Club or Lodge	8640	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	S	P	P	P	P	P			P	3
Coin Operated Amusement	7993																			P	P	P	P					3
Country Club with Golf Course	7997	D	S	S	S	S	S	S	S	S	S	S	S	S	S		S	S			D	D		D	D		D	1
Dance School	7911																		P	P	P	P	P					3
Equestrian Facility	7999	S	S																								S	2
Fortune Tellers, Astrologers	7999																			P	P	P						3
Go-cart Raceway	7999	S																				P			P	P		4
Golf Course, Miniature	7999																			P	P	P	P					3
Golf Course	7992	P	S	S	S	S	S	S	S	S	S	S	S	S	S							D		D	D		D	1
Golf Driving Range	7999	S																				D			D	D		3
Martial Arts Instructional Schools	7999																			P	P	P	P					3
Physical Fitness Center	7991																P	P		P	P	P	P	P	P			3
Private Club or Recreation Facility, Other	7997	S																										3
Public Park	7990	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	1
Public Recreation Facility	7990	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	2
Shooting Range, Indoor	7999	S																			D	D			D	D		3
Shooting Range, Outdoor	7999	S																									S	5
Skating Rink	7999																				P	P	P		P			3
Sport Instructional Schools	7999	S																		P	P	P	D				P	3

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Sports and Recreation Clubs, Indoor	7997																			P	P	P	P	P			P	3
Swim and Tennis Club	7997	D	S	S	S	S	S	S	S	S	S	S	S	S	S		D	D			D	D		D	D		D	3
EDUCATIONAL AND INSTITUTIONAL USES																												
Ambulance Service	4119	P														P	P	P		P	P	P	P	P	P	P	P	3
Cemetery or Mausoleum	0000	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	2
Church	8661	P	D	D	D	D	D	D	D	D	D	D	D	D	D	P	P	P	P	P	P	P	P	P	P	P	P	3
College or University	8220																				P						P	3
Correctional Institution	9223	S																								S	S	4
Day Care Center, Adult (5 or less, Home Occupation)	8322	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	1
Day Care Center, Adult (6 or more)	8322	S										D	D	D	D	D	D	D	D	D	D	D	D	D	D		D	3
Day Care Center, Child (5 or less, Home Occupation)	8351	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	1
Day Care Center, Child (6 or more)	8351	S										D	D	D	D	D	D	D	D	D	D	D	D	D	D		D	3
Elementary or Secondary School	8211	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D											P	3
Fire Station	9224	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	3
Fraternity or Sorority (University or College Related)	0000																P	P		P	P	P	P		P		P	3
Government Office	9000															P	P	P	P	P	P	P	P	P	P	P	P	3
Hospital	8062																										P	3
Library	8231															P	P	P	P	P	P	P	P	P			P	3
Museum or Art Gallery	8412															P	P	P	P	P	P	P	P	P			P	3
Nursing and Convalescent Home	8050													S	S		P	P			P	P	P				P	3
Orphanage	8361	S												S	S		P	P									P	3
Police Station, Neighborhood	9221	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	3
Post Office	0000															P	P	P	P	P	P	P	P	P	P	P	P	3
Psychiatric Hospital	8063																P	P			P	P					P	3

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Retreat Center	0000	S																			P	P	P	P			P	3
School Administration Facility	9411															P	P	P	P	P	P	P	P	P	P	P	P	3
Specialty Hospital	8069																P	P			P	P					P	3
BUSINESS, PROFESSIONAL and PERSONAL SERVICES																												
Accounting, Auditing or Bookkeeping	8721															P	P	P	P	P	P	P	P	P	P			3
Administrative or Management Services	8740															P	P	P	P	P	P	P	P	P	P			3
Advertising Agency or Representative	7310																P	P	P	P	P	P	P	P	P			3
Advertising, Outdoor Services	7312																				D	D		P	P	P		4
Automobile Rental or Leasing WCA	7510																				P	P			P	P		4
Automobile Repair Services, Major WCA	0000																				P	P			P	P		4
Automobile Repair Services, Minor WCA	0000																				P	P	P		P	P		3
Automobile Parking (commercial)	7521																				P	P	P	P	P	P	S	3
Automotive Towing and Storage Services WCA	7549																				D	D			D	D		3
Bank, Savings and Loan, or Credit Union	6000																D	D		P	P	P	P	D	P			3
Barber Shop	7241																P	P	P	P	P	P	P	D	P			3
Beauty Shop	7431																P	P	P	P	P	P	P	D	P			3
Boat Repair WCA	3730																				P	P			P	P		4
Building Maintenance Services	7349																				P	P			P	P		3
Car Wash WCA	7542																				D	D	D		P	P		4
Clothing Alteration or Repair	0000																		P	P	P	P	P					3
Computer Maintenance and Repair	7378																				P	P	P	P	P			3
Computer Services	7370																P	P	P	P	P	P	P	P	P			3
Economic, Sociological or Educational Research	8732															P	P	P	P	P	P	P	P	P	P			3
Employment Agency, Personnel Agency	7360																P	P	P	P	P	P	P	P	P			3

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Engineering, Architect or Survey Service	8710															P	P	P	P	P	P	P	P	P	P	P		3
Equipment Rental and Leasing (no outside storage) WCA	7350																				P	P			P	P		3
Equipment Rental and Leasing (with outside storage) WCA	7350																								P	P		4
Equipment Repair, Heavy WCA	7690																									P		4
Equipment Repair, Light WCA	7690																				D	D			P	P		3
Finance or Loan Office	6100																P	P		P	P	P	P	P	P			3
Funeral Home or Crematorium	7261																P	P			P	P					S	3
Furniture Repair Shop WCA	7641																				P	P			P	P		3
Hotel or Motel	7011																S	S			P	P	P	P				3
Insurance Agency (no on–site claims inspections)	6411															P	P	P	P	P	P	P	P	P	P			3
Insurance Agency (carriers and on–site claims inspections)	6300																P	P		P	P	P	P	P	P			3
Kennels or Pet Grooming	0752	P															D	D		D	D	D	D	D	P	P		3
Landscape and Horticultural Services WCA	0780	S																							P	P		4
Laundromat, Coin–Operated WCA	7215																		P	P	P	P	P					3
Laundry or Dry Cleaning Plant WCA	7211																		P	D	P	P	D	P	P	P		3
Laundry or Dry Cleaning Substation	7212																		P	P	P	P	P	P	P			3
Law Office	8111															P	P	P	P	P	P	P	P	P	P			3
Massage Parlor, Adult	7299																				D	D						3
Medical, Dental or Related Office	8000															P	P	P	P	P	P	P	P	P	P	P	P	3
Medical or Dental Laboratory	8071															P	P	P		P	P	P	P	P	P	P	P	3
Motion Picture Production	7810																				P	P		P	P			3
Noncommercial Research Organization	8733															P	P	P	P	P	P	P	P	P	P			3
Office Uses Not Otherwise Classified	0000																P	P	P	P	P	P	P	P	P			3
Pest or Termite Control Services WCA	7342																				P	P			P	P		3

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Photocopying and Duplicating Services	7334																P	P	P	P	P	P	P	P	P			3
Photofinishing Laboratory	7384																				P	P	P	P	P			3
Photography Commercial	7335																				P	P		P	P			3
Photography Studio	7221																P	P	P	P	P	P	P	P				3
Real Estate Office	6500															P	P	P	P	P	P	P	P	P	P			3
Recreational Vehicle Park or Campsite	7033	S																				D						4
Refrigerator or Large Appliance Repair	7623																				D	D			P	P		3
Rehabilitation or Counseling Services	8300															P	P	P	P	P	P	P	P	P	P		P	3
Research, Development or Testing Services	8730																							P	P	P		3
Septic Tank Services WCA	7699																									P		4
Shoe Repair or Shoeshine Shop	7251																		P	P	P	P	P	D				3
Stock, Security or Commodity Broker	6200															P	P	P	P	P	P	P	P	P	P			3
Taxidermist WCA	7699																				P	P						3
Television, Radio or Electronics Repair	7620																				P	P	P		P			3
Theater, Adult	0000																				D	D						3
Theater (outdoor)	7833	S																										4
Theater (indoor)	7832																				P	P	P					3
Tire Recapping	7534																									P		4
Tourist Home (Bed and Breakfast)	7011	S	S	S	S	S	S	S	S	S	S	D	D	D	D		D	D	D	D	P	P						2
Travel Agency	4720															P	P	P	P	P	P	P	P	P	P			3
Truck Driving School	8249																					P			P	P		3
Truck and Utility Trailer Rental and Leasing, Light WCA	0000																				P	P			P	P		4
Truck Tractor and Semi Rental and Leasing, Heavy WCA	0000																								P	P		5
Truck Washing WCA	7542																									P		5

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Vocational, Business or Secretarial School	8240																P	P		P	P	P	P	P	P	P		3
Watch or Jewelry Repair Shop	7631																		P	P	P	P	P	D				3
RETAIL TRADE																												
A B C Store (liquor)	5921																				P	P	P					3
Antique Store	5932																		P	P	P	P	P					3
Appliance Store	5722																				P	P	P					3
Arts and Crafts	0000																		P	P	P	P	P					3
Auto Supply Sales	5531																				P	P	P					3
Bakery	5461																		P	P	P	P	P					3
Bar	5813																				D	D	D			P		3
Boat Sales	5551																				P	P			P	P		4
Bookstore	5942																		P	P	P	P	P					3
Bookstore, Adult	0000																				D	D						3
Building Supply Sales (no storage yard)	5211																				P	P	P					3
Building Supply Sales (with storage yard)	5211																				D	D	D		P	P		4
Camera Store	5946																		P	P	P	P	P					3
Candy Store	5441																		P	P	P	P	P					3
Clothing, Shoe and Accessory Store	5600																		P	P	P	P	P					3
Computer Sales	5734																		P	P	P	P	P	D	P			3
Convenience Store (with gasoline pumps) WCA	5411																			P	P	P	P	D	P	P		4
Convenience Store (without gasoline pumps)	5411																		P	P	P	P	P	D	P	P		3
Dairy Products Store	5451																		P	P	P	P	P					3
Department, Variety or General Merchandise	5300																		P	P	P	P	P					3
Drugstore	5912																		P	P	P	P	P	D				3

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Fabric or Piece Goods Store	5949																		P	P	P	P	P	P				3
Floor Covering, Drapery or Upholstery	5710																				P	P	P		P			3
Florist	5992																		P	P	P	P	P					3
Food Store	5400																		P	P	P	P	P					3
Fuel Oil Sales WCA	5980																								P	P		4
Furniture Sales	5712																		P	P	P	P	P					3
Garden Center or Retail Nursery	5261																				P	P	D		P			3
Gift or Card Shop	5947																		P	P	P	P	P					3
Hardware Store	5251																		P	P	P	P	P					3
Hobby shop	5945																		P	P	P	P	P					3
Home Furnishings, Miscellaneous	5719																		P	P	P	P	P					3
Jewelry Store	5944																		P	P	P	P	P					3
Live Entertainment Business, Adult	0000																				D							
Luggage or Leather Goods Store	5948																		P	P	P	P	P					3
Manufactured Home Sales	5271																					P			P	P		4
Miscellaneous Retail Sales	5999																		P	P	P	P	P					3
Motor Vehicle Sales (new and used) WCA	5511																				P	P			P	P		4
Motorcycle Sales WCA	5571																				P	P			P	P		4
Musical Instrument Sales	5736																		P	P	P	P	P					3
Newsstand	5994																		P	P	P	P	P	D				3
Office Machine Sales	5999																		P	P	P	P	P	P	P			3
Optical Goods Sales	5995																D	D	P	P	P	P	P					3
Paint and Wallpaper Sales	5231																				P	P	P		P			3
Pawnshop or Used Merchandise Store	5932																				P	P	P					3

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Pet Store		5999																			P	P	P	P					3
Record and Tape Store		5735																		P	P	P	P	P					3
Recreational Vehicle Sales	WCA	5561																				P	P			P	P		4
Restaurant (with drive–thru)		5812																				P	P	P					3
Restaurant (without drive–thru)		5812																		P	D	P	P	P	P	P	P		3
Service Station, Gasoline	WCA	5541																			P	P	P	P		P	P		4
Sporting Goods Store		5941																		P	P	P	P	P					3
Stationery Store		5943																		P	P	P	P	P					3
Television, Radio or Electronics Sales		5731																		P	P	P	P	P					3
Tire Sales		5531																				P	P	P		P			3
Tobacco Store		5993																		P	P	P	P	P					3
Truck Stop	WCA	5541																					D			P	P		4
Video Tape Rental and Sales		7841																		P	P	P	P	P					3
WHOLESALE TRADE																													
Agricultural Chemicals, Pesticides or Fertilizers	WCA	5191	D																								P		5
Agricultural Products, Other		5159	D																							P	P		4
Ammunition		5099																									P		4
Animals and Animal Products, Other		5159	D																								P		5
Apparel, Piece Goods and Notions		5130																				P	P		P	P	P		4
Beer, Wine or Distilled Alcoholic Beverages		5180																							P	P	P		4
Books, Periodicals and Newspapers		5192																				P	P		P	P	P		4
Chemicals and Allied Products	WCA	5169																									P		5
Drugs and Sundries		5122																				P	P		P	P	P		4
Durable Goods, Other		5099																				P	P		P	P	P		4

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Electrical Goods	5060																				P	P		P	P	P		4
Farm Supplies, Other	5191	D																							P	P		4
Flowers, Nursery Stock and Florist Supplies WCA	5193	D																			P	P		P	P	P		4
Forest Products	5099	D																							P	P		5
Furniture and Home Furnishings	5020																				P	P		P	P	P		4
Grain and Field Beans	5153	D																								P		5
Groceries and Related Products	5140																				P	P		P	P	P		4
Hardware	5072																				P	P		P	P	P		4
Jewelry, Watches, Precious Stones and Metals	5094																				P	P		P	P	P		4
Livestock	5154	D																								P		5
Lumber and Other Construction Materials	5030																									P		5
Lumber, Millwork and Veneer	5031																							P	P	P		5
Machinery, Construction and Mining	5082																									P		5
Machinery, Equipment and Supplies	5080																							P	P	P		5
Machinery, Farm and Garden	5083																									P		5
Market Showroom (Furniture, Apparel etc.)	0000																				D	D						3
Metals	5051																							P	P	P		5
Minerals	5052																									P		5
Motor Vehicles WCA	5012																								P	P		4
Motor Vehicles, Parts and Supplies	5010																							P	P	P		4
Motor Vehicles, Tires and Tubes	5014																							P	P	P		4
Paints and Varnishes WCA	5198																								P	P		4
Paper and Paper Products	5110																				P	P		P	P	P		4
Petroleum and Petroleum Products WCA	5170																									D		5

WCA = Prohibited in the WCA, See Section 7–3.5(A) WS–III = New landfills which require a NPDS Permit for disposing of treates leachate are prohibited in WS_III (GWA) Watersheds P=Use by Right D=Development Standards S=Special Use Permit Required Z=Overlay Zoning Required *=Indicates Additional District Requirements, See Section 4–4.3(B).

TABLE 4–3–1 PERMITTED USE SCHEDULE

Use Type	Ref. SIC	Zoning Districts: AG	RS 40	RS 30	RS 20	RS 15	RS 12	RS 9	RS 7	RS 5	RMH	RM 8	RM 12	RM 18	RM 26	LO	GOM	GOH	NB *	LB *	GB *	HB *	SC	CP *	LI *	HI	PI	LUC
Plastics Materials	5162																							P	P	P		4
Plumbing and Heating Equipment	5070																							P	P	P		4
Professional and Commercial Equipment and Supplies	5040																				P	P		P	P	P		4
Resins	5162																									P		5
Scrap and Waste Materials WCA	5093																									P		5
Sporting and Recreational Goods and Supplies	5091																				P	P		P	P	P		4
Tobacco and Tobacco Products	5194																				P	P		P	P	P		4
Toys and Hobby Goods and Supplies	5092																				P	P		P	P	P		4
Wallpaper and Paint Brushes	5198																				P	P		P	P	P		4
TRANSPORTATION, WAREHOUSING AND UTILITIES																												
Airport and Flying Field, Commercial WCA	4500																									P		5
Beneficial Fill Area	0000	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	
Bulk Mail and Packaging	4212																								P	P		4
Bus Terminal WCA	4100																				P	P			P	P		4
Communication or Broadcasting Facility	4800																P	P			P	P	P	P	P	P		3
Construction or Demolition Debris (C–D) Landfill, Major	0000																									S		5
Construction or Demolition Debris (C– D) Landfill, Minor	0000	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	
Courier Service, Central Facility	4215																								P	P		4
Courier Service Substation	4215																P	P			P	P	P	P	P	P		3
Land Clearing & Inert Debris (LCID) Landfill, Major WCA	0000	S																								S		5
Land Clearing & Inert Debris (LICD) Landfill, Minor WCA	0000	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	
Hazardous and Radioactive Waste (Transportation, Storage and Disposal) WCA	4953																									S		5
Heliport W CA	4522	S															S	S				S		S	S	P	S	5

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TABLE 4–3–1 PERMITTED USE SCHEDULE

Use Type	Ref. SIC	Zoning Districts																									LUC
		AG	RS 40	RS 30	RS 20	RS 15	RS 12	RS 9	RS 7	RS 5	RM 5	RM 8	RM 12	RM 18	RM 26	LO	GO M	GO H	NB *	LB *	GB *	HB *	SC	CP *	LI *	HI	PI	
Moving and Storage Service	4214																								P	P		4
Radio, Television or Communication Tower	0000	D															D	D			D	D		D	D	D	D	3
Railroad Terminal or Yard WCA	4010																					P			P	P		4
Recycling Processing Centers	0000																								D	P		4
Refuse and Raw Material Hauling WCA	4212																									P		4
Sewage Treatment Plant WCA	4952																									P		5
Solid Waste Disposal (non–hazardous) WS–III, WCA	4953	S																								S		5
Taxi Terminal WCA	4121																				P	P			P	P		4
Trucking or Freight Terminal WCA	4213																								P	P		5
Utility Company Office	0000																P	P			P	P	P	P	P	P		3
Utility Equipment and Storage Yards	0000																								P	P		5
Utility Lines and Related Appurtenances	0000	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Utility Service Facility (no outside storage)	0000																				P	P		S	P	P		4
Utility Substation	0000	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	4
Warehouse (general storage, enclosed)	4220																				D	D		P	P	P		4
Warehouse (self–storage)	4225																				D	D			P	P		4
Water Treatment Plant	0000																								P	P	P	4
MANUFACTURING AND INDUSTRIAL USES																												
Aircraft and Parts	3720																									P		5
Ammunition, Small Arms WCA	3482																									D		5
Animal Feeds (including dog and cat)	2048																									S		5
Animal Slaughter or Rendering WCA	0000																									S		5
Apparel and Finished Fabric Products	2300																							P	P	P		4
Arms and Weapons WCA	3480																								P	P		4

WCA = Prohibited in the WCA, See Section 7–3.5(A) WS–III = New landfills which require a NPDS Permit for disposing of treates leachate are prohibited in WS_III (GWA) Watersheds P=Use by Right D=Development Standards S=Special Use Permit Required Z=Overlay Zoning Required *=Indicates Additional District Requirements, See Section 4–4.3(B).

TABLE 4–3–1 PERMITTED USE SCHEDULE

Use Type		Ref. SIC	Zoning Districts: AG	RS 40	RS 30	RS 20	RS 15	RS 12	RS 9	RS 7	RS 5	RMH	RM 8	RM 12	RM 18	RM 26	LO	GOM	GOH	NB *	LB *	GB *	HB *	SC	CP *	LI *	HI	PI	LUC
Asbestos, Abrasive and Related Products	WCA	3290																								P		5
Asphalt Plant	WCA	2951	S																							S		5
Audio, Video and Communications Equipment		3600																						P	P	P		4
Bakery Products		2050																						P	P	P		4
Batteries	WCA	3691																								P		5
Beverage Products (alcoholic)		2080																								P		5
Beverage Products (nonalcoholic)		2086																						P	P	P		4
Bicycle Assembly		3751																						P	P	P		4
Bicycle Parts and Accessories		3751																						P	P	P		4
Boat and Ship Building		3730																							P	P		4
Brooms and Brushes		3991																						P	P	P		4
Burial Caskets		3995																							P	P		4
Chemicals, Paints and Allied Products	WCA	2800																								P		5
Coffee		2095																						P	P	P		4
Computer and Office Equipment		3570																						P	P	P		4
Concrete, Cut Stone and Clay Products	WCA	3200																								P		5
Contractors (no outside storage)		0000																			P	P		P	P	P		3
Contractors, General Building		1500																							P	P		4
Contractors, Heavy Construction	WCA	1600																								P		5
Contractors, Special Trade	WCA	1700																							P	P		4
Costume Jewelry and Notions		3960																						P	P	P		4
Dairy Products	WCA	2020																						P	P	P		4
Drugs	WCA	2830																						P	P	P		5
Electrical Industrial Apparatus, Assembly		3620																						P	P	P		4

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TABLE 4–3–1 PERMITTED USE SCHEDULE

Use Type		Ref. SIC	Zoning Districts																								LUC
			AG	RS 40	RS 30	RS 20	RS 15	RS 12	RS 9	RS 7	RS 5	RMS	RM 8	RM 12	RM 18	RM 26	LO	GOM	GOH	NB *	LB *	GB *	HB *	SC	CP *	LI *	HI	PI	
Electrical Industrial Apparatus, Manufacturing		3620																							P	P		5
Electrical Components		3670																							P	P		5
Electrical Equipment		3600																							P	P		5
Explosives	WCA	2892	S																									5
Fabricated Metal Products		3400																								P		5
Fabricated Valve and Wire Products		3490																							P	P		4
Fats and Oils, Animal	WCA	2077																								P		5
Fats and Oils, Plant	WCA	2070																							P	P		4
Fish, Canned, Cured or Frozen	WCA	2091																								S		5
Floor Coverings (excluding carpet)		3996																								P		5
Food and Related Products, Miscellaneous		2090																						P	P	P		4
Furniture Framing		2426																						P	P	P		4
Furniture and Fixtures Assembly		0000																						P	P	P		4
Furniture and Fixtures		2500																						P	P	P		4
Glass		3200																								P		5
Glass Products from Purchased Glass		3231																						P	P	P		4
Grain Mill Products		2040																							P	P		4
Heating, Equipment and Plumbing Fixtures		3430																							P	P		4
Household Appliances		3630																							P	P		4
Ice		2097																				P	P	P	P	P		4
Industrial and Commercial Machinery		3500																							S	P		4
Jewelry and Silverware (no platting)		3910																						P	P	P		4
Leather and Leather Products (no tanning)	WCA	3100																						P	P	P		4
Leather and Leather Products (tanning)	WCA	3100																								S		5

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Use Type	Ref. SIC	Zoning Districts																								LUC
		AG	RS 40	RS 30	RS 20	RS 15	RS 12	RS 9	RS 7	RS 5	RM 5	RM 8	RM 12	RM 18	RM 26	LO	GOM	GOH	NB *	LB *	GB *	HB *	SC	CP *	LI *	HI	PI	
Lighting and Wiring Equipment	3640																							P	P		4
Logging and Wood, Raw Materials	2411	S																									1
Manufactured Housing and Wood Buildings	2450																							P	P		4
Measurement, Analysis and Control Instruments	3800																						P	P	P		4
Meat & Poultry, Packing & Processing (no rendering) WCA	2010																								P		5
Medical, Dental and Surgical Equipment	3840																						P	P	P		4
Metal Coating and Engraving WCA	3470																								S		5
Metal Fasteners (screws, bolts etc.)	3450																							P	P		4
Metal Processing WCA	3350																							P	P		4
Millwork, Plywood and Veneer	2430																						P	P	P		4
Motor Vehicle Assembly	3710																								P		5
Motor Vehicle Parts and Accessories	3714																							P	P		4
Motorcycle Assembly	3751																							P	P		4
Musical Instruments	3930																						P	P	P		4
Paper Products (no coating or laminating) WCA	2670																							P	P		4
Paper Products (coating and laminating) WCA	2670																								P		4
Paperboard Containers and Boxes	2650																						P	P	P		4
Pens and Art supplies	3950																						P	P	P		4
Petroleum and Related Products WCA	2900																								S		5
Pharmaceutical Preparations WCA	2834																						P	P	P		4
Photographic Equipment	3861																						P	P	P		4
Photographic Supplies	3861																						P	P	P		5
Pottery and Related Products	3260																							P	P		4
Preserved Fruits and Vegetables (no can manufacture)	2030																						P	P	P		4

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Primary Metal Products and Foundries	WCA	3300																								P		5
Printing and Publishing		2700																				P	P		P	P	P		4
Pulp and Paper Mills	WCA	2610																								S		5
Rubber and Plastics, Miscellaneous	WCA	3000																							P	P		4
Rubber and Plastics, Raw	WCA	3000																								S		5
Salvage Yards, Auto Parts	WCA	5015	S																							S		5
Salvage Yards, Scrap Processing	WCA	5903	S																							S		5
Sawmill or Planing Mills		2420	P																							P		5
Signs		3993																						P	P	P		4
Soaps and Cosmetics	WCA	2840																						P	P	P		4
Sporting Goods and Toys		3940																						P	P	P		4
Sugar and Confectionery Products		2060																						P	P	P		4
Surface Active Agents	WCA	2843																								P		5
Textile Products (no dying and finishing)	WCA	2200																						P	P	P		4
Textile Products (with dying and finishing)	WCA	2260																								P		5
Tires and Inner Tubes	WCA	3011																								S		5
Tobacco Products		2110																								P		5
Wood Containers		2440																						P	P	P		4
Wood Products, Miscellaneous		2490																								P		5
OTHER USES																												
Automotive Parking (subject to Sct. 6–2 – Off–Street Parking, Stacking and Loading Areas)		0000	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	3
Billboards		0000																				D			D	D		1
Mixed Development		0000																			D	D	D	D				3

WCA = Prohibited in the WCA, See Section 7–3.5(A) WS–III = New landfills which require a NPDS Permit for disposing of treates leachate are prohibited in WS_III (GWA) Watersheds P=Use by Right D=Development Standards S=Special Use Permit Required Z=Overlay Zoning Required *=Indicates Additional District Requirements, See Section 4–4.3(B).

TABLE 4–3–1 PERMITTED USE SCHEDULE

Use Type	Ref. SIC	Zoning Districts: AG	RS 40	RS 30	RS 20	RS 15	RS 12	RS 9	RS 7	RS 5	RMS	RM 8	RM 12	RM 18	RM 26	LO	GOM	GOH	NB *	LB *	GB *	HB *	SC	CP *	LI *	HI	PI	LUC
Temporary Construction, Storage or Office; Real Estate Sales or Rental Office (with concurrent building permit for permanent building	0000	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Temporary Events (refer to Sct 3–3.3 – Event Permit) including but not limited to ...																												
Arts and Crafts Shows	0000																P	P	P	P	P	P	P	P	P	P	P	
Carnivals and Fairs	7999	P																			P	P	P	P	P	P	P	
Christmas Tree Sales	0000	P																			P	P	P	P	P	P	P	
Concerts, Stage Shows	7920	P																				P	P	P	P	P	P	
Conventions, Trade Shows	0000																					P	P	P	P	P	P	
Outdoor Retail Sales	5000																				P	P	P					
Outdoor Religious Events	0000	P																				P	P	P	P	P	P	
Turkey Shoots	0000	D																										

WCA = Prohibited in the WCA, See Section 7–3.5(A) WS–III = New landfills which require a NPDS Permit for disposing of treates leachate are prohibited in WS_III (GWA) Watersheds P=Use by Right D=Development Standards S=Special Use Permit Required Z=Overlay Zoning Required *=Indicates Additional District Requirements, See Section 4–4.3(B).

4–4 DIMENSIONAL REQUIREMENTS

Within the zoning districts as shown on the Official Zoning Map, all the following dimensional requirements shall be complied with.

4–4.1 Agricultural and Single–Family Districts

(A) Dimensional Requirements for Agricultural and Single Family Districts: Dimensional Requirements for Agricultural and Single Family Districts are found in Table 4–4–1.

TABLE 4–4–1
Agricultural and Single Family District Dimensional Requirements

	AG	RS–40	RS–30	RS–20	RS–15	RS–12	RS–9	RS–7	RS–5
Min. Lot Size (ft.^{2})	40,000	40,000	30,000	20,000	15,000	12,000	9,000	7,000	5,000
Min. Lot Width (ft.)									
Interior Lot	150	150	100	90	80	75	60	50	50
Corner Lot	150	150	100	100	90	85	75	70	70
Min. Street Frontage (ft.)	50	50	50	45	45	45	30	30	30
Min. Street Setback (ft.) [a]									
Local, Subcollector, Collector – Front	40/65	40/65	40/65	35/60	30/55	30/55	30/55	25/50	20/45
Local, Subcollector, Collector – Side	40/65	40/65	20/45	20/40	15/40	15/40	15/40	15/40	15/40
Minor Thoroughfare	45/80	45/80	45/80	40/75	40/75	40/75	40/75	35/70	35/70
Major Thoroughfare	50/95	50/95	50/95	50/95	50/95	50/95	50/95	45/90	45/90
Min. Interior Setbacks (ft.)									
Side Yard	15	15	10	10	10	10	5	5	5
Rear Yard	30	30	30	30	30	30	25	20	15
Max. Building Height (ft.)[b]	50	50	50	50	50	50	50	50	50
Max. Building Coverage (% of lot)	30	30	30	30	30	30	35	40	45

[a] Setback from right–of–way line or property line/setback from street centerline, whichever is greater

[b] No more than three (3) full or partial stories entirely above grade.

Notes:

1) A corner lot has two street setbacks. The setback of lower setback category shall be considered the side street. If both streets are of the same setback category, the property owner shall designate the side street for his lot.

2) A through lot has two street setbacks but no rear setback.

3) On a corner lot of record, the side street setback may be reduced, if necessary, to yield a buildable width equal to sixty (60%) percent of the lot width.

4) For any lot of record, the street setback and the rear setback may be reduced, if necessary, to yield a buildable depth equal to forty (40%) percent of the lot depth. The rear setback shall be reduced first, but not below fifteen (15) feet and the street setback shall not be reduced by greater than ten (10) feet.

(B) Cluster Development

1) Cluster Option

a) Cluster development may be used in any district which permits single-family uses if the tract is ten (10) acres or more and is served by municipal sanitary sewer.

b) Cluster development may be used on tracts smaller than ten acres if street right-of-way in a street or highway corridor pursuant to NCGS 136-66.10 is dedicated and the development will be served by municipal sanitary sewer.

c) Cluster development is allowed in WCA and GWA areas of WS-III and WS-IV water supply watersheds under the performance requirement listed in Section 7-1.7(B). For all WCA and GWA areas, the total number of lots shall not exceed the number of units allowed for single family detached developments under the low density option as listed in Table 2-1-1.

2) Cluster Required: The Technical Review Committee (TRC) may require that cluster development be used if right-of-way dedication is required pursuant to NCGS 136-66.10 or the development lies partially or wholly within a Watershed Critical Area.

3) Development Standards: The objective of the cluster option is to place the houses in a development closer together and on smaller lots than would normally be permitted by the zoning district in which the development is located, and to place land which would otherwise have been included in private lots into public dedication or common area.

a) When cluster development is employed, all lot size and other dimensional requirements for single-family dwellings are decreased to comply with all requirements of a smaller-lot RS zone.

b) The sum of those areas placed into common area as open space, those areas dedicated as public open space in excess of any required dedication for such purposes, and those areas dedicated as street right-of-way pursuant to NCGS 136-66.10 (a) shall not be less than fifteen (15%) percent of the total area of the development.

c) The maximum number of lots shall be determined as follows:

i) Calculate the gross acreage of the tract, excluding any existing street right-of-way;

ii) Subtract three-fourths (3/4) of the area of any drainageway and/or open space required to be dedicated by this Ordinance.

iii) Multiply by the density factor from Table 4-4-2.

TABLE 4-4-2
CLUSTER DEVELOPMENT LOT AND DENSITY
REQUIREMENTS FOR SINGLE FAMILY DEVELOPMENT

DEVELOPMENT ZONED	LOTS AND BUILDINGS MUST MEET REQUIREMENTS OF	DENISTY FACTOR PER ACRE
RS-40 (WCA Tier 2)	RS-40	0.20
RS-40 (WCA TIER 3)	RS-40	0.33
RS-40	RS-20	1.0
RS-30	RS-15	1.3
RS-20	RS-12	1.9
RS-15	RS-9	2.5
RS-12	RS-7	3.0
RS-9, RM-5	RS-5	4.0
RS-7, RM-8	RS-5	5.0
RM-12, RM-18, RM-26, GO-M, & GO-H	RS-5	6.0

d) Common areas shall be located within the development to:

i) Preserve stands of trees, lakes, steep slopes, historic sites or other significant features;

ii) Provide common green space in the development for aesthetic purposes and pedestrian use;

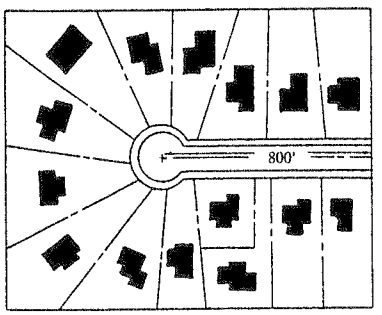
iii) Provide space for common recreation facilities and meeting places; or

iv) Provide buffering from adjacent land uses of higher intensity.

v) Minimize stormwater flow and runoff impacts to receiving waters in WCA and GWA areas.

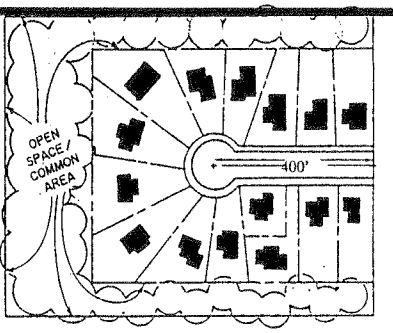
e) Common area for open space shall be of usable dimensions, including a minimum width of twenty–four (24) feet and shall be accessible to all homeowners in the development.

f) If approved by the Technical Review Committee, a site may be reserved for a school, church, civic club, public recreation center or public library within the area that would otherwise have been common area



CONVENTIONAL SINGLE FAMILY DETACHED SUBDIVISION

- 5 Acres
- 15 Lots
- 12,000 S.F. Minimum Lot Size



CLUSTER DEVELOPMENT SINGLE FAMILY DETACHED SUBDIVISION

- 5 Acres
- 15 Lots
- 7,000 S.F. Minimum Lot Size

* Undeveloped open space/common area could be dedicated floodplain areas, recreational areas, buffer from highway or non–compatible use.
* Illustration based on RS–12 zoning.

Figure 4–A
CLUSTER DEVELOPMENT

NO SCALE

(C) Zero Side Setback – See Figure 4–B.

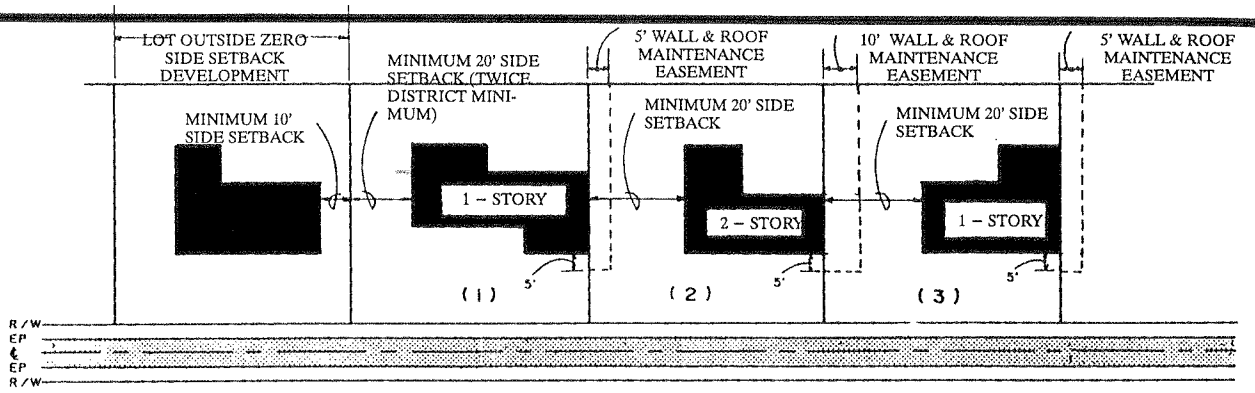
1) Zero Side Setback Option: Zero side setback development may be used in any district which permits single–family uses if the development contains ten (10) or more contiguous lots and is served by municipal sanitary sewer.

2) Development Standards

a) Setbacks of zero (0) feet are permitted only where the lots on both of the affected lot line are part of a zero side setback development

b) A wall and roof maintenance easement (five (5) feet along one–story walls, ten (10) feet along two (2)–story walls) shall be provided on the opposite side of the zero setback lot line.

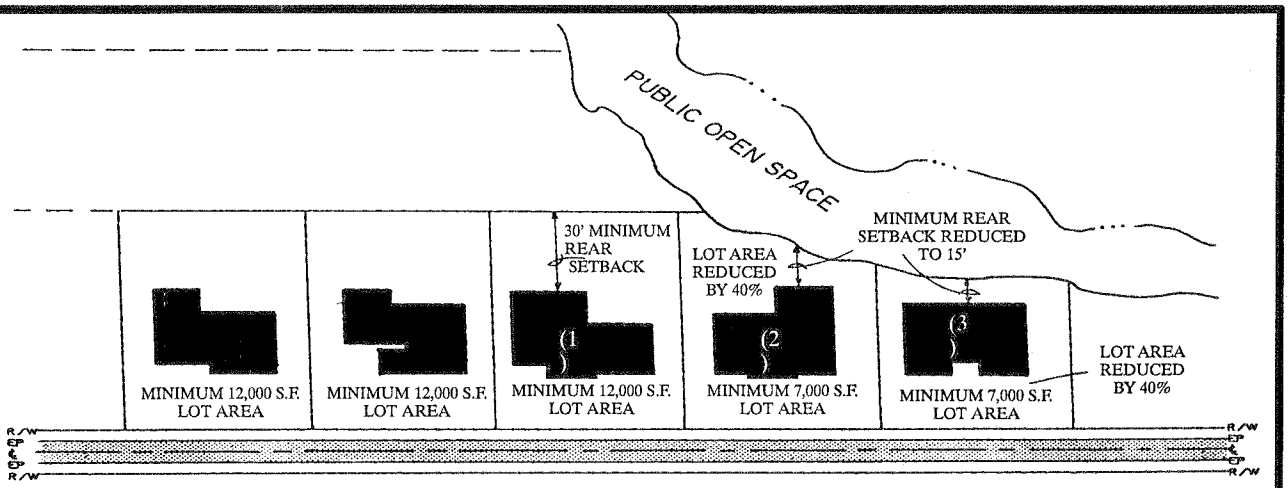
c) Whenever one side setback is zero, the minimum setback on the opposite side of the same lot shall be twice the minimum side setback required by this Ordinance for the zoning district in which the development is located.



* Can be used in any district permitting Single Family Uses.
* Tract must contain ten (10) of more contiguous lots.
* Illustration based on RS–12 zoning.

Figure 4–B
ZERO SIDE SETBACK

NO SCALE



* Single Family lots with public sewer.
* Illustration based on RS–12 zoning.
* Note to be placed on plat "Lots 2 and 3 have been reduced in area in accordance with Section 4–4 of the Guilford County Development Ordinance. All other dimensional requirements of the Ordinance shall apply"

Figure 4–C
LOTS ADJOINING PUBLIC OPEN SPACE

NO SCALE

(D) Lots Adjoining Public Open Space – See Figure 4–C.

1) Lot Area Reduction Option: Single–family lots with public sewer service which abut dedicated public drainageway and open space may be developed with less than the area required in Table 4–4–1, provided the following requirements are met.

2) Development Standards

a) No lot shall be less than sixty (60%) percent of the minimum lot area for the zoning district in which it is located, or five thousand (5,000) square feet, whichever is greater.

b) Rear setbacks may be reduced to fifteen (15) feet, if the rear property line(s) abut public drainageway and open space areas.

c) A note shall be placed on the plat stating: "Lots have been reduced in area in accordance with Section 4–4.1(D), and that all other dimensional requirements of this Ordinance apply."

(A) Dimensional Requirements for Permitted Single–Family District Uses and Two–Family Dwellings in RM, GO–M, and GO–H Districts: See Table 4–4–3.

TABLE 4–4–3
Dimensional Requirements for Permitted Single–Family District Uses and Two–Family Dwellings in RM, GO–M, GO–H, NB, and LO Districts

Min. Lot Size (ft^2)	RM–5	RM–8	RM–12	GO–M	RM–18	RM–26	GO–H	NB	LO
Single Family	8,500	7,000	7,000	7,000	5,000	5,000	5,000	9,000	9,000
Two–Family[a]	17,500	12,000	11,000	11,000	9,000	7,000	7,000	9,000	9,000
All lots and structures must meet other requirements of	RS–9	RS–7	RS–7	RS–7	RS–5	RS–5	RS–5	RS–9	RS–9

a Non conforming lots of record in the RM and GO districts may be developed provided they meet the following minimum lot sizes: 9,000 ft2 in RM–5, RM–8, NB, and LO and 7,000 ft.2 in RM–12, RM–18, RM–26, GO–M, and GO–H.

(B) Dimensional Requirements for Multi–Family Developments with Three or more Units: Dimensional requirements for Multi–family developments with three or more units are found in Table 4–4–4.

TABLE 4–4–4

Dimensional Requirements in RM & GO Districts for Multifamily Developments (Including Townhouses and Residential Condominiums), Residential Group Developments, Private Dormitories, Single Room Occupancy Residences, and Congregate Care Facilities

	RM–5	RM–8	RM–12	GO–M	RM–18	RM–26	GO–H
Min. Lot Size ($ft.^2$) for first 3 DU's	26,000	16,000	15,000	15,000	12,000	9,000	9,000
Additional Lot Area per Additional Unit ($ft.^2$)	8,712	5,445	3,630	3,630	2,420	1,675	1,675
Minimum Lot Width (ft.) for first 3 DU's	75	75	75	75	60	60	60
Additional Lot Width per Additional Unit – 5 ft., until total lot width = 120 ft.							
Minimum Street Frontage (ft.)	50	50	50	50	50	50	50
Minimum Street Setback (ft.)[a]							
Local, Subcollector & Collector	30/55	25/50	25/50	25/50	25/50	25/50	25/50
Minor Thoroughfare	40/75	35/70	35/70	35/70	35/70	35/70	35/70
Major Thoroughfare	50/95	45/90	45/90	45/90	45/90	45/90	45/90
Minimum Interior Setbacks (ft.)							
Side	10	10	10	10	10	10	10
Rear	25	25	25	25	25	25	25
Minimum Building Separation (ft.)	20	20	20	20	20	20	20
Maximum Building Height (ft.)	50[b]	50[b]	50/80[c]	50/80[c]	50/80[c]	–[c]	–[c]
Maximum Building Cover (percentage of lot)	35	40	45	45	45	50	50

a Setback from right–of–way line or property line/setback from street centerline, whichever is greater.

b No more than three (3) full or partial stories entirely above grade.

c Increase all setbacks by one (1) foot for every one (1) foot in height between fifty (50) and eighty (80) feet. No additional setback is required for buildings above eighty (80) feet in height.

(C) Additional Requirements For Multi–Family Developments

1) A multi–family dwelling shall not be placed behind and on the same lot as a single–family dwelling.

2) In order to permit adequate fire protection, all portions of every building shall be located within three hundred (300) feet of a public street that furnishes direct access to the property unless the Fire Marshall determines that the fire hydrants and service drives within the development will offer adequate protection.

3) All common driveways within the development shall have approved traffic circulation and shall be kept available for emergency and service use by any public vehicle.

4) Off–street parking spaces shall be located within two hundred (200) feet of each building in an amount proportional to the number of dwelling units in each building. No parking area with five (5) or more spaces shall be located closer than ten (10) feet to a dwelling wall with windows or doors.

5) All walkways within two (2) feet of and perpendicular to parking spaces shall have a minimum width of six (6) feet. Any walkway serving only one dwelling unit, other than a handicapped unit, shall have a minimum width of three (3) feet. All other walkways shall have a minimum width of four (4) feet. Walkways shall be of dustless all–weather surfaces.

6) Open Space and/or Recreation Facilities

   a) Open space and/or recreation facilities shall be provided at the rate of ten (10%) percent of the total land area in developments of under three (3) acres or in the GO–H district with a building more than four (4) stories, and shall be at a single location.

   b) In developments of three acres or more, open space shall be provided at the rate of one (1) acre per one hundred (100) dwelling units. Such open space and/or recreation facilities may be at more than one location, but each such area must have at least ten thousand (10,000) square feet to be counted toward this requirement.

   c) All such areas must have a minimum width of at least twenty–four (24) feet and be accessible to residents of the development at no charge. All such areas shall be occupied by recreational activities, grass and landscaping, or woods. Uses suggested for these areas are swimming pools, tennis courts, play areas, passive recreation, etc. Uses not permitted in such areas are parking, garbage areas, mechanical equipment, or other similar uses. Land dedicated as parkland or as drainageway and open space shall count toward this requirement.

7) No building shall exceed two hundred and fifty (250) feet in length unless it is designed for the elderly and has central facilities for dining and recreation.

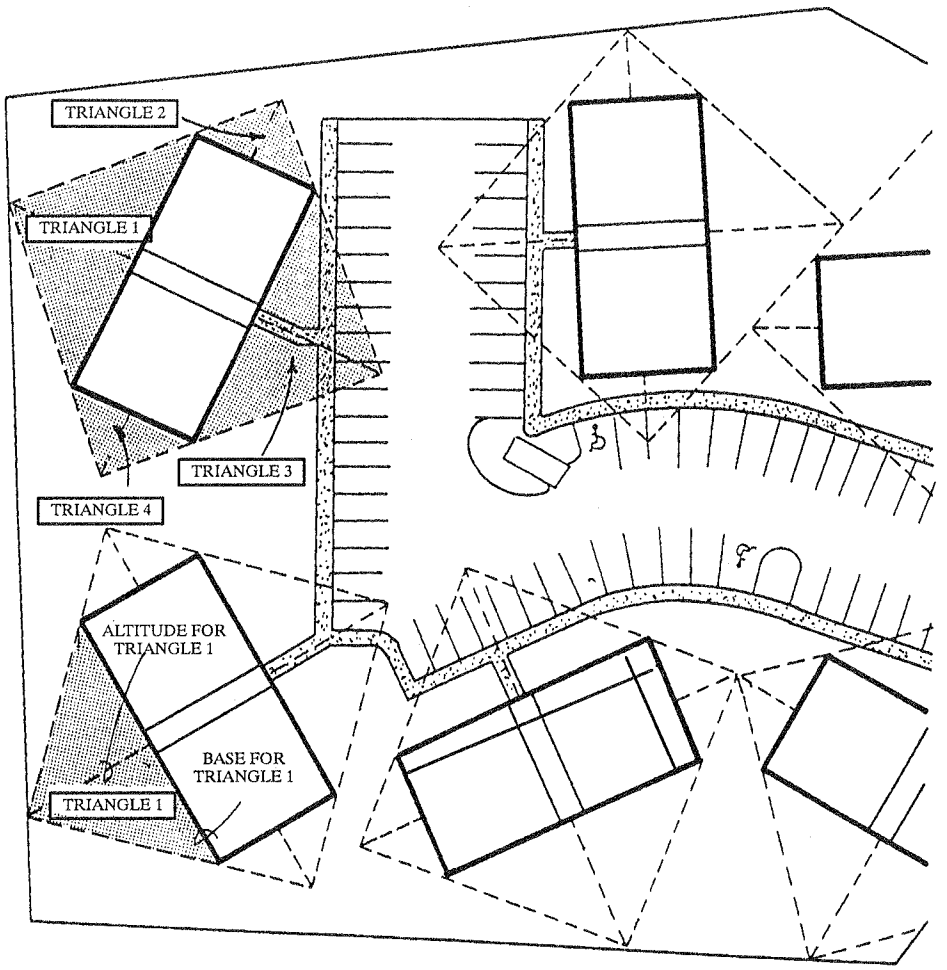
8) Trash containers (dumpsters or compacters) of a number and size conforming with the requirements of the Jurisdiction shall be provided. Each container shall be located so as not to interfere with sight distance or the free movement of vehicles on streets or access drives and so as to allow collector trucks adequate maneuvering space to empty the containers without interference from utility lines or other structures and to leave the property without excessive backing. Concrete pads shall be located beneath and in the approach to each trash container.

   Note: Developments with two (2) or fewer principal buildings and a width at all potential building locations of one hundred twenty (120) feet or less are exempt from the following requirements.

9) On the site plan an isosceles triangle (yard space triangle) shall be drawn from each building facade which, at its closest point, lies within one hundred (100) feet of a lot line other than a street right–of–way line or within one hundred (100) feet of another building in the development. Facades shall be designated so that a minimum number, normally four, results. The base of the triangle shall be a line connecting the extreme ends of the facade (ignoring one–story storage rooms and other one–story protrusions of one hundred (100) square feet or less, exterior stairways, and decks), and its altitude shall be the length of the base line multiplied by a factor related to the height of the building as shown below.

Number of Stories	Altitude Factor
1	0.4
2	0.5
3	0.6
4 or More	0.7

An isosceles triangle thus established may not overlap any portion of another building, another triangle, or another property, unless that property is public parkland, dedicated drainageway and open space, or street right–of–way. See Figure 4–D.



* In this illustration all buildings are two story.
* Refer to Section 4–4.2 of this Ordinance to determine yard space triangles.

Figure 4–D
YARD SPACE
TRIANGLES

NO SCALE

10) Private drives shall be no closer than fifteen (15) feet to a dwelling.

11) Play areas and sports facilities shall not be placed within fifty (50) feet of adjacent land used or zoned for single–family residential purposes.

12) All electric, communications, water, and sewer utility lines shall be installed underground.

13) Arrangement of buildings in parallel rows shall be avoided.

(A) Dimensional Requirements for Non–Residential Districts:Dimensional requirements for non–residential districts are shown in Table 4–4–5.

TABLE 4–4–5
Nonresidential District Dimensional Requirements

	LO	GO–M	GO–H	NB	LB	GB	HB	SC	CP	LI	HI	PI
Min. Development Size (ac.)	–	–	–	–	–	–	–	5	20	–	–	5
Min. Development Width (ft.)	–	–	–	–	–	–	–	250	–	–	–	–
Min. Lot Size (ft.^{2})[a]	9,000	20,000 g	20,000 g	9,000[b]	15,000	12,000	20,000	20,000	40,000	20,000	20,000	40,000
Min. Lot Width (ft.)	60	100	100	60	80	75	100	–	150	100	100	150
Min. Street Frontage (ft.)	60	75	75	60	80	75	100	100	100	75	75	100
Min. Street Setback (ft.) [c]												
Local, Subcollector, Collector	20/45	25/50	25/50	20/45	25/50	15/40	30/55	30/55	30/55	25/50	25/50	30/55
Minor Thoroughfare	30/65	30/65	30/65	30/65	30/65	15/50	40/75	40/75	40/75	30/65	30/65	40/75
Major Thoroughfare	35/80	35/80	35/80	35/80	35/80	15/60	50/95	50/95	50/95	35/80	35/80	50/95
Min. Interior Setbacks (ft.)												
Adj. to Non–Residential Zoning	0/5[d]	10	10	0/5[d]	10	0/5[d]	10	20[e]	20	0/5[d]	0/5[d]	20
Adj. to Residential Zoning	20	25	25	20	25	10	25	35	50	25	50	35
Max. Building Height (ft.)	50[h]	50/80[f]	–[f]	50[h]	50[h]	50/80[f]	50/80[f]	50/80[f]	50/80[f]	50/80[f]	50/80[f]	50/80[f]
Max. Building Coverage (% of lot)	–	–	–	–	–	–	–	–	45	60	60	–

[a] Lots of record having less than minimum required area may be developed pursuant to Section 3–14.1 (Nonconforming Lots of Record).

[b] Maximum district size of three (3) acres (excluding any street right–of–way).

[c] Setbacks from right–of way line or property line/street centerline, whichever is greater.

[d] Zero setback if no setback is provided. If setback is provided it must be a minimum of five (5) feet.

[e] A through lot has two street setbacks but no rear setback.

[f] Increase all setbacks by one (1) foot for every foot in height between fifty (50) and eighty (80) feet. No additional setback is required for buildings above eighty (80) feet in height.

[g] Smaller lots are permitted for residential uses (refer to Table 4–4–3).

[h] No more than three (3) full or partial stories entirely above grade.

(B) Additional Requirements for Non–Residential Districts

1) Neighborhood Business District (NB)

a) No more than three thousand (3,000) square feet of gross floor area per use shall be permitted on a lot.

b) Outside storage is prohibited.

c) Hours of operation shall be restricted to between 6:00 AM to midnight.

d) Drive–thru sales and services are not permitted.

e) Exterior lighting is limited to indirect illumination and safety lighting. All exterior lighting shall be hooded or shielded so that the light source is not directly visible from adjacent streets or properties. No exterior lighting shall be located higher than fifteen (15) feet above ground or pavement.

f) All off–street parking shall be located to the rear of the building.

g) Buildings must be reflective of the architectural styles, exterior material, and colors of nearby residences.

h) A maximum of two (2) dwellings units are permitted above each business.

2) Limited Business (LB)

a) No more than fifty thousand (50,000) square feet of gross floor area per use shall be permitted on a lot.

b) No more than one hundred thousand (100,000) square feet of gross floor area per development shall be permitted.

c) Outside storage is prohibited.

3) General Business (GB): All permitted uses within the Wholesale Trade category, except Market Showrooms, shall meet the following standards:

a) A maximum of ten thousand (10,000) square feet of gross floor area intended for wholesale trade shall be permitted per establishment, and

b) No outside storage of materials shall be permitted.

4) Highway Business (HB): All permitted uses within the Wholesale Trade category shall meet the following standards:

a) A maximum of ten thousand (10,000) square feet of gross floor area intended for wholesale trade shall be permitted per establishment, and

b) No outside storage of materials shall be permitted.

5) Corporate Park District (CP)

a) Loading areas shall not be located on the side of a building facing a public street.

b) Accessory outside storage shall not cover an area exceeding twenty–five percent (25%) of the ground level gross floor area of the principal building(s), shall be restricted to the area between the rear property line and the building(s), and shall be fully screened from ground level view.

c) Outside assembly, manufacturing, or processing shall not be permitted.

6) Light Industrial District (LI)

a) Loading areas shall not be located on the side of a building facing a public street, unless such areas are screened from view by plant materials, earthen berm, or combination thereof, with a minimum height of six (6) feet; or unless the street is classified as a local industrial or industrial cul–de–sac street.

b) Outside storage or assembly shall be fully screened from ground level view or public streets.

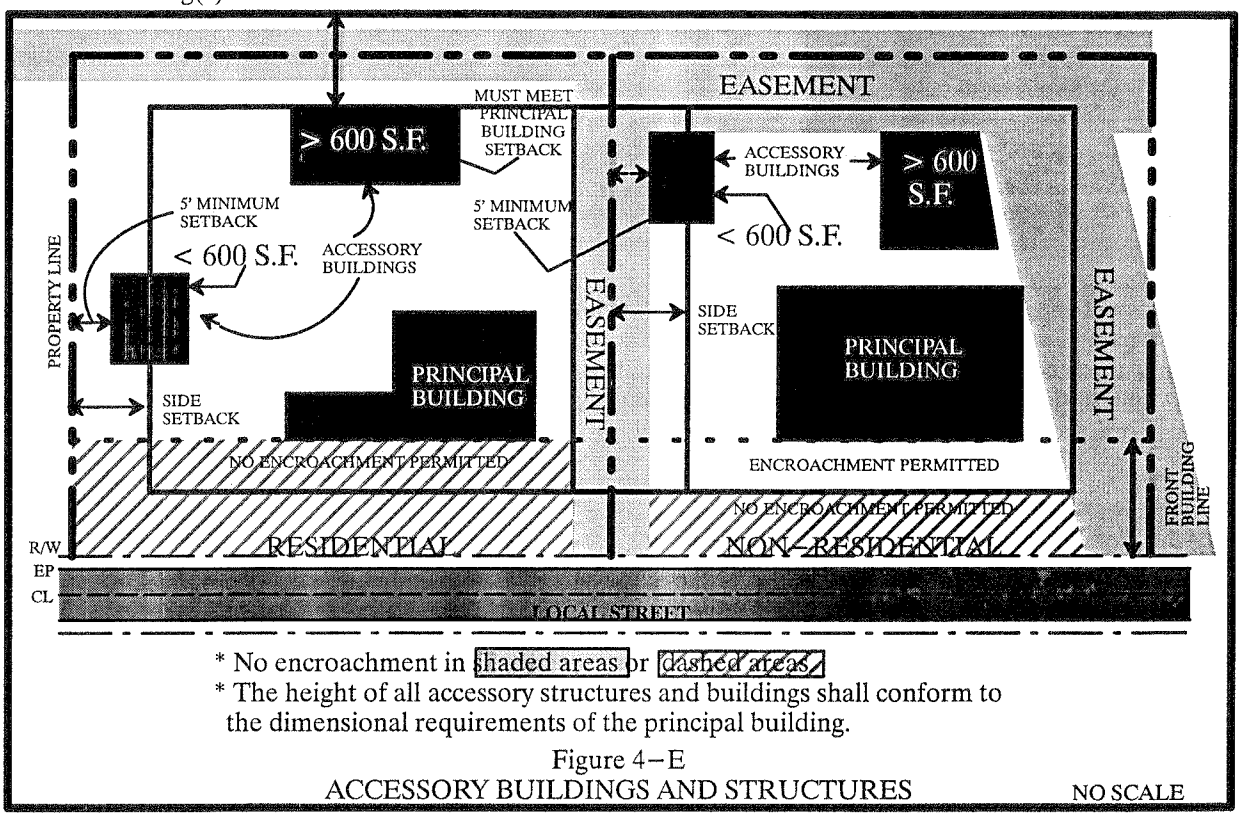
4–5 ACCESSORY USES, BUILDINGS AND STRUCTURES – See Figure 4–E.

The following requirements are for customary accessory buildings and structures. Other accessory buildings and structures containing specific accessory uses listed in Table 4–3–1 (Permitted Use Schedule) may have additional development requirements found in Section 6–4 (Development Standards for Individual Uses).

4–5.1 Setback Requirements

(A) Front: No encroachment in the front setback is permitted.

(B) Side and Rear: If the gross floor area(GFA) of the accessory structure or building is less than six hundred (600) square feet, the structure or building may be located five (5) feet from a side or rear line. If the GFA is greater than six hundred (600) square feet, it must meet the setback requirements of the principal building(s).



* No encroachment in shaded areas or dashed areas.
* The height of all accessory structures and buildings shall conform to the dimensional requirements of the principal building.

Figure 4–E
ACCESSORY BUILDINGS AND STRUCTURES NO SCALE

4–5.2 Location

(A) Residential Zoning Districts: All accessory structures and buildings must be located behind the front building line of the principal structure, except that in the AG, RS–40, and RS–30 zoning districts, existing accessory structures and buildings with any horizontal dimension greater than twelve (12) feet may be located in front of the front building line of the principal structure.

(B) 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.

(C) All Districts: No accessory structure or building except utility substations shall be erected in any easements.

4–5.3 Height

The height of all accessory structures and buildings shall conform to the zoning district in which it is located.

4–5.4 Accessory Use Area

An non–residential accessory use shall not exceed twenty–five (25%) percent of any of the following

measures: gross sales, building volume, floor area, land area, or any other appropriate measure of usage.

4–6 SUPPLEMENTARY DIMENSIONAL REQUIREMENTS

4–6.1 Structures Permitted Above Height Limits

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

4–6.2 Prevailing Street Setback

Where fifty (50%) percent 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.

4–6.3 Encroachments into Required Setbacks – See Figure 4–F.

(A) Encroachments Permitted in Required Setback: The following are permitted in required setbacks provided 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 or outdoor furniture, ornamental entry columns and gates, flag poles, lamp posts, address posts, HVAC equipment, mailboxes, outdoor fire places, public utility wires and poles, pumps or wells, and fences or retaining walls subject to the requirements of Article VI (Development Standards);

3) handicapped ramps.

(B) Structures Permitted in Required Setbacks: The following structures may encroach into any required setback:

1) Cornices, steps, overhanging eaves and gutters, window sills, bay windows or similar architectural features, chimneys and fireplaces, fire escapes, fire balconies, and fire towers may project not more than two and one–half (2 1/2) feet into any required setback, but in no case shall be closer than three (3) feet to any property line; and

2) Porches may encroach into the required front and rear setbacks as follows:

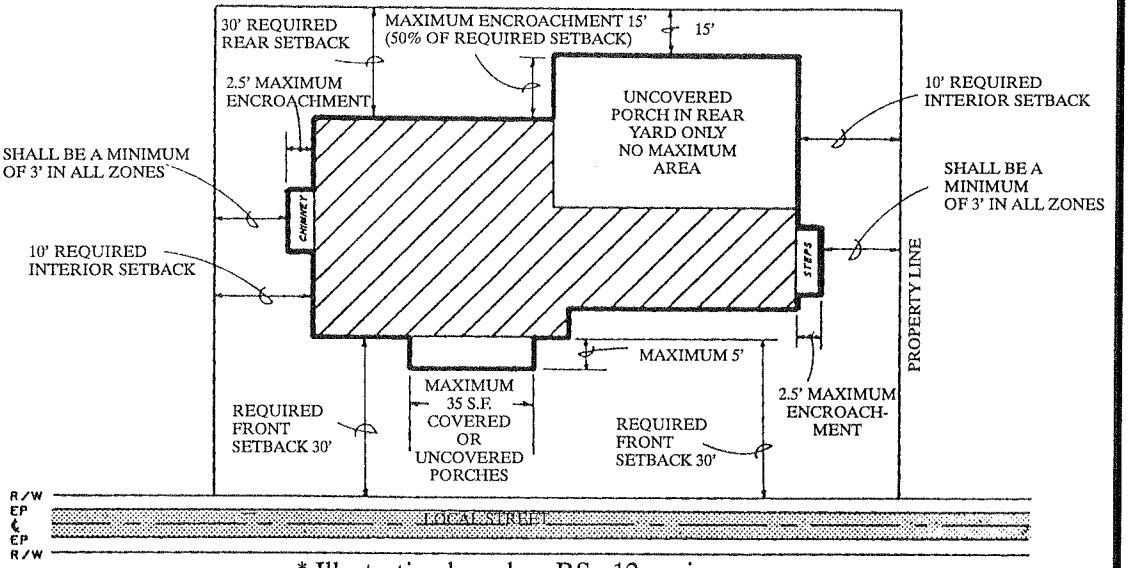
Type	Yard	Maximum Encroachment	Maximum Area
Covered or Uncovered	Front	5 feet	35 ft.^{2}
Uncovered only	Rear	50 % of setback	–

(C) Permitted Projections: Canopies, awnings, and marquees or similar covers attached to a building in the GB districts may project into the street right–of–way provided that:

1) No portion of the cover is located closer to the face of the street curb than a horizontal distance of three (3) feet;

2) No portion of the cover or sign hanging below the cover is less than nine (9) feet above the grade; and

3) No cover requiring vertical support to the sidewalk is located over a sidewalk with a total width of less than eight (8) feet.



* Illustration based on RS–12 zoning

Figure 4–F

STRUCTURE ENCROACHMENTS INTO REQUIRED SETBACKS NO SCALE

(D) Canopy Projections: Gas station and convenience store pump canopies may be located in the street setback provided that no equipment or part of a canopy is located closer than fifteen (15) feet to a street right–of–way line.

4–6.4 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: Prior to fence construction the property owner should contact ULOCO.)

(B) Drainage Maintenance and Utility Easements: Water–related improvements, such as boat docks, may be placed or constructed within drainage maintenance and utility easements

(C) Water Quality Conservation Easements: Water–related improvements, such as boat docks and soil erosion and sedimentation control structures, may be placed or constructed within water quality conservation easements.

4–6.5 Setbacks from Thoroughfares

Where proposed street alignments have been established, building setbacks shall be measured from the future right–of–way line or centerline of the proposed street.

4–7 ZONE LOT REQUIREMENTS

4–7.1 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 (1) principal residential building and its accessory buildings on a zone lot except as provided below.

(A) Nonresidential Group Development: Two or more principal nonresidential buildings are permitted on a zone lot pursuant to a site plan approved by the Technical Review Committee, 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 Technical Review Committee, provided that an access driveway is maintained to each building in passable condition for service and emergency vehicle.

4–7.2 Street Access Requirements

(A) Access to Public Street Required: Every zone lot shall abut and have direct access to a publicly maintained street, 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, except as provided in this Section.

(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 Article V(Subdivisions: Procedures and Standards).

(C) Single Family Detached Cluster Development: Private streets may be used to meet access requirements for lots in single family detached cluster developments and for single family or twin home lots in planned unit developments, provided the development as a whole abuts and has direct access to a publicly maintained street.

(D) Private Lanes: Subdivision lots that abut and have access to private lanes platted in accordance with Section 5–13.3(H).

(E) Townhouse Developments: Individual parcels shall have right of access through common areas containing private streets and/or private drives at least twenty–four (24) feet in width leading to a publicly maintained street. Individual parcels may have direct access to a publicly maintained street with Technical Review Committee approval.

(F) Manufacturing Dwelling Park: Manufactured Dwelling park lots or spaces developed in accordance with Section 6–4.58.

(G) Unified Development: Individual parcels, whether leased or sold, in a unified development shall have shared rights of access along private streets and/or along private drives at least twenty–four (24) feet in width leading to a publicly maintained street. Maintenance of all private streets and private drives shall be a mandatory responsibility, running with the land, exercised by a single entity which shall be composed of one landowner, an Owners' Association, or all owners acting collectively pursuant to a binding agreement.

(H) Exceptions: Special–purpose lots may provide access via easement in accordance with Section 4–9 (Special–Purpose Lots); and lots served by Exclusive Access Easements in accordance with Section 5–13.2(G).

(I) Access from Public Street Prohibited: Access from an commercial, office, industrial, or institutional zoning district shall be prohibited through an RS or RM district, unless it is the sole access.

(J) 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.

4–7.3 Unified Development

(A) Parking and Landscaping: A unified development shall be treated as a single zone lot for purposes of providing required off–street parking and required planting yards, even if outparcels 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.

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 unified development.

(B) Plat and Notice Requirements: If the owner of a development elects to organize it in an unified development, a plat shall be recorded displaying a prominent note identifying it as such and explaining that the property must be developed with common driveways and off–street parking and be subject to a common signage plan and a common landscaping plan. The note shall further state that should the property cease function as a unified 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.

4–8 LOT SIZE REDUCTION PROHIBITIONS

4–8.1 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.

4–8.2 Zone Lot

Where two (2) 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.

4–8.3 Exemption

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

4–9 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 requirements below.

4–9.1 Minimum Size

The special–purpose lot shall be permitted only after the Technical Review Committee has determined that the proposed lot has sufficient dimensions to accommodate the intended use and, where required by this Ordinance, planting yards.

4–9.2 Access Easement

If the special–purpose lot does not have direct access to a public street, an easement for ingress and egress with a minimum width of ten (10) feet shall be platted.

4–9.3 Platting

The subdivision to create the lot shall be approved in accordance with Article V (Subdivisions: Procedures and Standards). The Final Plat shall label the lot as a "Special–Purpose Lot for use as _____."

4–10 PLANNED UNIT DEVELOPMENT

4–10.1 Applicability

A planned unit development is an area of land under unified ownership or control to be developed and improved as a whole under a Unified Development Plan in accordance with the requirements of this Ordinance.

4–10.2 Minimum Size and Uses Allowed

(A) Planned Unit Development – Residential (PD–R)

1) Minimum Size: No PD–R district shall be approved for a site of less than twenty–five (25) contiguous acres under unified ownership or control.

2) Uses Allowed: The uses allowed in a PD–R district are those allowed in any residential district, the Neighborhood Business District (NB) and the Limited Office (LO) district.

(B) Planned Unit Development – Mixed (PD–M)

1) Minimum Size: No PD–M district shall be approved for a site of less than twenty–five (25) contiguous acres under unified ownership or control.

2) Uses Allowed: The uses allowed in a PD–M district are those allowed in any zoning district created by this Ordinance except those uses which must, under the terms of this Ordinance, be placed in a Heavy Industrial (HI) or Agricultural (AG) district.

4–10.3 Relationship To Other Applicable Regulations

A planned unit development shall be subject to all of the applicable standards, procedures, and regulations of this Ordinance except as varied or changed by the express terms of this Section.

4–10.4 Development Standards

(A) Dimensional Requirements: The dimensional requirements of this ordinance are waived except that:

1) No structure of any type which is in excess of thirty–five (35) feet in height shall be erected within fifty (50) feet of a single family zoning district or single–family portion of a planned unit development; and

2) Lots planned for single family detached dwelling use shall each contain an area equal to or greater than the minimum area allowed in the RS–5 zoning district or shall have convenient access to nearby open space.

(B) Access

1) Areas between structures shall be covered by easements where necessary to preserve access and to provide for maintenance and utility service; and

2) Primary vehicular access to commercial or industrial development shall not be through intervening residential development.

(C) Commercial Areas

1) Commercial areas within planned unit developments shall be arranged to:

a) Separate pedestrian and vehicular traffic such that pedestrians can safely walk between stores within a development and from parking areas to stores; and

b) Promote pedestrian access from adjacent residential and office areas into commercial areas.

2) Commercial uses in a PD–R district shall be located on and shall face an internal street of the development;

3) No more than ten percent (10%) of the total land area in a PD–R district may be occupied by or used for commercial purposes; and

4) Commercial uses in a PD–R district are permitted if they are designed and located to serve primarily the residents of the planned unit development.

(D) Local Street Design: Local streets within a planned unit development shall be located and designed so that they do not provide for through access by traffic with origins and destinations outside of the development.

(E) Boundary Treatment

1) The scale and setbacks of planned unit development improvements within one hundred and fifty (150) feet of the perimeter of the planned unit development shall be in harmony with development on adjacent lands; and

2) No commercial or industrial use shall be permitted within one hundred and fifty (150) feet of the perimeter of a planned unit development unless the same or a similar use exists adjacent to the perimeter at the time of the approval of the planned unit development.

(F) Signs

1) The size, height, setback, location, design, illumination and number of signs shall be specified in the Unified Development Plan.

2) All signs shall use a coordinated color, style and lettering scheme.

(G) Parking: Off-street parking for each use in a planned unit development shall be provided in accordance with the standards set forth in this Ordinance for the same use or uses of similar intensity. The Technical Review Committee may reduce the parking spaces if the Unified Development Plan provides convenient pedestrian and/or bicycle access among uses.

(H) Environmentally Sensitive Areas: The following shall be left natural and undisturbed except for road crossings, utilities and erosion control devices:

1) Land within a floodway or floodway fringe; and

2) Wetlands, steep slopes and other critical ecological areas.

(I) Open Space and Common Recreational Facilities

1) In a planned unit development district, open space is only that land dedicated to the public or designated by the development plan for the use, benefit, and enjoyment of all residents of the planned unit development. Open space may be common area owned by an owner's association or parkland or drainageway and open space dedicated to the public.

2) To qualify as open space, land shall be useable for recreation purposes or provide visual, aesthetic or environmental amenities, and may not be occupied by street rights-of-way, drives, parking areas or structures other than recreational structures.

3) Land within a floodway or floodway fringe zone may be used to provide not more than fifty percent (50%) percent of the open space required in a planned unit development.

4) All property owners in the planned unit development shall have access to the open space by means of a public or private street right-of-way or all-weather walkway in an easement a minimum of twenty (20) feet in width.

5) The following amount of open space is required:

a) two and one-half (2.5) acres per one hundred (100) dwelling units; and

b) ten (10%) percent of the gross land area for commercial and industrial uses.

6) Open space requirements may be reduced depending upon the nature and extent of active recreation facilities provided.

7) Open space shall be provided within each phase of the planned unit development in sufficient amounts to serve the expected population of that phase or the gross land area devoted to nonresidential land uses.

(J) Utilities: Water, sewer, electrical, gas, television and telephone utilities shall be installed in accordance with Section 5-13.6.

4-10.5 Procedures

(A) Rezoning to Planned Unit Development

1) Prior to submitting an application for rezoning to PD-R or PD-M the applicant shall submit a Sketch Plan prepared in accordance with Appendix 2 (Map Standards) that includes:

a) The general location and amount or land proposed for single family residential, multifamily residential, office, commercial, industrial, open space/recreation, and street use;

b) The number of dwelling units or gross floor area and the acreage of each tract or area shown on the Sketch Plan;

c) The maximum height of buildings and structures in each such tract or area;

d) The location and amount of land in flood hazard areas and any other lands not suitable for development; and

e) Proposed watershed protection measures, including their general location, if the development is within a Watershed Critical Area or a General Watershed Area.

2) The Technical Review Committee shall review the Sketch Plan for consistency with the requirements of Article V (Subdivisions: Procedures and Standards) and other applicable standards in this Ordinance. The Technical Review Committee, upon finding such consistency, shall approve the Sketch Plan for submission to the Planning Board in combination with a rezoning application . If the Sketch Plan is not approved for submission, it shall be returned to the applicant with written reasons for disapproval and/or requests for further information. If it is not approved, the applicant may revise and resubmit the Sketch Plan.

3) The rezoning application shall consist of the following materials:

a) A rezoning application prepared in accordance with Article III (Permits and Procedures);

b) The Sketch Plan approved by the Technical Review Committee;

c) Written documents which specify:

i) The amount of land proposed to be used for each of the following uses: single–family residential, multi–family residential, commercial, industrial, open space/recreation, or streets;

ii) The amount of land in floodplain and any other lands not suitable for development;

iii) The overall gross density of the development and the specific density of each tract or area shown on the the Sketch Plat. Residential density shall be shown in dwelling units/acre; non–residential intensity shall be shown in gross floor area (GFA)/acre;

iv) Traffic generation data which shows trips to and from the development, within the development, and through the development on proposed collector or thoroughfare–level streets; and

v) An overall watershed protection concept plan if the development lies within a Watershed Critical Area or a General Watershed Area.

4) Once submitted as required herein, the petition for rezoning shall proceed to conclusion in accordance with Article III (Permits and Procedures) and other provisions of this Ordinance. Approval of the rezoning establishes the maximum density and use of each tract or area shown on the Sketch Plan. Any request for change in use or increase in density shall be considered a change in zoning and shall be subject to all applicable procedures.

(B) Unified Development Plan Approval

1) The applicant may submit a Unified Development Plan any time after approval of the Sketch Plan by Technical Review Committee. A Unified Development Plan may be processed simultaneously with the petition for rezoning.

2) The Unified Development Plan shall contain the following materials:

a) The approved Sketch Plan with proposed phase lines, if any;

b) Land use, density and traffic data specified in Section (A) above;

c) Preliminary plat(s) for the first phase(s) of development including;

i) Utilities Plan in accordance with Appendix 2 (Map Standards);

ii) Grading/Watershed Development Plan in accordance with Appendix 2 (Map Standards); and

iii) Landscaping Plan in accordance with Appendix 2 (Map Standards);

d) Common Sign Plan in accordance with Article VI (Development Standards); and

e) Documents which specify proposed setbacks or other regulations governing building placement on the land, height restrictions, architectural controls, and other information which TRC may deem pertinent to Plan approval. The applicant may use district regulations provided by this Ordinance or may propose regulations unique to his development. In no case, shall the Unified Development Plan leave any area proposed for development unregulated.

3) The Technical Review Committee shall review the Unified Development Plan and determine if it meets all applicable provisions of this Ordinance and is consistent with the Sketch Plan. If the Unified Development Plan is approved, it shall be noted on the zoning map by project name and/or file reference number. The Sketch Plan, Common Sign Plan and documents specified in B(2)(e) above shall also be recorded in the Register of Deeds within sixty (60) days of approval. After approval of a Unified Development Plan, no building or structure may be erected or building permit issued, nor any lots sold, nor any plats recorded unless such building, structure, permit or plat substantially conforms to the Unified Development Plan.

4) Phased Development of Planned Unit Developments

a) Planned Unit Developments may be developed in phases provided that the following requirements are met:

i) All phases shall be shown with precise boundaries on the Unified Development Plan and shall be numbered in the expected order of development;

ii) All data required for the project as a whole shall be given for each phase shown on the plan;

iii) Development of the cumulative area of open space in all recorded phases and the total number of dwelling units approved in those phases shall comply with Section 4–6;

iv) A proportionate share of the project's open space and common facilities shall be included in each phase of development; and

v) The phasing shall be consistent with the traffic circulation, drainage and utilities plans for the entire planned unit development.

b) If an approved Unified Development Plan includes phasing provisions, then:

i) No final plat for a phase of a planned unit development shall be approved unless all open space and common facilities included in previous phases are substantially complete; and

ii) No final plat for a phase of a planned unit development shall be approved if there is any uncorrected violation of the Unified Development Plan, a Preliminary Plat, a Final Plat or this Article in any previous phase.

5) Owners Association Documents Required: After approval of a Unified Development Plan, no final plat shall be recorded until the Owners Association documents prepared in accordance with Section 5–9 (Owner's Associations) are recorded with the Register of Deeds.

4–11 OVERLAY DISTRICT REQUIREMENTS

4–11.1 Historic District

(A) Designation Procedure: Historic districts, as provided for in this Section, may be designated, amended or repealed through the following procedure:

1) An investigation and report describing the significance of the buildings, structures, features, sites or surroundings included in any such proposed district, and a description of the boundaries of such

district must be prepared by the Historic Preservation Commission and a recommendation thereon made to the Planning Board;

2) The North Carolina Department of Cultural Resources, acting through the State Preservation Officer or his designee, shall make an analysis of and recommendations concerning such report and the description of proposed boundaries. Failure of the Department of Cultural Resources to submit its written analysis and recommendation to the Governing Body within thirty (30) calendar days after a written request for such analysis has been received shall relieve the Governing Body of any responsibility for awaiting such analysis, and said Body may at any time thereafter take any necessary action to adopt or amend this Ordinance with regard to historic districts;

3) The Governing Body may also refer the report and proposed boundaries to any Local Preservation Commission or other interested body for its recommendation prior to taking action.

4) Changes in the boundaries of such district subsequent to its initial establishment, or the creation of additional districts within the Jurisdiction, shall require the preparation of investigative studies by the Historic Preservation Commission, and they shall be referred to the Department of Cultural Resources for its review and comment according to the procedures of set forth in this Section. Changes in the boundaries of district or proposals for additional districts shall also be submitted to the Department of Cultural Resources in accordance with the provisions of this Section;

5) The Planning Board shall review the recommendations and forward its comments and recommendations to the Governing Body; and

6) The Planning Board shall process the historic district overlay zoning as a zoning map amendment, in the same manner set forth in Article III (Permits and Procedures).

(B) Dimensional Regulations and Exceptions: Structures within a historic district shall comply with the regulations of the underlying zoning district, except as follows:

1) Structures erected in a historic district may use the prevailing setback of structures on the same side of the street in accordance with Section 4–6.2 (Prevailing Street Setback);

2) All applicable zoning regulations shall apply to property within a historic district unless a variance is approved by the Board of Adjustment. The said variance shall be granted only if it complies with the intent of the architectural and historic guidelines of the historic district and if first recommended by the Historic Preservation Commission; and

3) Where the Commission, in considering an application for a Certificate of Appropriateness, shall find that the number of off–street parking spaces and/or design standards for parking lots specified by this Ordinance would render the site incompatible with the historic aspects of the district, it may recommend to the Board of Adjustment a variance, in part, or in whole, of the off–street parking requirements and/or design standards. The Board of Adjustment may authorize as a variance a reduced standard concerning off–street parking provided:

a) the Board of Adjustment finds that the lesser standard will not create problems due to increased on–street parking; and

b) the Board of Adjustment finds that the lesser standard will not create a threat to the public safety.

(C) Certain Changes Not Prohibited: Nothing in this Section shall be construed to prevent the following:

1) The ordinary maintenance or repair of any exterior architectural feature in a historic district which does not involve a change in design, material, or outer appearance thereof;

2) The construction, reconstruction, alteration, restoration, moving or demolition of any such feature which the building inspector or similar official shall certify in writing to the Commission is required to protect the public safety because of unsafe or dangerous conditions; and

3) The ordinary maintenance or repair of streets, sidewalks, pavement markings, utility service lines, street signs, traffic signs and/or replacement of street light fixtures in the event of equipment failure, accidental damage or natural occurrences such as electrical storms tornadoes, ice storms, and the like.

(D) Certificate of Appropriateness Required

1) After the designation of a historic district, no exterior portion of any building or other structure (including but not limited to architectural style; general design; and general arrangement of the exterior of the building or other structure; including the kind and texture of building material, the size and scale of the building, the type and style of all windows, doors, light fixtures, signs, masonry walls, fences, steps and pavement, and other appurtenant features, such as historic signs, colors, significant landscape, archaeological, and natural features of the area), nor aboveground utility structure, nor any type of outdoor advertising sign shall be erected, altered, restored, moved, or demolished within such district until after an application for a Certificate of Appropriateness as to exterior features has been submitted and approved by the Historic Preservation Commission.

2) A Certificate of Appropriateness shall be issued by the Historic Preservation Commission prior to the issuance of a building permit or other permit granted for the purposes of constructing, altering, moving, or demolishing structures. The Commission may impose standards as may be set forth elsewhere in this Section or adopted by the Commission. Any building permit not issued in conformity with this Section shall be invalid.

3) A Certificate of Appropriateness shall be required for all activities specified in this Section whether a building permit is otherwise required or not.

4) The discontinuance of work or the lack of progress toward achieving compliance with the Certificate of Appropriateness for a period of one (1) year shall render the certificate null and void and application shall be made for a new certificate. However, in the event the issuance of a certificate is appealed, the one (1) year period shall not commence until a final decision is reached regarding the matter.

5) The Commission may, after adoption of architectural and historic guidelines, allow the review and approval of a minor work by the Enforcement Officer provided, however, that no application for a Certificate of Appropriateness may be denied without formal action by the Historic Preservation Commission.

6) Guilford County and all public utilities, except as provided under this Section, shall be required to obtain a Certificate of Appropriateness prior to initiating in a historic district any changes in the character of street paving, street widths, utility installations or removals, lighting, street trees, walls, fences, sidewalks or exterior of buildings or structures on property or streets in which they have a fee or other interest.

(E) Application Procedures

1) Application for a Certificate of Appropriateness shall be made to the Department of Planning and Development on forms provided. The application shall be filed no later than fourteen (14) days prior to the next regularly scheduled meeting of the Historic Preservation Commission. Each application shall be accompanied by sketches, drawings, photographs, specifications, descriptions, and/or other information of sufficient detail to clearly show the proposed move, exterior alterations, additions, changes, and/or new construction.

2) The Department of Planning and Development staff shall make a reasonable attempt to identify and notify the owners of surrounding property likely to be affected by the application for a Certificate of Appropriateness. The Planning and Development Department shall transmit the application for a Certificate of Appropriateness, together with the supporting information and material to the Historic Preservation Commission for consideration. The Historic Preservation Commission shall act upon the application within sixty (60) days after the filing thereof, otherwise failure to act upon the application shall be deemed to constitute approval and a Certificate of Appropriateness shall be issued. Nothing herein shall prohibit an extension of time where mutual agreement has been reached between the Commission and the applicant.

3) Prior to issuance or denial of a Certificate of Appropriateness, the Historic Preservation Commission shall give the applicant and other property owners likely to be affected by the application an opportunity to be heard. In cases where the Commission deems necessary, it may hold a public hearing concerning the application, and seek the advice of the North Carolina Department of Cultural Resources, or other expert advice.

4) The Commission shall not refuse to issue a Certificate of Appropriateness except for the purpose of preventing the construction, reconstruction, alteration, restoration, or moving of buildings,

structures, appurtenant features, or signs in the historic district which would be incompatible with the architectural and historic guidelines.

5) An appeal may be taken to the Board of Adjustment from the Historic Preservation Commission's action in granting or denying any certificate. The appeal:

a) May be taken by any aggrieved party;

b) Shall be taken within fifteen (15) days after the decision of the Historic Preservation Commission; and

c) Shall be in the nature of certiorari.

6) Any appeal from the Board of Adjustment's decision in any such case shall be heard by the Superior Court of the country.

(F) Review Criteria

1) In granting a Certificate of Appropriateness, the Historic Preservation Commission shall take into account the historic or architectural significance of the property under consideration and the exterior form and appearance of any proposed additions or modifications to a structure.

2) The Commission shall not consider interior arrangement.

3) The provisions of this Section shall not become effective for a historic district until after the Historic Preservation Commission has adopted detailed architectural and historic guidelines applicable to proposals within a designated historic district. These criteria shall take into account the historic, architectural and visual elements which are unique to the district and shall be reviewed a minimum of every five (5) years. At a minimum, the criteria shall contain guidelines addressing the following factors:

a) Historic Significance or Quality: The quality or significance in history, architecture, archeology or culture present in districts, sites, structures, buildings, or objects that possess integrity of location, design, setting materials, workmanship, feeling and association, and that are associated with events that have made a significant contribution to the broad patterns of local, state or national history; or that are associated with the lives of persons significant in the past; or that embody the distinctive characteristics of a type, period or method of construction, or that represent the work of a master or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or that have yielded, or may be likely to yield, information important in prehistory or local, state or national history; and

b) Exterior Form and Appearance: Exterior features include the architectural form and style, general design and general arrangement of a building or other structure including the type and texture of the building material and, the type pattern and style of all windows, doors, light fixtures, signs and other appurtenant features. In considering exterior form and appearance, the Historic Preservation Commission may take into account, but is not limited to, the following elements to ensure that they are consistent with the historic or visual character or characteristics of the district:

i) Height of the building or structure;

ii) Setback and placement on lot of the building or structure, including area coverage and orientation;

iii) Exterior construction materials, including textures and patterns and may include color;

iv) Architectural detailing, such as lintels, cornices, brick bond, foundation materials, and decorative wooden features;

v) Roof shapes, forms and materials;

vi) Proportions, shapes, positionings and locations, patterns and sizes of any elements of fenestration;

vii) General form and proportions of buildings and structures;

viii) Appurtenant fixtures and other features such as lighting;

ix) Structural condition and soundness;

x) Use of local or regional architectural traditions; and

xi) Effect of trees and other landscape elements.

(G) Delay in Demolition of Landmarks and Buildings

1) An application for a Certificate of Appropriateness authorizing the demolition or destruction of a designated landmark or a building, structure, or site within the district may not be denied except as provided in this section. However, the effective date of such a certificate may be delayed for a period of up to one (1) year from the date of approval. The maximum period of delay authorized by this section shall be reduced by the Historic Preservation Commission where it finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use of or return from such property by virtue of the delay. During such period, the Historic Preservation Commission shall negotiate with the owner and with any other parties in an effort to find a means of preserving the building or site. If the Historic Preservation Commission finds that a building or site within a district has no special significance or value toward maintaining the character of the district, it shall waive all or part of such period and authorize earlier demolition or removal.

2) If the Historic Preservation Commission has voted to recommend designation of a property as a landmark or designation of an area as a district, and final designation has not been made by the Governing Body, the demolition or destruction of any building, site, or structure located on the property of the proposed landmark or in the proposed district may be delayed by the Historic Preservation Commission for a period of up to one (1) year or until the Governing Body takes final action on the designation, whichever occurs first.

3) The Governing Body may enact an ordinance to prevent the demolition by neglect of any designated landmark or any building or structure within an established historic district. Such ordinance shall provide appropriate safeguards to protect property owners from undue economic hardship.

4) An application for a Certificate of Appropriateness authorizing the demolition or destruction of a building, site, or structure determined by the State Historic Preservation Officer as having statewide significance as defined in the criteria of the National Register of Historic Places may be denied except where the Historic Preservation Commission finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use or return by virtue of the denial.

(H) Districts Established: The following historic districts are hereby established as overlay districts pursuant to Part 3C of Article 19, Chapter 160A of the General Statutes of North Carolina.

1) Oak Ridge

a) Limits of District: as shown on the map entitled Proposed Historic District For Oak Ridge Community dated December 14, 1993.

b) Requirements: The minor works listed under (i) below require approval of a Certificate of Appropriateness by the Enforcement Officer. The major works listed under (ii) below require design review by the Historic Preservation Commission in order to obtain a Certificate of Appropriateness. Determinations of appropriateness for minor and major works will be based upon the Secretary of Interior Standards and the criteria established in the Oak Ridge Design Guidelines Handbook approved by the Historic Preservation Commission. Routine Maintenance activities are listed in the Handbook and are exempt from the Historic District regulations.

i) The following minor works shall require approval of a Certificate of Appropriateness by the Enforcement Officer:

a) Construction of exterior additions to an existing building when such additions are not visible from the street right-of-way.

b) Repair or replacement of greater than fifty (50) square feet of exterior materials visible from the street right–of–way provided that the design, detailing and materials used are the same as the existing or original used on the structure.

c) Installation of new windows and doors visible from the street right–of–way provided that the design and materials used are the same as the existing or original used on the structure. Storm doors, screen doors and storm windows are exempt from this requirement.

d) Construction of fences or walls not visible from the street right–of–way.

e) Installation or removal of wood siding or simulated wood siding.

f) Relocation of a noncontributing structure to a lot outside the Historic District.

g) Demolition of all or part of a noncontributing structure when one side is twelve (12) feet long or greater.

h) Renewal of an expired Certificate of Appropriateness where there has been no changes in plans or circumstances under which the Certificate was initially approved.

ii) The following major works shall require design review and approval of a Certificate of Appropriateness by the Historic Preservation Commission:

a) Construction of any new building that 1) requires a building permit, or 2) is visible from the street right–of–way.

b) Construction of an exterior addition to any existing building if said addition is visible from the street right–of–way.

c) Construction, rerouting, or widening of any public roads.

d) Subdivision layout and nonresidential site plan.

e) Relocation of any contributing structure.

f) Demolition of all or part of a contributing structure.

g) Installation of earth berms or other significant changes to existing topography.

h) Removal of trees 12 inches or greater in diameter when measured 4 feet to 6 feet above grade.

i) Topping or deep pruning of mature canopy trees visible from street right–of–way.

j) Construction of fences or walls visible from the street right–of–way.

k) Installation of signs or exterior lighting for other than single–family residential use.

l) Addition or deletion of any architectural feature, such as porches, steps, balconies, or decks if visible from the street right–of–way.

m) Repair or replacement of greater than fifty (50) square feet of exterior materials visible from right–of–way when such materials will differ in design from the existing or original. (Installation or removal of wood siding or simulated wood siding is a minor work.)

n) Installation of new doors or windows visible from the street right–of–way when such doors or windows will differ in design or material from the existing

or original. Storm doors, screen doors and storm windows are exempt from this requirement.

o) Replacement of roof covering when it will differ from the existing or original material. This requirement does not apply to a change in shingle color or pattern.

p) Painting of brick or stone which is currently unpainted.

q) Installation of new utility poles and related equipment. Nothing in this ordinance shall be construed to prevent 1) the maintenance, or 2) in the event of emergency, the immediate restoration of any above–ground utility structure without approval by the Historic Preservation Commission.

r) Exterior work not 1) listed under minor works and 2) considered routine maintenance.

C) Development Standards

i) Within the Historic District accessory freestanding signs and billboards shall conform to the following requirements:

a) Maximum height: six (6) feet

b) Maximum area in PI, LO, and NB zoning districts: twenty–five (25) square feet

c) Maximum area in GO–M, GO–H, CP, LB, HB, GB, LI, and HI zoning districts: thirty–two (32) square feet.

ii) Within the Historic District the following plantings are required:

a) Street yards: minimum width of fifteen (15) feet and a minimum planting rate of three (3) canopy trees, five (5) understory trees and twenty–five (25) shrubs per one–hundred (100) linear feet of frontage.

b) Parking lots: minimum of one (1) canopy tree per six (6) parking spaces.

c) All other landscaping provisions in Article 6 of the Development Ordinance shall apply.

iii) Within the Historic District, exterior lighting shall be directed or shielded so as to prevent light shining beyond the property lines of the property on which the light fixtures are located.

d) Any development activity within the Historic District not in compliance with the provisions of this sections shall be a violation of this ordinance and subject to remedies found in section 8–4 (Remedies)

4–11.2 Scenic Corridor Overlay District

(A) Overlay District Based on Corridor Plan: Before a Scenic Corridor Overlay District is established for any particular road, a Corridor Plan shall be prepared. The plan shall, at a minimum, address the following issues:

1) The arrangement of land uses along the corridor which will create a visually pleasing impression;

2) The unique qualities of the corridor, such as landmark buildings, views and vistas, and natural features which merit special consideration or protection;

3) The value of the corridor as an entryway to Guilford County which can influence the perception of individuals or firms considering residence or investment in the community;

4) The location, size, shape, illumination, spacing, and number of signs; and

5) Transportation, including vehicular access, dedication of right–of–way, driveway limitations, and traffic impact.

(B) Establishment of Scenic Corridor Overlay Zones: Scenic Corridor Overlay Zones may be adopted, amended or repealed through the following procedures:

1) A corridor plan shall be prepared by the Planning Department describing the conditions, boundaries, and requirements for each proposed Scenic Corridor Overlay zone. The plan shall be forwarded, with the recommendation of the Planning Board, to the Governing Body for approval.

2) The boundaries and requirements of each corridor plan shall be adopted as a separate and distinct Scenic Corridor Overlay zoning district. Adoption, amendment or repeal of the boundaries or requirements of the Overlay district shall be in conformance with the procedures and standards established for conventional zoning districts.

4–11.3 Scenic Corridor Overlay District Requirements

(A) General Requirements

The following general requirements will apply to the Scenic Corridor Overlay Districts:

1) Access Control

a) Allowed Access: If any street(s) or routes(s) other than the thoroughfare protected by this Section is available for access to any parcel, tract or development, access must be taken from the alternate street(s). If this access is not adequate to serve the parcel, tract or development, a single access point to the regulated thoroughfare may be allowed provided it is demonstrated to be a necessity by an approved Site Access Study (SAS) and provided all other applicable regulations herein can be met. See Section 4–8.2(C)1)g) (Site Access Study [SAS] Requirements). If alternate access is not available, one access point shall be allowed. Two access points may be allowed if property frontage along the regulated thoroughfare Avenue exceeds five hundred (500) linear feet and an approved SAS is submitted documenting the necessity of the second access point. Three (3) access points may be allowed if property frontage along the regulated thoroughfare equals or exceeds one thousand (1000) feet and an approved SAS is submitted documenting the necessity of the second and third access points. Three (3) access points shall be the maximum number allowed to any street frontage. The subdivision of land shall not result in any increase in the total number of access points permitted along any given segment of road frontage. Joint driveway locations, access easements, and assignment of permitted access points to particular lots shall be shown on final plats as required by the appropriate Technical Review Committee of the jurisdiction involved.

b) Type of Access: Transition tapers and deceleration lanes may be required to any driveway or development, and shall be constructed as approved by the appropriate highway authority and Technical Review Committee.

c) Technical Requirements:

i) Location and Spacing of Access: See Figure 4–G; and

ii) Corner Clearance: No driveway except residential access shall be allowed within five hundred (500) feet of the centerline of an intersecting thoroughfare or collector street. No driveway except residential access shall be allowed within two hundred (200) feet of the centerline of any other street.

d) Side Clearance: No driveway except residential access shall be allowed within thirty (30) feet of the side property line of any property or development except where a mutual joint access agreement exists between adjoining owners.

e) Spacing: The spacing of non–residential driveways shall be as follows:

i) Distance between two (2) drives shall be four hundred (400) feet; and

ii) These dimensions are to be measured along the right–of–way line from the centerline of the driveway to the centerline of the driveway.

f) Access not Prohibited: Any parcel of record on the effective date of this Section that has been prohibited all vehicular access based on the provisions herein shall be allowed one access point to its street frontage.

g) Site Access Study (SAS) Requirements

i) Minimum Standards: A Site Access Study shall be performed by a professional engineer registered in the State of North Carolina and familiar with the standard practice and procedure of site access analysis.

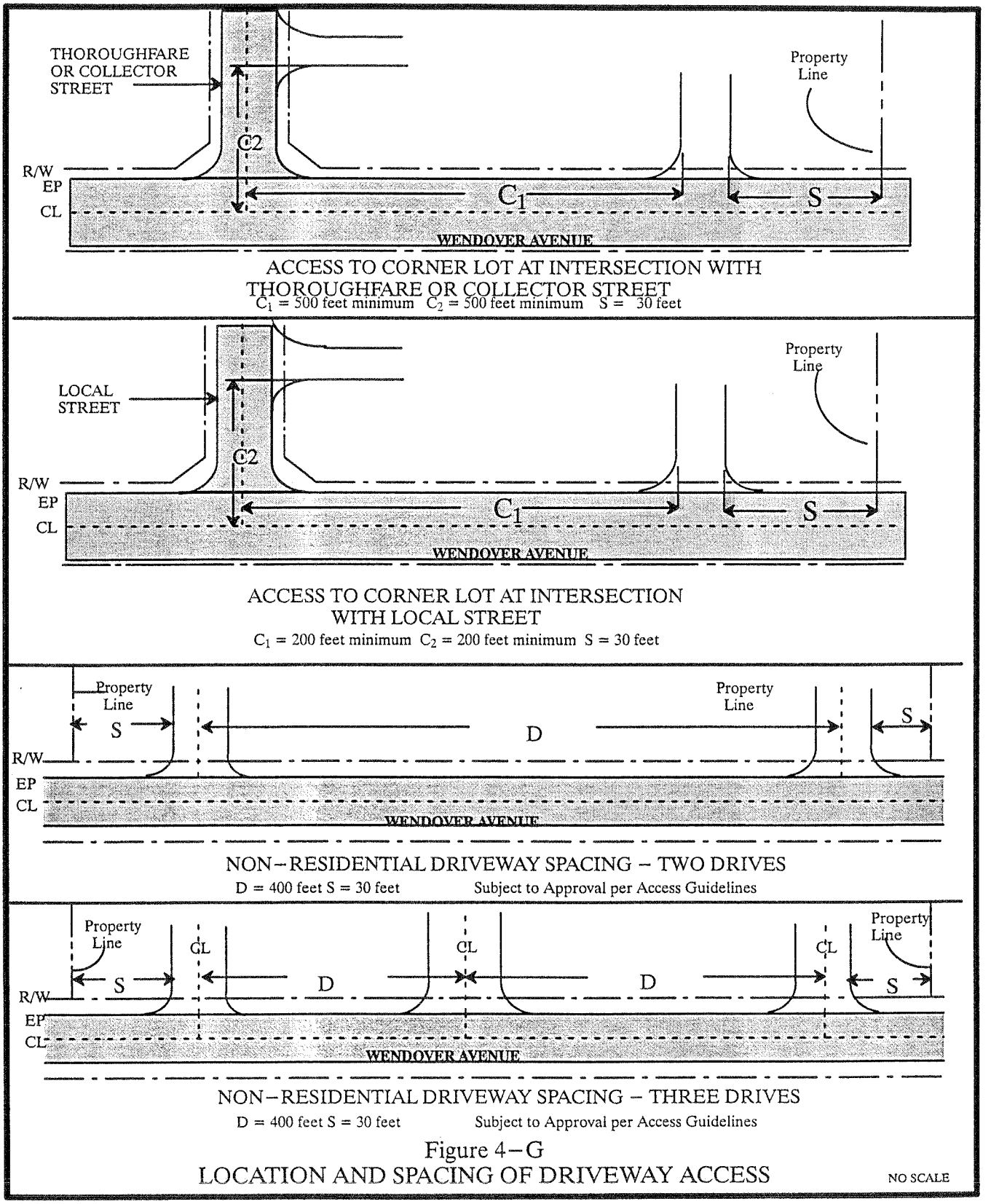


Figure 4-G
LOCATION AND SPACING OF DRIVEWAY ACCESS NO SCALE

ii) Required Elements: A Site Access Study shall include (1) peak hour trip generation for proposed land use(s). Trip generation rates shall be obtained from Trip Generation, an ITE Publication, (2) trip distribution to major attractors and surrounding areas, (3) for a development with greater than or equal to fifteen thousand (15,000) square feet gross floor area, capacity analysis of adjacent intersections and all proposed access points in accordance with FHWA 1985 Highway Capacity Manual, (4) alternatives analysis for number of access points and any other alternatives proposed by developer or governmental agency, (5) recommendations for number and location of access points in accordance with calculated capacity and alternatives analysis, and (6) an appendix which shall include all calculations and other applicable information.

2) Permitted Uses: All uses permitted in the underlying zoning districts are permitted except Class A, B and C manufactured dwellings.

3) Conditional Uses: Uses which display one or more of the following characteristics may be permitted provided that they are completely screened from view of motorists on the scenic corridor highway:

a) Uses with outside storage of building materials, scrap, pipe, vehicles or equipment;

b) Uses with outside processing or assembly operations; and

c) Uses with truck parking areas.

(B) Districts Established: The following Scenic Corridors are hereby established as overlay districts:

1) West Wendover Avenue

a) Limits of District: Extending for a distance of fifteen hundred (1,500) feet on either side of the centerline of West Wendover Avenue, beginning at the Greensboro City Limits and extending south along West Wendover Avenue to NC 68, excluding those portions which lie within the City Limits of Greensboro, and the City Limits or Extraterritorial Jurisdiction of High Point.

b) Applicable Requirements: General requirements 1), 2), and 3) shall apply to the West Wendover Scenic Corridor.

2) NC 68

a) Limits of District: Extending for a distance of fifteen hundred (1,500) feet on either side of the centerline of NC 68, beginning at Penny Road and extending north along NC 68 to the northern side of the bridge over Reedy Fork Creek, excluding those portions which lie within the City Limits of Greensboro and High Point.

b) Applicable Requirements: General requirements 1), 2), and 3) shall apply to the NC 68 Scenic Corridor.

3) US 220

a) Limits of District: Except for areas otherwise mapped, the scenic corridor extends for a distance of fifteen hundred (1,500) feet on either side of the centerline of US 220;

i) beginning at Brassfield Road and extending north along US 220 North to the Guilford/Rockingham County Line, excluding those portions that lie within the City Limits of Greensboro and

ii) beginning at the Greensboro City Limits and extending south along US 220 South to the Guilford/Randolph County Line.

b) Applicable Requirements: General requirements 2) and 3) shall apply to the US 220 Scenic Corridor.

4) US 421 South

a) Limits of District: Except for areas otherwise mapped, the scenic corridor extends for a distance of fifteen hundred (1,500) feet on either side of the centerline of US 421 South, beginning at the Greensboro City Limits and extending south to the Guilford/Randolph County Line.

b) Applicable Requirements: General requirements 2) and 3) shall apply to the US 421 South Scenic Corridor.

5) I–85

a) Limits of District: Extending for a distance of fifteen hundred (1,500) feet on either side of the centerline of I–85;

i) beginning at the Greensboro City Limits and extending east along I–85 North to the Guilford/Alamance County Line and

ii) beginning at the Greensboro City Limits and extending west along I–85 South to the I–85/NC 62 Interchange.

b) Applicable Requirements: General requirements 2) and 3) shall apply to the I–85 Scenic Corridor.

6) I–85 Business

a) Limits of District: Extending for a distance of fifteen hundred (1,500) feet on either side of the centerline of I–85 Business beginning at its intersection with I–85 West and extending to I–85 Business intersection with Kivett Drive, excluding all portions within High Point's City Limits and Extraterritorial Jurisdiction.

b) Applicable Requirements: General requirements 2) and 3) shall apply to the I–85 Business Scenic Corridor.

7) I–40 West

a) Limits of District: Extending for a distance of fifteen hundred (1,500) feet on either side of the centerline of I–40 West, beginning at the Greensboro City Limits at or near Old Stanley Road and extending west along I–40 West to the Guilford/Forsyth County Line, excluding those portions that lie within the City Limits of Greensboro.

b) Applicable Requirements: General requirements 2) and 3) shall apply to the I–40 West Scenic Corridor.

8) I–40 Bypass

a) Limits of District: Except for areas otherwise mapped, the scenic corridor extends for a distance of fifteen hundred (1,500) feet on either side of the centerline of I–40 Bypass, beginning at its intersection with I–40 West and extending west to the Guilford/Forsyth County Line.

b) Applicable Requirements: General requirements 2) and 3) shall apply to the I–40 Bypass Scenic Corridor.

9) US–29 North

a) Limits of District: Except for areas otherwise mapped, the scenic corridor extends for a distance of fifteen hundred (1,500) feet on either side of the centerline of US–29 North, beginning at the Greensboro City Limits and extending north along US–29 North to the Guilford/Rockingham County Line, excluding those portions that lie within the City Limits of Greensboro.

b) Applicable Requirements: General requirements 2) and 3) shall apply to the US–29 North Scenic Corridor.

10) US–311

a) Limits of District: Extending for a distance of fifteen hundred (1,500) feet on either side of the centerline of the proposed US 311, beginning at the High Point Extraterritorial Jurisdiction line and extending south to the Guilford/Randolph County Line, Excluding those portions that lie within the City Limits of Archdale.

b) Applicable Requirements: General requirements 2) and 3) shall apply to the US–311 Scenic Corridor.

4–11.4 Airport Overlay District

(A) Height Limits: Pursuant to the "Airport Zoning Regulations of the Piedmont Triad International Airport" adopted by the Greensboro – High Point – Winston–Salem Airport Authority, no structure shall be erected which exceeds the height limits set forth on a map titled "Approach and Clear Zone Plan and Profiles", 1974.

(B) Noise Compatibility: Within the 65 Ldn Noise Contour around Piedmont Triad International Airport, as delineated in the Airport Master Plan, no residential uses shall be permitted except single–family homes on lots which meet or exceed the requirements of the RS–40 zone.

4–11.5 Manufactured Housing Overlay District

Manufactured housing may be permitted on single–family lots in any residential zone provided overlay district zoning is approved by the Jurisdiction and meeting the following criteria for minimum development size:

(A) Ten (10) existing contiguous lots covering at least ninety thousand (90,000) square feet, excluding public street right–of–way; or

(B) One hundred twenty thousand (120,000) square feet of unsubdivided land, excluding public street right–of–way.

4–11.6 Rock Creek Consent Order

Property in the Rock Creek Corporate Park is addressed in a Consent Judgement in case number 88 CVS 2758 on file in Guilford County Superior Court. Uses of said Rock Creek property zoned O/I, Office–Industrial on January 27, 1989 remain in effect per the Consent Judgement notwithstanding inconsistent provisions of this Article. Other provisions of this Ordinance, except those specifically varied by the Consent Judgement, apply to said property.

ARTICLE V

SUBDIVISIONS: PROCEDURES AND STANDARDS

5–1 EXCLUSION DETERMINATION

If a proposed division of land meets one or more of the exclusions under the definition of "Subdivision" in Article II (Definitions), the owner may submit to the Planning Department maps, deeds, or other materials in sufficient detail to permit a conclusive determination by the Enforcement Officer.

5–2 COORDINATION WITH OTHER PROCEDURES

To lessen the time required to attain all necessary approvals and to facilitate the processing of applications, an applicant may start the subdivision approval process simultaneously with applications for grading permits or other applications for approvals required for the particular project.

5–3 SUBMISSION OF PLANS

Applications for subdivision approval, including Group Development approval, shall be submitted to the Planning Department. Subdivision requiring Technical Review Committee approval shall be presented to the Planning Department at least seven (7) days prior to the next scheduled meeting of the Technical Review Committee.

5–4 APPROVAL REQUIRED

5–4.1 Date of Compliance

After the effective date of this Ordinance, no plat for the subdivision of land within Guilford County shall be filed, accepted for recording, or recorded, nor shall the Clerk of the Superior Court order the recording of a plat until it has been submitted to and approved by the Jurisdiction. (See definition of "Subdivision" in Article II for exclusions.)

5–4.2 No Subdivision Without Approval

No real property, including property declared under the N.C. Condominium Act NCGS 47C–1 et. seq., lying within the Jurisdiction as now or hereafter fixed shall be subdivided except in conformance with all applicable provisions of this Article. Violation of this Section shall be a misdemeanor.

5–4.3 Dedication and Acceptance

(A) Rights–of Way and Easements: The approval and recordation of a plat constitutes dedication to and acceptance by the Jurisdiction and the public of the right–of–way of each public street, alley, or utility or drainage easement shown on such plat. The approval and recordation of a plat does not constitute acceptance for maintenance responsibility within such right–of–way or easement. Improvements within such right–of–ways or easements, such as utility lines, street paving, drainage facilities or sidewalks may be accepted for maintenance by the Governing Body or by the administrative officer authorized to inspect and, where appropriate, accept the dedication of such improvements.

(B) Open Space: Land designated as public open space on a plat shall be considered to be offered for dedication until such offer is accepted by the Jurisdiction. The offer may be accepted by the Jurisdiction through:

1) Express action by the Governing Body;

2) Express action by an administrative officer designated by the Governing Body; or

3) Conveyance of fee simple marketable title (unencumbered financially and environmentally) of the property to the Jurisdiction at the time of Final Plat recordation.

Until such dedication has been accepted, land so offered may be used for open space purposes by the owner or by the owners' association. Land so offered for dedication shall not be used for any purpose inconsistent with the proposed public use.

5–5 PRE–APPLICATION PROCEDURES

5–5.1 Conference

In the interest of efficiency and economy, every subdivision applicant is strongly encouraged to schedule a prevarication conference with the Planning Staff prior to the submission of a Preliminary Plat.

5–5.2 Sketch Plan

(A) Required for Staff Review: A Sketch Plan is required for staff review whenever adjoining land is owned by the subdivider seeking approval of a Major Subdivision.

(B) Required for Technical Review Committee Approval: A Sketch Plan is required for Technical Review Committee approval for any subdivision of property that involves more than fifty (50) lots. Procedures for approval shall correspond to the procedures found in Section 5–6 (Preliminary Plat).

(C) Preparation: The Sketch Plan shall be prepared in accordance with Appendix 2 (Map Standards) and submitted to the Planning Department.

5–6 PRELIMINARY PLAT

5–6.1 Required

A Preliminary Plat shall be required for all subdivisions, including Group Developments. Except that, when existing developments are converted from multifamily residential or group developments to condominium unit ownership, the developer shall submit a declaration of unit ownership, owners association declaration, and a Final Plat for approval in accordance with Section 5–10 (Final Plat).

5–6.2 Preparation

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 Appendix 2 (Map Standards).

5–6.3 Preliminary Plat Approvals

(A) Planning Division Approvals: Plats meeting all requirements of a Minor Subdivision may receive preliminary approval from the Planning Department. Major Subdivisions shall require preliminary approval of the Technical Review Committee. Any decision by the Planning Department may be appealed by the applicant to the Technical Review Committee within thirty (30) days of the decision.

(B) Environmental Health Division: Once a subdivision plat, that does not have public sewer available, receives preliminary approval from the Planning Department or Technical Review Committee approval shall be required from the Environmental Health Division of the Guilford County Health Department before Final Plat approval. [Refer to Section 5–13.6 Subdivision Improvements – Utilities – Water and Sewer Connections]. The following approval procedure shall be utilized:

1) A health drawing or plot plan for each lot shall be submitted with every preliminary plat. Each health drawing or plot plan must contain the information required by Appendix 2 (Map Standards) and be accompanied by fee payment and a signed Improvement Permit Application.

2) If the lot is determined to be suitable for an on site sub–surface sewage treatment and disposal system, a certificate pursuant to Appendix A–2–3 (H) will be entered on a copy of the approved preliminary plat.

3) If any lot is evaluated and rated unsuitable or the property owner does not choose to have the lot(s) evaluated for an on site subsurface sewage treatment and disposal system, the lot will be crosshatched and labeled "NO IMPROVEMENT PERMIT HAS BEEN ISSUED FOR THIS LOT." Information on denied lots, or lots not evaluated will be the only information shown on the Preliminary Plat. The Environmental Health Manager will sign and date each Preliminary Plat prior to its return to the land surveyor, landscape architect, or licensed engineer for Final Plat preparation

5–6.4 Submission

The Planning Department shall present Major Subdivisions or appealed cases to the Technical Review Committee at its next meeting. The Technical Review Committee shall review the Preliminary Plat for compliance with existing regulations. This review shall be made by the members of the Technical Review Committee and by any other agencies or officials by referral or as required by NCGS 153–332.

5–6.5 Action By Technical Review Committee

(A) Timing: The Technical Review Committee shall take action within thirty (30) days of reviewing the Preliminary Plat.

(B) Approval: If the Preliminary Plat is approved, the applicant may proceed toward Final Plat approval.

(C) Conditional Approval: If the Preliminary Plat is granted conditional approval, the applicant shall cause the plat to be revised, based upon the conditions of the approval and resubmitted. The Planning Department shall review the revised plat and, if it meets all the approval conditions and is otherwise substantially unaltered, shall signify on the plat the change from conditional approval to approval. If the plat is not revised within sixty (60) days to meet the approval conditions or the applicant notifies the Planning Department that he is unwilling to revise the plat, it shall be deemed denied.

(D) Denials: If the Preliminary Plat is denied the reasons shall be stated in writing. The applicant may revise and resubmit a plat which has been denied. Decisions of the Technical Review Committee may be appealed to the Planning Board within thirty (30) days of the Technical Review Committee decision.

5–6.6 Action By Planning Board

If a Preliminary Plat is appealed to the Planning Board it shall be reviewed at the next regularly scheduled meeting. The Planning Board may approve, grant conditional approval, or deny the plat in accordance with the procedures found in 5–6.5 (Action by Technical Review Committee).

5–6.7 Appeals

If the plat is granted conditional approval, or denied, or if no action is taken within thirty (30) days by the Technical Review Committee the applicant may appeal the plat to the Planning Board within fifteen (15) days after denial, conditional approval, or lack of action by the Technical Review Committee. If the plat is denied, or granted conditional approval, or if no action is taken by the Planning Board the applicant may appeal the plat to the Governing Body within fifteen (15) days after the Planning Board decision. The Governing Body shall approve, grant conditional approval, or deny the plat.

5–6.8 Fees

All fees shall be due and payable when the Preliminary Plat is submitted according to the Schedule of Fees.

5–7 STREET AND UTILITY CONSTRUCTION

5–7.1 Plans

Street and utility construction plans for all street, water, sanitary sewer, and storm sewer facilities shall be submitted to the Jurisdiction following Preliminary Plat approval. For each subdivision section, the street and utility construction plans shall include all improvements lying within or adjacent to that section as well as all water and sanitary sewer lines lying outside that section and being required to serve that section.

5–7.2 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 Jurisdiction.

5–7.3 Inspection

Work performed pursuant to approved street and utility construction plans shall be inspected and approved by the Jurisdiction.

5–8 PERMANENT RUNOFF CONTROL STRUCTURES AND SOIL EROSION AND SEDIMENTATION CONTROL DEVICES INSTALLATION

5–8.1 Soil Erosion and Sedimentation Control Devices

Any approved soil erosion and sedimentation control device(s) may be installed prior to approval of street and utility construction plans.

5–8.2 Permanent Runoff Control Structures

(A) Coordination with Streets and Utilities: Any approved permanent runoff control structure may be installed prior to approval of street and utility construction plans. Such plans shall show the location of existing or proposed runoff control structures relative to the proposed improvements to avoid conflicts during street and utility construction.

(B) Design and Construction: Runoff control structures shall be designed and installed in accordance with the requirements of Section 7–1 (Water Supply Watershed Districts).

(C) Owners' Association Required: When a permanent runoff control structure serves more than one lot within a subdivision, an owners' association shall be required for the purposes of ownership and maintenance responsibility.

(D) Maintenance Responsibility: The owners' association shall be responsible for maintaining the completed permanent runoff control structure as directed by the governmental office having jurisdiction for watershed protection and, if the owners' association should be dissolved or cease to exist, then in that event all the owners of record at the time of required maintenance shall be jointly and severally liable for any and all costs attendant thereto.

(E) Maintenance Note Required on Final Plat: When a subdivision contains a permanent runoff control structure to which Subsection (C) above is applicable, each final plat in the subdivision shall contain a prominent note with the full text of Subsection (D) above.

(F) Plat Recordation: The permanent runoff control structure(s) shall be substantially completed and have full design volume available prior to any plat recordation for the site. This may require the cleanout and disposal of sediment from the pond.

5–9 OWNER'S ASSOCIATIONS

5–9.1 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 Jurisdiction, 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.

5–9.2 Submission of Owner's Association Declaration

Prior to or concurrently with the submission of the Final Plat for review and approval, the subdivider 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' 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) maintenance of recreational and/or other facilities located on the common areas; and

c) payment of assessments for public and private improvements made to or for the benefit of the common areas.

2) Default of Owner's Association: Upon default by the Owner's Association in the payment to the Jurisdiction entitled thereto 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 Jurisdiction a portion of the taxes or assessments in an amount determined by dividing the total taxes and/or assessments due to the Jurisdiction 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 taxing or assessing Jurisdiction 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 maintenance of and restoration in the event of destruction or damage shall be established.

(D) Nonresidential Condominiums: If the condominium is a nonresidential condominium, the declaration shall contain the following provision:

> "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 Enforcement Officer at his 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."

5–10 FINAL PLAT

5–10.1 Approval Process

(A) Submission: Upon approval of the Preliminary Plat and other required plans the applicant shall be eligible to submit a Final Plat for approval. Approval of the Preliminary Plat shall constitute tentative approval of the Final Plat if the Final Plat is substantially unchanged from the approved Preliminary Plat.

(B) Environmental Health Division Review: Prior to Final Plat approval a copy of the Final Plat shall be reviewed by the Environmental Health Division. The Final Plat mylar and nine (9) prints shall be submitted to the Planning Division. The Environmental Health Division shall determine that no changes have occurred that affect lot suitability. Monuments must be set prior to Environmental Health review of the Final Plat. If changes have occurred that affect lot suitability, a new health drawing or plot plan and an improvement permit application and fee for each affected lot shall be submitted and a new evaluation shall occur. Improvements Permits will be issued for approved lots recorded on the Final Plat.

(C) Substantial Change: Substantial changes from the Preliminary Plat will require an additional review by the Technical Review Committee to insure compliance with existing regulations.

5–10.2 Preparation

The Final Plat shall be prepared by a Registered Land Surveyor in accordance with Appendix 2 (Map Standards).

5–10.3 Required Improvements

No Final Plat shall be approved until all required improvements have been installed and approved or appropriate surety is provided as set forth in Section 3–10 (Sureties or Improvement Guarantees).

5–10.4 Assurance of Completion of Improvements

Where the improvements required by this Ordinance have not been completed prior to the submission of the plat for final approval, such improvements shall be assured by the owner's filing of an approved surety bond, certified check, or irrevocable letter of credit in an amount to be determined by the Jurisdiction and for an approved period not to exceed two (2) years.

5–10.5 Certification of Final Plat

When the Planning Department has approved a Final Plat, a signed written statement to this effect shall be entered on the face of the plat. The statement can be found in Appendix 2 (Map Standards).

5–10.6 Permits

Unless otherwise provided in this Ordinance, upon recordation of the Final Plat, the subdivider shall be eligible to apply for building and any other permits required by this Ordinance.

5–10.7 Fees

A fee according to the Schedule of Fees shall be due and payable when the Final Plat is submitted for approval.

5–11 RECORDATION OF FINAL PLATS

After approval, a Final Plat must be recorded in the office of the Register of Deeds within sixty (60) days. No plat shall be regarded as finally approved until such plat has been recorded. If the Final Plat of all or part of the area shown on the approved Preliminary Plat is not recorded in the Office of the Register of Deeds within two (2) years of approval of the Preliminary Plat, or if there is a lapse of more than two (2) years between the recordings of sections, the Preliminary Plat must be resubmitted to the Technical Review Committee. Such resubmittal shall be in accordance with the requirements of this Ordinance.

5–12 WAIVERS

5–12.1 Approval Authority

The Technical Review Committee or, on appeal, the Planning Board or Governing Body may approve waivers to standards in this Article.

5–12.2 Grounds for Waivers

The plan approval agency may waive standards in this Article under one of the following circumstances:

(A) Physical Hardship: Where because of the size of the tract to be subdivided, its topography, the condition or nature of adjoining areas, or the existence of other unusual physical conditions, strict compliance with the provisions of this Article would cause unusual and unnecessary hardship on the subdivider.

(B) Equal or Better Performance: Where in its opinion a waiver will result in equal or better performance in furtherance of the purposes of this Ordinance.

(C) Unintentional Error: 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.

5–12.3 Conditions

In granting waivers, the approval authority may require such conditions as will secure, insofar as practicable, the purposes of the standards or requirements waived.

5–13 SUBDIVISION STANDARDS

5–13.1 General

(A) Design: All proposed subdivisions, including group developments, shall comply with this Article, shall be designed to promote beneficial development of the community, and shall bear a reasonable relationship to the approved plans of the Jurisdiction.

(B) Development Name: In no case shall the name of a proposed development duplicate or be phonetically similar to an existing development name in the Jurisdiction unless the proposed development lies adjacent or in proximity to the existing development.

(C) Reasonable Relationship: All required improvements easements, and rights–of–way (other than required reservations) shall substantially benefit the development or bear a reasonable connection to the need for public facilities attributable to the new development. Whenever a tract to be subdivided includes or adjoins any part of a thoroughfare or collector street as designated by the Thoroughfare Plan or Collector Street Plan, that part of such proposed public right–of–way shall be dedication to public right–of–way with the subdivision plat in the location and to the width recommended by the plans or this Article.

(D) Off–Site Connections: When in the opinion of the Technical Review Committee, it is necessary to connect streets and/or utilities off–site to adjoining streets and/or utilities, said improvement may be required.

5–13.2 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 zoning and other requirements of this Ordinance;

(B) Minimum Building Area: Every lot shall have at least forty (40%) percent of its total area, or three thousand (3,000) square feet, whichever is less, of contiguous buildable area of a shape sufficient to

hold a principal building. Said area shall lie at or be filled to an elevation at least one (1) foot above the one–hundred–year flood elevation. [Caution: Article VII (Environmental Regulations) or Federal wetlands regulations will prohibit or restrict fill placement in certain locations.]

(C) Lot Depth to Width Ratio: No lot shall have a depth greater than four (4) times the width at the minimum building line.

(D) Side Lot Line Configuration: Side lines of lots should be at or near right angles or radial to street lines.

(E) 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.

(F) Lots on Thoroughfares: Major subdivisions shall not be approved that permit individual residential lots to access thoroughfares, as shown on the adopted thoroughfare plan.

(G) Access Requirements: All lots must have public street access and frontage meeting the requirements set forth in Article IV (Zoning). The following exceptions may be approved:

1) Flag Lots (See Figure 5–A) approved by the Technical Review Committee meeting the following requirements:

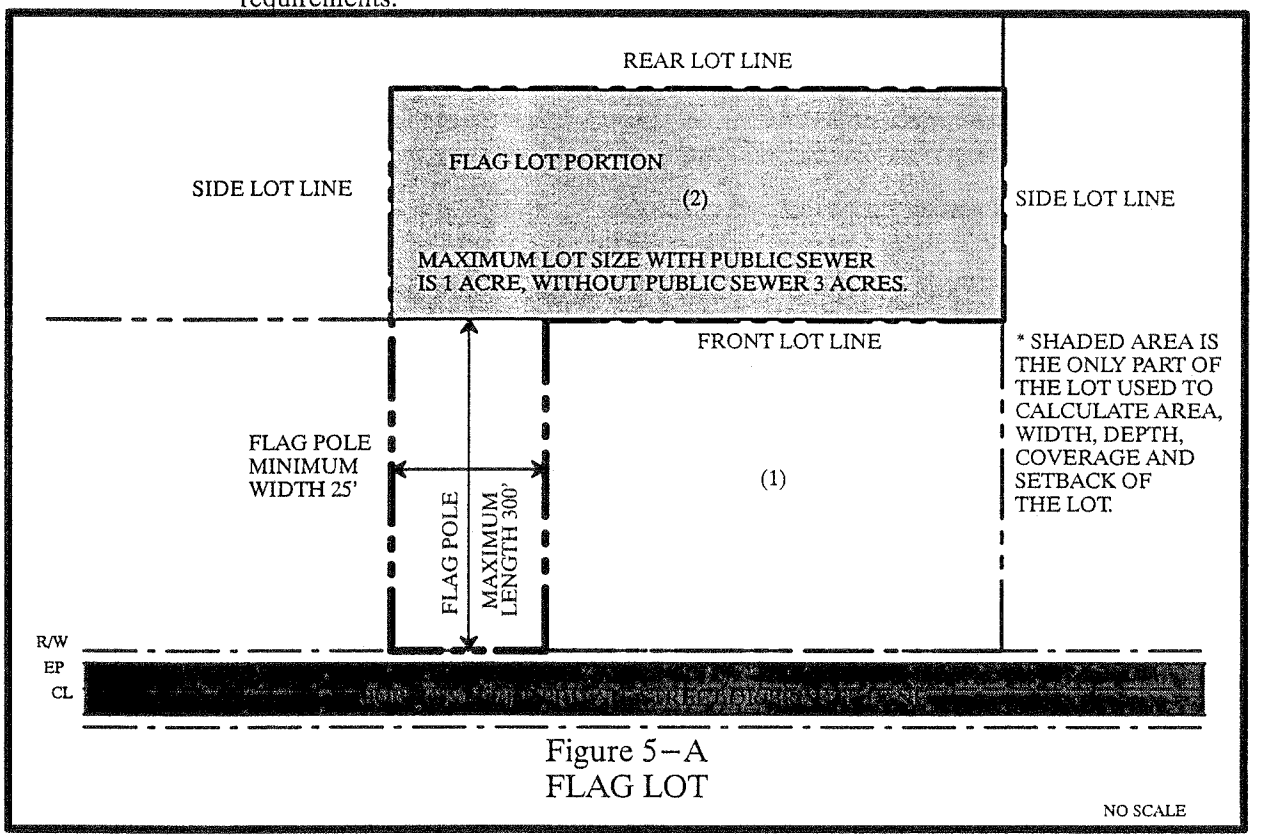


Figure 5–A
FLAG LOT

a) A Flag Lot shall serve only one single–family dwelling and its unhabitated accessory structures;

b) The maximum flagpole length shall be three hundred (300) feet;

c) The minimum flagpole width shall be twenty–five (25) feet;

d) The maximum lot size in areas with public sewer shall be one (1) acre;

e) 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. Note: Flagpole portion of lot is not used to calculate area, width, depth, coverage and setbacks of the lot or to provide off–street parking;

f) 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;

g) 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

h) Use of a single driveway to serve a flag lot and an adjoining lot is permitted and encouraged; the preferred location for the driveway is on the flagpole portion of the flag lot, with the conventional lot granted an access easement over the flagpole.

2) Lots served by Exclusive Access Easements (See Figure 5–B) meeting the following criteria:

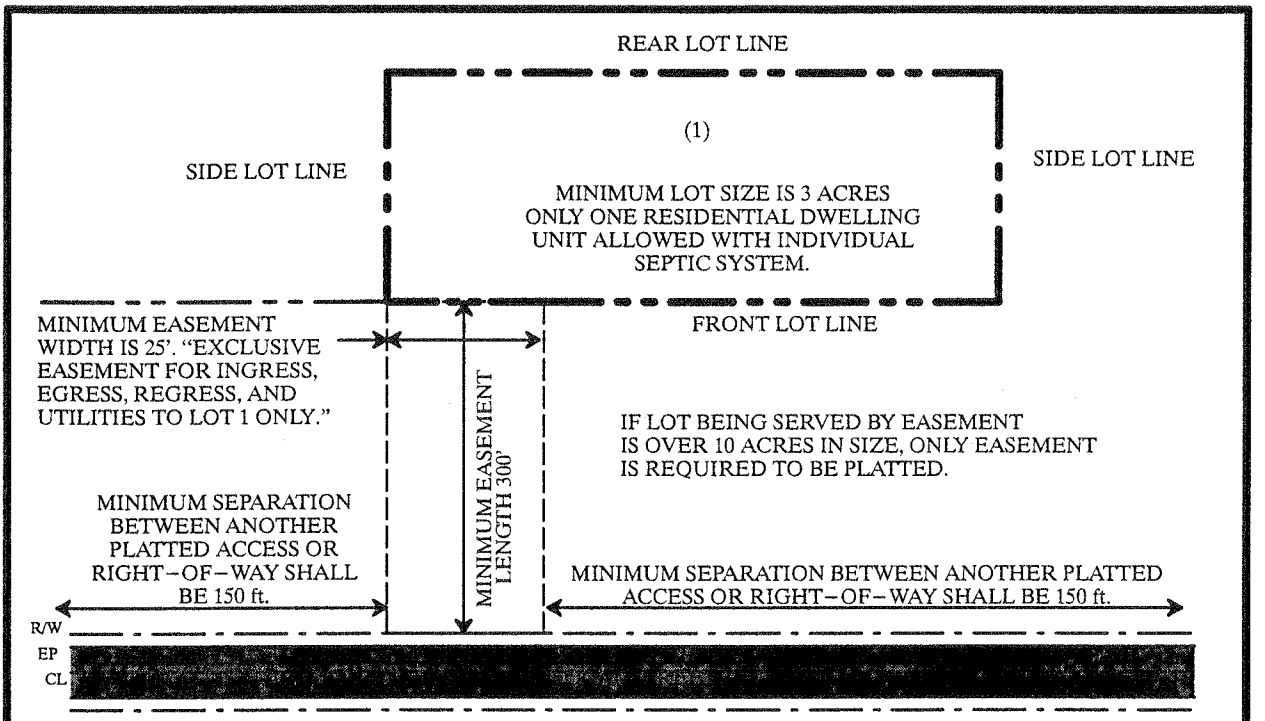


FIGURE 5–B
LOT SERVED BY EXCLUSIVE ACCESS EASEMENT NO SCALE

a) An Exclusive Access Easement shall serve only one single–family dwelling and its uninhabited accessory structures;

b) Lots to be served by an Exclusive Access Easement shall not be created in an area served by public water or sewer or within the extraterritorial jurisdiction of a municipality;

c) The minimum lot size shall be three (3) acres;

d) The minimum easement width shall be twenty–five (25) feet;

e) The minimum easement length shall be three hundred (300) feet;

f) The minimum separation between easement and any other platted access or right–of–way shall be one–hundred and fifty (150) feet;

g) The location of the easement must be recorded on a plat; and

h) The Exclusive Access Easement shall permit ingress, egress, and regress and necessary utilities required to serve the lot.

3) 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.

4) Lots located on an approved private lanes which are platted and recorded pursuant to the provisions of this Ordinance and NCGS 136-1-2.6.

5) Lots of record provided there is recorded access and the use is limited to only one single family dwelling and its unhabitable accessory structures.

5-13.3 Streets

(A) Conformance with Thoroughfare and Collector Street Plans: The location and design of streets shall be in conformance with applicable thoroughfare and collector street plans. Where conditions warrant, right-of-way widths and pavement widths in excess of the minimum street standards may be required.

(B) Conformance with Adjoining Street Systems: The planned street layout of a proposed subdivision shall be compatible with existing or proposed streets and their classifications on adjoining or nearby tracts.

(C) Access to Adjoining Property: Where in the opinion of the Technical Review Committee, it is desirable to provide for street access to adjoining property, proposed streets shall be extended to the boundary of such property.

(D) Reserve Strips: Reserve strips adjoining street rights-of-way for the purposes of preventing access to adjacent property shall not be permitted under any condition.

(E) Street Classification: The final determination of the classification of streets in a proposed subdivision shall be made by the Jurisdiction. Street classifications are defined in Article II (Definitions).

(F) Public Street Design Criteria: The minimum street design standards for the street classifications are attached herewith as TABLE 5-13-1 and TABLE 5-13-2. Right-of-way dedication and paving of streets in and adjacent to the subdivision shall be in conformance with the right-of-way and pavement width requirements of TABLE 5-13-1 and TABLE 5-13-2; and shall be designed in accordance with the Jurisdiction's Street Design Manual, or the North Carolina Department of Transportation (NCDOT) Subdivision Roads: Minimum Construction Standards, whichever is applicable.

(G) Private Street Design Criteria

1) Where Permitted: Private streets shall be permitted in developments with Owner's Associations and group developments.

2) Minimum Design and Construction: The minimum street design standards are found in TABLE 5-13-3. The pavement design for all private streets will be equivalent to the minimum design for local residential streets of the Jurisdiction or NCDOT whichever is applicable, unless the developer supplies an alternate pavement design supported by an engineering study. The developer must furnish an engineer's seal and certification that the private streets have been tested and certified for the subgrade, base and asphalt. All private streets will have a standard, thirty (30) inch curb and gutter section, unless the street is located in the Watershed Critical Area (WCA). Streets located in the WCA may be twenty-two (22) feet of asphalt construction with shoulders and a ditch section. Common area may need to be widened to keep the ditch section within the common area. All cul-de-sacs will have a minimum forty-five (45) foot pavement radius.

3) Owner's Association Required: A Owner's Association is required to own and maintain all private streets allowed under this Ordinance. All private streets will be indicated as such on the plat.

4) Private Through Streets: No through street in a residential area connecting two public streets can be designated as a private street, unless approved by the Technical Review Committee.

5) Connections to Public Streets: All private streets, connecting with public streets, require an approved driveway application from the Jurisdiction or NCDOT whichever is applicable. Where street returns are permitted, the developer shall construct a concrete band running parallel with the public street. The width of this band shall commence at the gutter line and extend to the right-of-way of the public street.

6) Sidewalks: In the event sidewalks are constructed, the minimum width shall be four (4) feet.

TABLE 5–13–1

Minimum Public Street Design Standards – Urban Area

Classification	Minimum Right–of Way (ft.)[a]	Minimum Pavement Width (ft.)[a,b]	Stopping Sight Distance (ft.)	Centerline Radius (min.) 4% Super (ft.)
Major Thoroughfare	90 – 100	64 – 68	650	1530
Minor Thoroughfare				
five lane	80	60	550	1240
four lane	68	48	475	955
Collector	60	40	400	765
Subcollector	56	36	250	440
Local Residential				
with ribbon[c]	50	22	200	300
with curb and gutter	50	30	200	300
Residential Cul–de–sac				
with ribbon[c]	50	22	200	300
with curb and gutter	50	30[d]	200	300
Local Industrial	60	40	325	575
Industrial Cul–de–sac	60	40	325	575

Recommended design standards – exceptions may be approved due to special physical constraints on an individual basis by designated local staff.

a Unless additional width required under Section 5–13.3(A)

b Dimension in this column are form face of curb to face of curb, except ribbon pavement.

c Watershed Critical Area (WCA) only

d With twenty (20) dwelling units or less, 26 feet

TABLE 5–13–2

Minimum Public Street Design Standards – Rural Area

Classification	Minimum Right–of Way (ft.)[a]	Minimum Pavement Width (ft.)[a,b]	Stopping Sight Distance (ft.)	Centerline Radius (min.) 4% Super (ft.)
Collector / Subcollector (NCDOT)	50	20	200	230
Local / Cul–de–sac (NCDOT)	50	20	150	150

(H) Private Lane Design Criteria

1) Where Permitted: Private lanes shall be permitted only in minor subdivisions

2) Construction Standards

a) Roadway Width and Construction Design: Minimum Street Design Standards are found in TABLE 5–13–4. 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

b) Block Length: Block length shall not be longer than six hundred (600) feet.

c) Turn Around: A cul–de–sac or T–type turnaround shall be provided in accordance with NCDOT Standards.

d) Intersection: Roads shall be designed to intersect 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.

e) Street Off–Sets: The off–set alignment of the centerline of two non–intersecting streets shall be a minimum of one hundred and twenty–five (125) feet.

f) Disclosure Statement: A disclosure statement in accordance with NCGS 136–102.6 shall be approved by the County 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.

g) Certificate of Inspection and Surety: A certificate of inspection signed and sealed by a licensed professional engineer shall be filed with the Planning Department prior to recordation of the Final Plat. A surety may be posted for a Private Lane in which case the certificate will be required after road construction is complete. This certificate shall at a minimum state that the private road has been constructed to meet the minimum design standards set forth herein.

TABLE 5–13–3

Minimum Private Street Design Standards – Urban Area

Minimum Common Area Free of Obstructions (ft.)	Minimum Pavement Width (face to face) (ft.)	Stopping Sight Distance (ft.)	Centerline Radius Minimum (ft.)
34[a]	24[b]	150	215

a Common area may need to be wider when using ribbon pavement in the Watershed Critical Area.

b Ribbon pavement width in Watershed Critical Area is twenty–two (22) feet.

Minimum Private Street Design Standards for Manufactured Dwelling and Recreational Vehicle Parks

Minimum Common Area Free of Obstructions (ft.)	Minimum Pavement Width (ft.)	Stopping Sight Distance (ft.)	Centerline Radius Minimum (ft.)
30	20	150	150

TABLE 5–13–4

Minimum Private Lane Design Standards – Rural Area

Minimum Private Right–of–Way Width (ft.)	Minimum Width of Roadway (ft.)	Stopping Distance (ft.)	Centerline Radius Minimum (ft.)
50	18	150	150

(I) Intersecting Street Angle

1) All streets shall intersect at or as near to ninety (90) degrees as possible within topographic limits.

2) All streets crossing natural areas, wetlands, or stream buffers must cross at or as near to ninety (90) degrees as possible within topographic limits.

(J) Cul–de–sac Maximum Length: The maximum distance from an intersecting through street to the end of a cul–de–sac shall be eight hundred (800) feet, except that a distance up to one thousand six hundred (1,600) feet may be approved in the Watershed Critical Area.

(K) Minimum Street Offset: Where streets are offset, the centerlines of shall be offset no less than one hundred and twenty–five (125) feet.

(L) Curb and Gutter: Curb and gutter shall be required in all urban subdivisions except in the Watershed Critical Area as defined in Article VII (Environmental Regulations) unless the continuity of previous street work necessitates curb and gutter. Curb and gutter shall be constructed in conformance with the design criteria of the Jurisdiction. Curb and gutter in rural subdivisions is not required unless public water and/or sewer is available.

(M) Temporary Turnarounds: Streets stubbed to adjoining property or phase lines may be required to have a temporary turnaround at the end of the street which will be sufficient to permit sanitation vehicles to turn around.

(N) Grades at Intersections: The grade on stop streets approaching an intersection shall not exceed five (5%) percent for a distance of not less than one hundred (100) feet from the centerline of the intersection.

(O) 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 utility poles, fire hydrants, and traffic control signs. The location and extent of sight distance easements will be determined by the Jurisdiction and the NCDOT.

(P) Street Names: Streets which are obviously in alignment with existing streets shall generally bear the name of the existing street. Street names shall not duplicate or closely approximate phonetically the names of existing streets in Guilford County. Street suffixes and addresses shall conform to the standards set forth in Appendix 1 (Street Name and Address Standards).

(Q) Street Signs

1) Public Street Intersection: At each intersection of a named public street with another named public street, the developer shall pay a fee to the Jurisdiction for the installation of each street sign required.

2) Public to Private Street Intersections : At each intersection of a named private street, drive, or lane with a public street, the Jurisdiction shall erect a street name sign. The developer shall pay a fee to the Jurisdiction for each such sign required.

3) Private Street Intersections: The developer shall be required to erect and maintain reflectorized signs at all intersections between private streets, drives, or lanes. Private street signs shall be approved by the Jurisdiction as part of a Master or Common Sign Plan.

4) Traffic Control Signs: The developer shall be required to provide traffic control signs in locations designated by the Jurisdiction.

5) Maintenance: Maintenance of signs on private streets, drives or lanes shall be the responsibility of the owner or owner's association, as appropriate.

5–13.4 Block Length

Blocks shall not exceed a perimeter length of six thousand (6,000) feet, except that a perimeter length of up to twelve thousand (12,000) feet may be approved in the Watershed Critical Area. Perimeter length is the shortest perimeter measurement along the abutting street right–of–way lines.

5–13.5 Sidewalks

Except along controlled access facilities, sidewalks shall be required on all thoroughfare streets, and at other locations where a pedestrian traffic generator requires separation of pedestrian and vehicular traffic on collector, subcollector, and local residential streets. Where sidewalks are installed, they shall have a minimum width of five (5) feet and be constructed on one side of the right–of–way as determined by the Technical Review Committee.

5–13.6 Utilities

(A) Public Water and Sewer Construction Requirements: Water and sewer lines, connections, and equipment shall be constructed in accordance with state and local regulations.

(B) Water and Sewer Connection: 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. Where public sewer is not available, lots shall be evaluated in accordance with "Laws and Rules for Sanitary Sewage Collection, Treatment, and Disposal 11 NCGS 130 A. Approval of the Environmental Health Division shall be obtained after Preliminary Plat approval. The Final Plat shall show lot(s) denied or not evaluated crosshatched and labeled "NO IMPROVEMENT PERMIT HAS BEEN ISSUED FOR THIS LOT."

(C) Underground Utilities: Electrical, television cable, and telephone utility lines installed within major subdivisions shall be underground unless the Technical Review Committee determines underground installation is inappropriate.

(D) Utility Easements

1) Major Subdivisions: To provide for electric, telephone, gas and community antenna television services conduits, and sewer or water lines within the subdivision appropriate utility easements not to exceed thirty (30) feet in width shall be provided. The location of such easements shall be reviewed and approved by the Jurisdiction, with advice from utility providers, before Final Plat approval.

2) Minor Subdivisions: Lots fronting on public streets with access to existing utilities are not required to have utility easements. All other lots shall show a twenty (20) foot utility easement to the front, side, or rear of each lot unless easement releases are obtained from all utility companies, in which case no utility easement will be required.

3) 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 Jurisdiction shall not be liable for damages to any improvement located within the utility easement area caused by maintenance or replacement of utilities located therein.

5–13.7 Drainage

The design of storm drainage systems and plans, including calculations, shall clearly indicate the easements and dedicated areas required for the construction and maintenance of the drainage system.

(A) General Drainage Requirement

1) All watercourses which carry a flow of five (5) cubic feet per second (cfs) or more during a ten (10)–year storm, as calculated in accordance with the Jurisdiction's Storm Sewer Design Manual, shall be treated in one or more of the three ways listed in Section 5–13.7(B), (C), and (D) which follow. Except where Section 5–13.7(A)2) below leaves the determination to the developer, the Technical Review Committee shall determine the treatments to be used, based upon the pipe size necessary to handle drainage and adopted open space plan. Open drainage channel requirements shall be based upon a one–hundred (100) year storm, and enclosed systems shall be based upon a ten (10)–year storm. If the channel is a perennial stream in a water supply watershed, or is identified on the open space plan map or requires a pipe of sixty–six (66) inch diameter or greater, the determination of drainage treatment shall be made by the Technical Review Committee. In making this determination, the Technical Review Committee shall consider the following factors:

a) The type of development;

b) The treatment employed by nearby developments;

c) The probability of the creation of a lengthy greenway or drainageway and open space;

d) The probability of the creation of future maintenance problems;

e) The probability of erosion or flooding problems; and

f) The adopted the open space plan.

g) Stream buffer requirements and channelization limitations for WCA and GWA areas, as described in Article VII (Environmental Standards).

2) If the channel is not a perennial streat within a WCA or GWA of a designated water supply watershed, or is not identified on the open space plan and requires less than a sixty–six (66) inch diameter pipe, the determination of drainage treatment shall be made by the property owner in a manner consistent with this Section.

(B) Enclosed Subsurface Drains

1) This Section applies to enclosed subsurface drains. Profiles and enclosure standards shall be in accordance with the Jurisdictions Storm Sewer Design Manual.

2) A utility easement designed to accommodate storm water shall be placed on a recorded plat when determined necessary by the Jurisdiction. The required utility 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 utility easement The utility easement shall be of a width determined necessary for maintenance purposes by the Jurisdiction based upon enclosure depth, topography and location of existing and proposed improvements, but no less than fifteen (15) feet.

3) The utility 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 Jurisdiction shall not be liable for damages to any improvement located within the utility easement area caused by maintenance of utilities located therein. Furthermore, utility easements 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 Jurisdiction shall be subject to approval by the appropriate department.

b) Any government agency 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 Jurisdiction shall not be responsible for damages caused by installation of additional lines by any private utility company.

(C) Open Channel in Dedicated Drainageway and Open Space Area

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 Guilford County and the public for Drainageway and Open Space". If a portion of the drainageway and open space lies within a proposed thoroughfare shown on the thoroughfare plan, it shall be labeled "Dedicated to Guilford County and the public for Drainageway and Open Space or Thoroughfare."

2) The dedicated drainageway and open space area along any stream that would require a sixty–six (66) inch or larger diameter pipe shall include the land between the natural one–hundred (100) – year flood contour lines as determined by the Jurisdiction. (Caution: Article VII [Environmental Regulations] or federal wetland regulations will prohibit or restrict fill placement in certain locations.)

3) In case of severe topography, additional width may be required to assure reasonable ease of maintenance.

4) The dedicated drainageway and open space area shall abut public street right–of–way on at least thirty (30%) percent of its perimeter except when the Technical Review Committee determines that adequate access is otherwise provided. The minimum length of street frontage at each location where drainageway and open space abuts public street right–of–way shall be sixty (60) feet. The maximum distance, measured by straight lines on either side of the drainageway and open space, between points at which the drainageway and open space abuts street right–of–way shall be one thousand (1,000) feet.

5) The centerline of the drainage channel that would require a sixty–six (66) inch or larger diameter pipe shall be located no less than fifty (50) feet from any street or property line provided that the dimensions of the drainageway and open space area conform to all other requirements of this Section. The minimum distance from centerline shall be twenty (20) feet along smaller drainageways.

6) Drainageway and open space shall be left in its natural condition or graded to a section approved by the Jurisdiction which will allow economical and efficient maintenance and shall be stabilized with permanent vegetative cover.

7) Lots abutting public open space may be reduced in size in accordance with the provisions in Section 4–4.1 (D) (Lots Adjoining Public Open Space). If lot sizes have been reduced with the provisions of this Ordinance, the following note shall appear of the plat:

> "The required area of Lots _ through _ has been reduced in accordance with Section 4–4.1(D) of this Ordinance. All other dimensional requirements of this Ordinance shall apply."

(D) Open Channel on Private Property Within Drainage Maintenance and Utility Easement

1) This Section applies to open channels on private property within a drainage maintenance and utility easement. This method shall not be utilized in any subdivision intended for single–family detached dwellings unless the Technical Review Committee, determines that an open channel would not become a missing segment in a system of stormwater piping and that the open channel is well removed from all anticipated building locations.

2) The drainage maintenance and utility easement shall include the required drainage channel and the land between the channel and the natural one–hundred–year flood contour as determined by FEMA or by calculations approved by the US Army Corps of Engineers; or, in some cases, it may be reduced by modifying the drainage maintenance and utility easement topography to a typical required drainage channel section as provided for in this Section. However, the minimum total width of a drainage maintenance and utility easement shall be no less than specified below.

Cubic Feet per Second in 100–year Storm	Required Distance form Stream Centerline
5 – 17 cfs	15 ft.
17 – 70 cfs	30 ft.
70 or more cfs	50 ft. plus 1/2 channel width

cfs = Cubic Feet Per Second

The drainage maintenance and utility easement width shall be centered on the typical required drainage channel section, unless the Technical Review Committee approves other drainage maintenance and utility easement alignments because of topographic conditions.

3) In case of severe topography, additional width may be required to assure reasonable ease of maintenance.

4) The drainage maintenance and utility easement topography may be modified if permitted under Section 7–4 (Soil Erosion and Sedimentation Control). In such cases, the approved typical required drainage channel section shall include the necessary channel to accommodate a one–hundred (100) year flood. The area outside of the required drainage channel may be filled;

but any resulting slope shall be no steeper than two (2) to one (1), unless the slope is protected by masonry paving, rip–rap, or other material which meet the Jurisdictions specifications.

5) If the Technical Review Committee determines suitable access to the drainage maintenance and utility 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 provide all streams located on their property. If the Governing Body 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 Jurisdiction 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 Jurisdiction shall be subject to approval by the Enforcement Officer.

   b) The government agency 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 Jurisdiction shall not be responsible for damage caused by the installation of additional lines by any private utility company.

   d) The Jurisdiction 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.

(E) Flood Standards

1) All subdivision proposals shall be consistent with the need to minimize flood damage;

2) All subdivision proposals shall have public utilities and facilities, such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; and

4) Base flood elevation data shall be provided for subdivision proposals whenever the one hundred (100) year storm flow is five hundred (500) cubic feet per second or greater.

5–13.8 Sites For Public Uses

In subdividing property, due consideration shall be given by the subdivider to the reservation of suitable sites for school and other public uses in accordance with NCGS 153 A–331.

5–13.9 Placement of Monuments

The Standards of Practice for Land Surveying in North Carolina, as adopted by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors, shall apply when installing monuments.

ARTICLE VI

DEVELOPMENT STANDARDS

6–1 SIGN REGULATIONS

6–1.1 General

All signs located in the Jurisdiction, with the exception of those erected by State or Federal government, are subject to the provisions of this Section. Signs under this Ordinance are treated four ways; (1) some types of signs are specifically prohibited everywhere; (2) certain signs are allowed by right and do not require permits prior to installation; (3) a third group of signs are considered to be accessory uses and may be installed provided that they meet the provisions of this Section and a permit is obtained; (4) billboards are classified as a principal use whose location is regulated by Article 4 (Zoning). Billboards have specific development standards which are listed in Section 6–4 (Development Standards for Individual Uses).

6–1.2 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, see Article III Permits).

(B) Animated signs, but not 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, except that wall signs may project up to 18 inches over a public right–of–way in zones which permit structures to be built at the property line adjoining the street.

(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 which imitate traffic control devices.

(H) Signs which extend vertically above the highest portion of the roof of any structure.

6–1.3 Signs Exempt from Regulation

The following signs are exempt from regulation under this Ordinance except that lighted signs require an electrical permit.

(A) Government signs.

(B) Works of art with no commercial message.

(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 Jurisdiction, subject to U.S. Congressional protocol.

6−1.4 Signs That Do Not Require A Permit

The following signs are permitted in all zoning districts and may be installed without obtaining a sign permit provided that they conform to the specifications shown on Table 6−1−1.

(A) Directional, instructional or warning signs provided that such signs contain no commercial message except a business logo or name.

(B) Flags, emblems or insignia of corporate, political, professional, fraternal, civic, religious, or educational organizations.

(C) Certain temporary signs conforming to the provisions of Table 6−1−1. Other types of temporary signs may be allowed by permit following the provisions of Tables 6−1−2 and 6−1−3. Allowed without a permit are:

1) Temporary real estate and construction signs which are removed within seven (7) days of the completion of construction, or sale or lease of property.

2) Temporary yard sale signs which are posted for no longer than three (3) days per sale.

3) Temporary political signs located on private property which are removed within seven (7) days after the election.

(D) Historical or memorial plaques, tablets or markers.

(E) Identification signs including:

1) Name and address plates, including those identifying home occupations and rural family occupations.

2) Directory Signs in developments with multiple occupants.

3) Building Name and Address signs for buildings with multiple occupants.

4) 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.

(G) Information Board signs, in non−residential districts and for institutional uses (e.g. churches, schools or cemeteries) permitted in residential zones that list activities or events which will take place on the premises where the sign is located, provided that no advertising of any type is displayed.

(H) Window signs painted on or attached to a window.

6−1.5 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 is specified in Tables 6−1−2 and 6−1−3.

TABLE 6–1–1

Specifications for Signs Not Requiring a Permit

Type	Number Permitted	Area (sq. ft.)	Setback (ft.)	Height (ft.)	Illumination[b]
Directional Signs (All Districts)	NA	4	R/W[a]	6	indirect
Instructional and Warning Signs (All Districts)	NA	6	NA	8	direct
Window Signs (Non–residential Districts)	maximum 25 % of window area	NA	NA	NA	direct
Historical, Memorial Markers (All Districts)	1 per lot	4	R/W[a]	6	indirect
Flags, Emblems, Insignia (All Districts)	1 per lot frontage	60	R/W[a]	40	indirect
Temporary Real Estate, Yard Sale and Construction Signs (All Districts)	1 per lot frontage	6	R/W[a]	6	none
Temporary Real Estate Signs (RM and Non–residential Districts and Major Subdivisions in RS Districts)	1 per lot frontage	100	R/W[a]	12	none
Temporary Political Signs (All Districts)	NA	6	R/W[a]	6	none
Identification Signs	1 per building	4 per unit	R/W[a]	6	indirect
Vending Machine Signs	NA	18	NA	6	direct
Information Boards (All Districts)	1 per building	50	15	8	indirect
Philosophical, Religious, Personal, Educational, or Other Noncommercial Signs (All Districts)	1 per lot frontage[c]	6	R/W[a]	6	direct
Philosophical, Religious, Personal, Educational, or Other Noncommercial Signs (RM and Non–Residential Districts and Major Subdivisions in RS Districts)	1 per lot frontage[c]	100	R/W[a]	12	direct

Footnotes:

[a] Signs must be located outside public street right of way and outside any sight distance area.

[b] Electrical permit required if sign is illuminated.

[c] 1 per 200 linear feet of lot frontage or portion thereof.

TABLE 6–1–2

Specifications for Accessory Free–Standing Signs Requiring a Permit

Zoning District	Number Permitted	Area (sq. ft..)		Set-back (ft.)	Height (ft.)	Area Computation
		Maximum	Minimum[a]			
PI, LO, NB	1 per lot frontage	100	25	R/W[b]	6	.25 square feet per linear feet of lot frontage
GO–M, GO–H, CP, LB	1 per lot frontage	200	50	R/W[b]	15	.50 square feet per linear feet of lot frontage
GB, HB, LI, HI	1 per lot frontage[e]	200[d]	75	R/W[b]	30[d]	1.0 square feet per linear feet of lot frontage
SC Development Identification Sign	1 per street frontage	300	200	10	30[d]	# of businesses 4–15= 200 sq. ft. 16+ = 300 sq. ft.
Outparcel Sign	1 per parcel	50	NA	R/W[b]	6	NA
Playbill Sign	1 per theater complex	200	NA	10	30[d]	NA
Development Entrance[c] (All Zones)	1 pair per entrance	50 per sign	NA	R/W[b]	6	NA
Banners (RM and Non–residential Districts)	1 per 500 feet of frontage	20	12	R/W[b]	20	linear frontage 0–100=12 sq. ft. 101–201= + 4 sq. ft. 201–500= +4 sq. ft.

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 6–1.8(C)4).

TABLE 6–1–3

Specifications for Accessory Attached Signs Requiring a Permit

Type	Number Permitted	Area (sq. ft.)		Height (ft.).	Area Computation
		Maximum	Minimum[a]		
Wall Signs by Zoning District					
PI, LO, NB	NA	NA	25	Top of Wall	5 % of Wall Area[cd]
GO–M, GO–H, CP, LB	NA	NA	50	Top of Wall	7.5% of Wall Area[cd]
GB, HB, SC, LI, HI	NA	NA	50	Top of Wall	10% of Wall Area[cd]
Awning, Canopy and Marquee Signs (All Non–Residential Districts)	1 per face	NA	NA	Top of Canopy [b]	25% of the canopy, awning or marquee face[e]
Suspended Signs (All Non–Residential Districts)	1 per entrance	6	NA	b	NA
Banners (RM and Non–Residential Districts)	1 per 500 feet of frontage	20	12	b	Linear Frontage: 0–100 ft.=12 sq. ft. 101–200 ft.=+4 sq. ft. 201–500 ft.=+4 sq. ft.

Note: All signs may be directly illuminated.

[a] "Minimum" sign size refers to the minimum area allowed by right, regardless of the size which would be allowed by computation.

[b] Nine (9) feet height to clear pedestrian walkways or fifteen (15) feet to clear vehicular drives.

[c] 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

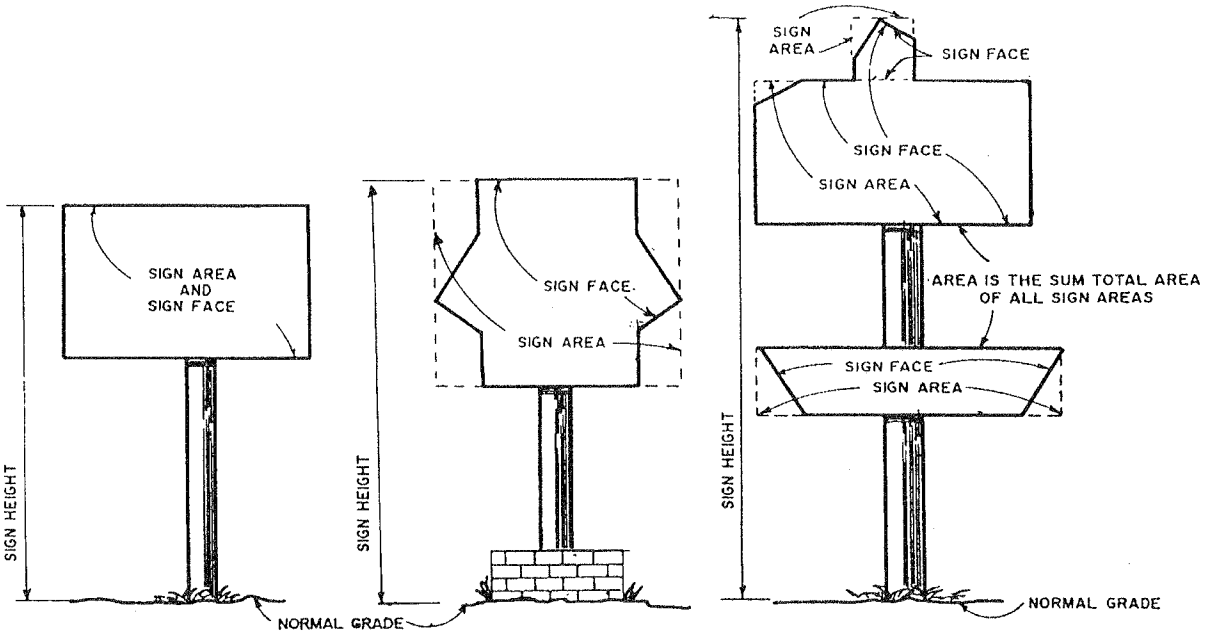
[d] In multi–tenant buildings, the area computation shall be based on the wall area of each separate occupancy.

[e] 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.

6–1.6 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 back drop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall.

(B) Area for 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 viewed from any point 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.



* Calculate area of smallest square, circle, rectangle or combination thereof, that can encompass the sign face.

Figure 6–A
MEASUREMENT OF SIGN AREA AND HEIGHT

NO SCALE

(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 or building frontage.

6–1.7 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) Permanence: 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.

6–1.8 Master or Common Signage Plan

After the effective date of this Ordinance no permit shall be issued for an individual sign requiring a permit unless and until a Master Signage Plan or a Common Signage Plan for the lot on which the sign will be erected has been approved. A Master Signage Plan shall be prepared for developments containing a single principal building on a single lot, while a Common Signage Plan shall be prepared for developments containing more than one principal building or more than one lot.

(A) Information Required for a Master Signage Plan:

1) A Site Layout Plan in accordance with Appendix 2 (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.

(B) Common Sign Plan Information: A Common Signage Plan shall contain all of the information required above plus provisions for shared usage of freestanding and attached signs.

(C) Other Provisions

1) A Master or Common 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 or Common 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 or Common 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–B) in excess of the general limitation of one per frontage as shown in Table 6–1–2 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 6–1–2. 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

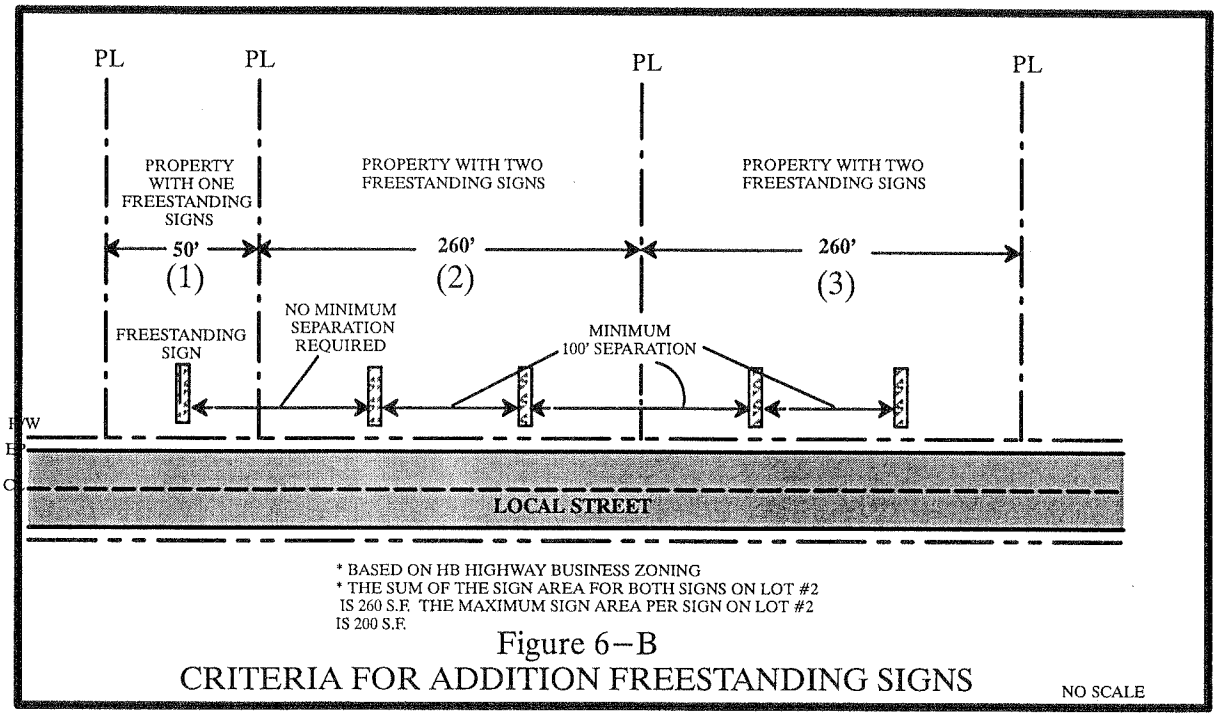


Figure 6–B
CRITERIA FOR ADDITION FREESTANDING SIGNS NO SCALE

6–1.9 Permits To Construct Or Modify Signs

Signs shown as requiring a permit on Tables 6–1–2 and 6–1–3 above 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 III (Permits and Procedures).

6–1.10 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: For any sign existing on the effective date of this Ordinance, an application for a sign Certificate must be submitted within one hundred eighty (180) days after the effective date of this Ordinance. Signs which are the subject of permit applications received after this one hundred and eighty (180) day grace period shall be subject to all terms and conditions of this Ordinance and shall not be entitled to protection as nonconforming signs unless the sign has a Sign Certificate.

1) A sign that is (1) prohibited or (2) is allowed without a permit but does not comply with this Section, and was in existence on January 1, 1992 shall either be removed or brought into compliance with this Section by December 31, 1992.

2) A sign that would be allowed by this Section only with a sign permit, and was legally in existence on January 1, 1992, and was constructed in accordance with the applicable laws and ordinances in effect

on the date of construction, but by reason of its size, height, location, design, or construction is not in conformance with the requirements of this Section, shall be issued a Nonconforming Sign Certificate if applications are filed on or before December 31, 1992. If a property contains a greater number of legally–erected signs than would be permitted by this Section, then such signs shall be entitled to Nonconforming Sign Certificates if applications are filed on or before December 31, 1992.

a) 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:

i) 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.

ii) No structural alteration, enlargement or extension of such sign shall be allowed.

iii) No relocation of such sign upon the premises shall be allowed.

iv) 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.

b) The application for a Nonconforming Sign Certificate may include multiple signs on the same zone lot and shall contain the following:

i) A color print showing the entire sign(s) including any supporting framework;

ii) Dimensions of the sign(s) including length, width, height, and area in square feet;

iii) An elevation drawing with dimensions of the facade or wall area showing the location of any attached sign(s) in approximate scale; and

iv) 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).

3) A sign that would be allowed by this Section only with a sign permit and was in existence on January 1, 1992, but does not have a Nonconforming Sign Certificate shall either be removed or brought into compliance with this Section by July 1, 1997.

4) A sign that would be allowed by this Section only with a sign permit and was in existence on January 1, 1992, and is in compliance with all provisions of the Section but does not have a Sign Certificate may be issued a Sign Certificate upon application to the Enforcement Officer.

(B) 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.

(C) 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 6–1.10(A) (Signs Existing on the Effective Date).

6–1.11 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 Section 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.

6–2 OFF–STREET PARKING, STACKING, AND LOADING AREAS

6–2.1 General Requirements

(A) Parking, Stacking and Loading Space Required: When any building or structure is erected, modified, enlarged or increased in capacity, or any open use is established, modified or enlarged, the requirements of this Section shall be met. For enlargements, modifications, or increase in capacity, the requirements of this Section shall apply only to such enlargements, modifications or increases in capacity.

(B) Required Number: The minimum number of required off–street parking, stacking and loading spaces is indicated in Table 6–2–1 and Section 6–2.7 (Loading Areas). In cases of mixed occupancy, the minimum number of off–street parking, stacking and loading spaces shall be the cumulative total of individual use requirements unless otherwise specified.

(C) Handicapped Spaces: Spaces for the physically handicapped shall be provided as required by the NC Building Code, and other applicable state and federal regulations governing van accessibility. See Figure 6–C.

(D) Minimum Required: In all instances where off–street parking is required, except for residential uses, a minimum of five (5) parking spaces shall be provided.

(E) Reduction of Minimum Requirements: Unless there is a change in use requiring fewer spaces, the number of spaces shall not be reduced below the minimum requirements of this Ordinance except as provided for in Section 6–3.1 (C) (Reduction in Parking Requirements for Pre–Existing Developments).

(F) Maintenance: All parking, stacking and loading facilities shall be permanently maintained by the owners or occupants as long as the use they serve exists.

(G) Access: All parking, stacking and loading facilities shall have vehicular access to a public street.

(H) Use for No Other Purpose: Land used to provide required parking, stacking, and loading shall not be used for any other purposes, except for temporary events. If such land is devoted to any other purpose, the Certificate of Occupancy of the affected principal use shall immediately become void.

TABLE 6–2–1
Off–Street Parking Requirements
page 1 of 4

USE	SPACES REQUIRED
Residential Uses	
1) Boarding and rooming house; bed & breakfast; fraternity or sorority; private dormitory	1/bedroom plus 2/3 employees on largest shift
2) Congregate care, family care, or group care facilities	1/4 beds plus 1/employee and visiting specialist plus 1/vehicle used in operation
3) Multi–family dwellings (including condominiums)	
0 to 1 bedroom units	1.50/unit
2 bedroom units	1.75/unit
3 or more bedroom units	2.00/unit
4) Shelter for the Homeless	1/resident staff member, plus 2/3 nonresident staff members and/or volunteers on the largest shift, plus 1/each vehicle used in the operation
5) Single family detached, duplex & twin home dwellings	2/dwelling unit on the same lot
6) Single Room Occupancy Residence	1/3 rooming units, plus 2/3 employees on the largest shift, plus 1/each vehicle used in the operation
7) Townhouse dwellings	2/dwelling unit, excluding garages and carports
Accessory Uses	
1) Accessory dwelling units	1/attached unit, 2/detached unit, located on the same zone lot
2) Home occupations	Minimum 1 space, maximum 3 spaces in addition to required residential spaces
3) Migrant labor housing	1/4 workers
Recreation	
1) Amusement parks; fairgrounds; skating rinks	1/200 square feet of activity area
2) Athletic fields	25/field
3) Batting cages, driving ranges; miniature golf; shooting ranges	1/cage, tee, or firing point
4) Billiard parlors; tennis courts	3/table or court
5) Bowling centers	4/lane
6) Clubs or lodges, coin–operated amusement, physical fitness centers and similar indoor recreation	1/200 square feet of gross floor area
7) Go–cart raceways	1/go–cart plus 1/employee on largest shift
10) Equestrian facilities	1/2 stalls
11) Swimming pools	1/100 square feet of water and deck space
Educational and Institutional Uses	
1) Ambulance services; fire stations; police stations	1/employee on largest shift

/ = Per * NCDOT may require additional stacking spaces on state or federal highways

TABLE 6–2–1
Off–Street Parking Requirements

2) Auditoriums; assembly halls; coliseums; convention centers; stadiums	1/5 persons based on designed capacity of building(s)
3) Churches	1/4 seats in main chapel
4) Colleges and Universities	7/classroom plus 1/4 beds in main campus dorms plus 1/250 square feet of office space plus 1/5 fixed seats in assembly halls and stadiums
5) Correctional institutions	1/10 inmates plus 2/3 employees on largest shift plus1/vehicle used in the operation
6) Day care, child or adult	1/employee plus 1/10 children with parking located on site
7) Elementary and middle schools; kindergartens	3/room used for offices plus 3/classroom
8) Government offices; post offices	1/150 square feet of public service area plus 2/3 employees on largest shift
9) Hospitals	1/4 in–patient or out–patient beds plus 2/3 employees on largest shift plus 1/staff doctor
10) Libraries, museums and art galleries	1/450 square feet of gross floor area for public use plus 2/3 employees on largest shift
11) Nursing and convalescent homes	1/4 beds plus 1/employee and visiting specialist plus 1/vehicle used in operation
12) Senior high schools	3/room used for offices plus 7/classroom
Offices (not otherwise classified)	1/250 square feet gross floor area
Business, Professional and Personal Services	
1) Automobile repair or services	3/service bay plus 1/wrecker or service vehicle plus 2/3 employees on largest shift
2) Banks and financial institutions	* 1/200 square feet gross floor area plus stacking for 4 vehicles at each drive–through window or automatic teller machine
3) Barber and beauty shops	3/operator
4) Car washes a) Full–service	* stacking for 30 vehicles or 10/approach lane, whichever is greater plus 3 spaces in the manual drying area plus 2/3 employees on largest shift
b) Self–service	*3 stacking spaces/approach lane plus 2 drying spaces/stall
5) Delivery services	2/3 employees on largest shift plus 1/vehicle used in operation
6) Equipment rental and leasing	1/200 square feet gross floor area
7) Funeral home or crematoria	1/4 seats in main chapel plus 2/3 employees on the largest shift plus 1/vehicle used in operation

/ = Per * NCDOT may require additional stacking spaces on state or federal highways

TABLE 6–2–1
Off–Street Parking Requirements
page 3 of 4

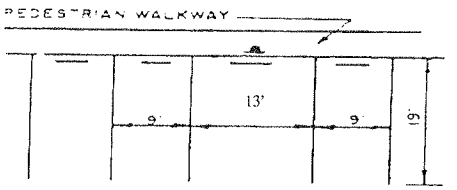
8) Hotels and motels containing	
a) 5,000 square feet or less ancillary space, i.e. restaurant, meeting rooms, lounge or lobby or a restaurant/lounge containing 3,000 square feet or less	1.1/rental unit
b) more than 5,000 square feet of ancillary space, i.e. restaurant, meeting rooms, lounge or lobby or a restaurant/ lounge containing over 3,000 square feet	1.25/rental unit
9) Kennels or pet grooming	1/300 square feet of sales, grooming or customer waiting area plus 2/3 employees on largest shift
10) Laundromat (coin operated)	1/4 pieces or rental equipment
11) Laundry and dry cleaning plants or substation	*2/3 employees on largest shift plus 1/vehicle used in operation plus stacking for 4 vehicles/pickup station
12) Laboratories	*2/3 employees on largest shift plus 1/250 square feet of office space
13) Medical, dental, or related offices	3/examining room plus 1/employee including doctors
14) Motion picture production	1/1000 square feet of gross floor area
15) Recreational vehicle park or campsite	Refer to development standards for recreational vehicle parks (Section 6–4)
16) Repair of bulky items (appliances, furniture, boats, etc.)	2/3 employees on largest shift plus 1/ vehicle used in operation
17) Theaters (indoor)	1/4 seats
18) Truck wash	*3 stacking spaces/stall
19) Veterinary service (other)	4/doctor plus 1/employee including doctors
20) Vocational, business, or secretarial schools	1/100 square feet of classroom space plus 1/250 square feet of office space
21) Services and repairs not otherwise classified	1/250 square feet gross floor area plus 1/vehicle used in operation
Drive–throughs not otherwise classified	*Stacking for 4 vehicles at each bay, window, lane, ordering station or machine in addition to use requirement
Retail Trade	
1) Bars, dance halls	1/3 persons in designed capacity of building plus 2/3 employees on largest shift, located on same zone lot
2) Convenience stores	*1/200 square feet gross floor area plus 4 stacking spaces at pump islands
3) Department stores; food stores	1/200 square feet gross floor area
4) Flea markets; salvage yards and other open air sales	1/acre of site area plus 2/3 employees on largest shift
5) Fuel oil sales	2/3 employees on largest shift plus 1/vehicle used in operation
6) Furniture; floor covering sales	1/1,000 square feet gross floor area
7) Motor vehicle, motorcycle, or recreational vehicle sales or rental; manufactured home sales	5 spaces plus 1/10,000 square feet of display area plus 2/3 employees on largest shift
8) Restaurants	*1/4 seats plus 2/3 employees on largest shift & 11 total stacking spaces with minimum 5 spaces at or before ordering station
9) Retail sales not otherwise classified	1/200 square feet gross floor area
10) Retail sales of bulky items (appliances, building materials, etc.)	1/500 square feet of gross floor area

/ = Per * NCDOT may require additional stacking spaces on state or federal highways

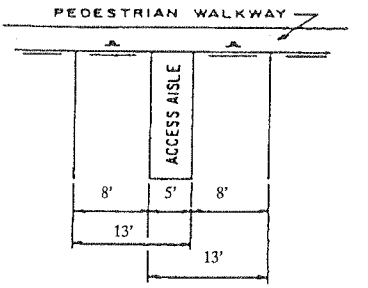
TABLE 6–2–1
Off–Street Parking Requirements
page 4 of 4

11) Service stations, gasoline	*3/service bay plus 1/wrecker or service vehicle plus 2/3 employees on largest shift plus 4 stacking spaces at pump islands
12) Shopping Centers	
a) < 250,000 square feet	1/200 square feet gross floor area in main building(s) (excluding theaters)plus parking as required for outparcels or theaters
b) > 250,000 square feet gross floor area	1,250 spaces plus 1/225 square feet gross floor area above 250,000 square feet
Wholesale Trade	
1) Market showroom	1/1,000 square feet gross floor area
2) Wholesale uses	2/3 employees on largest shift plus 1/200 square feet of retail sales or customer service area plus 1/vehicle
Transportation, Warehousing and Utilities	
1) Airport, bus, and train terminals	1/4 seats plus 2/3 employees on largest shift
2) Communication towers; beneficial fill area, land clearing and inert debris (LCID) landfills; heliports; utility lines or substations	no required parking
3) Recycling processing centers	1/employee on largest shift
4) Self–storage warehouses	5 spaces
5) Transportation, warehousing and utility uses not otherwise classified	2/3 employees on largest shift plus 1/ vehicle used in operation
Manufacturing and Industrial Uses	2/3 employees on largest shift plus 1/200 square feet of retail sales or customer service area plus 1/vehicle used in operation

/ = Per * NCDOT may require additional stacking spaces on state or federal highways



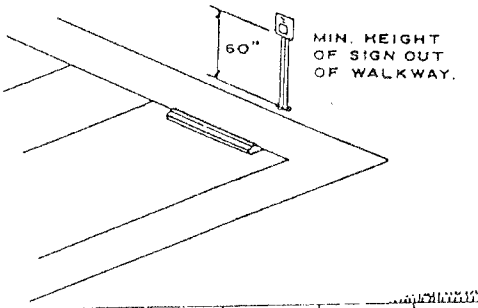
SINGLE SPACE DESIGN
(MINIMUM DIMENSIONS)

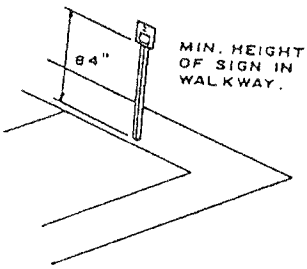


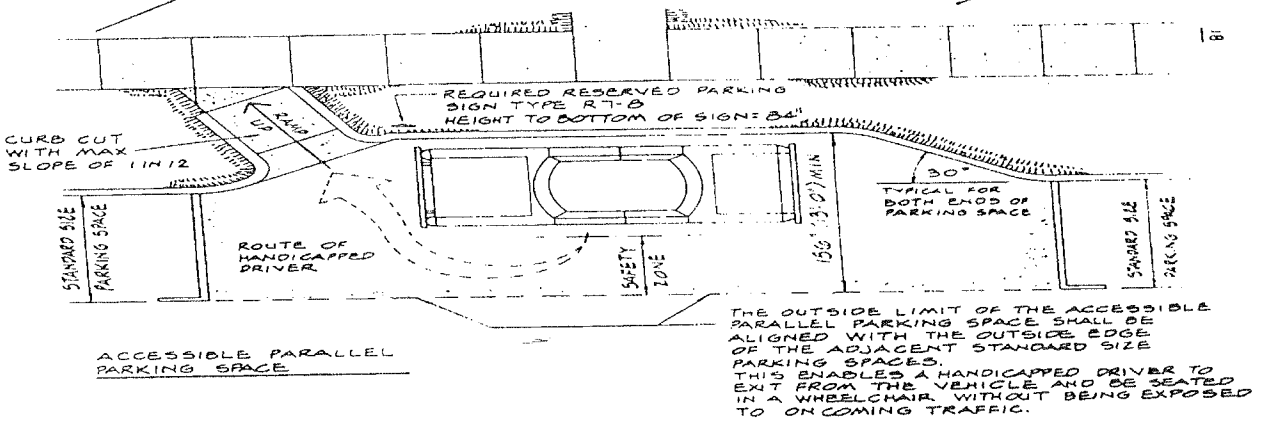
DOUBLE SPACE DESIGN
(MINIMUM DIMENSIONS)

REQUIRED HANDICAPPED
RESERVED PARKING SIGN
MUTCD R7-8
12" x 18"

TYPICAL SIGN







Number of Required Handicapped Parking Spaces

Total Number of Spaces in Parking Lot	Min. Number of H.C. Spaces	Van Accessible Spaces
1 to 25	1	At least one in every eight handicapped spaces shall be served by an access aisle not less than 8 feet in width and not less than 8 feet, 2 inches vertical clearance. Such spaces shall be designated "VAN ACCESSIBLE" and may be grouped on one level of a parking structure.
26 to 50	2	
51 to 75	3	
76 to 100	4	
101 to 150	5	
151 to 200	6	
201 to 300	7	
301 to 400	8	
401 to 500	9	
501 to 1,000	*	
1,000 and over	**	

* 2% of Total ** 20 plus 1 for each 100 over 1,000

Figure 6–C
HANDICAPPED & VAN ACCESSIBLE PARKING SPACE REQUIREMENTS NO SCALE

6–2.2 Unlisted Uses

For any use not specifically listed in this Section, the parking, stacking and loading requirements shall be those of the most similar use.

6–2.3 Parking Requirements for Change in Use

If a change in use causes an increase in the required number of off–street parking, stacking or loading spaces, such additional spaces shall be provided in accordance with the requirements of this Ordinance; except that if the change in use would require an increase of less than five (5%) percent in the required number of parking spaces or fewer than five (5) spaces, no additional off–street parking shall be required.

6–2.4 Design Standards for Parking, Stacking and Loading

(A) Design: Parking facilities shall be designed and constructed to:

1) Allow unobstructed movement into and out of each parking space without interfering with fixed objects or vehicles.

2) Minimize delay and interference with traffic on public streets and access drives.

3) Maximize sight distances from parking lot exits and access drives.

4) All off–street parking spaces in parking lots shall have access from parking lot driveways and not directly from streets.

(B) Dimensional Requirements: Parking facilities shall be designed and constructed to meet minimum, parking space dimensions, aisle dimensions and other standards found in Table 6–2–2.

(C) Improvements

1) Paving

a) Required parking spaces, access drives, and loading areas shall be paved and maintained with concrete, asphalt, or similar material of sufficient thickness and consistency to support anticipated traffic volumes and weights.

b) Access drives shall be paved and maintained from the curbline to a point at least ten (10) feet beyond the public right–of–way line for all parking and loading facilities, whether paved or unpaved.

c) Paving shall not be required for:

i) Parking facilities used on an irregular basis for churches, private clubs or other similar nonprofit organizations.

ii) Parking facilities for residential uses where six (6) or fewer spaces are required.

iii) Parking areas for agricultural uses in the Agricultural (AG) District .

iv) 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.

v) Parking areas for tracked heavy construction equipment, skid–mounted equipment and similar equipment, provided they are constructed with an all–weather surface.

d) Where parking facilities are paved, curb and gutter or an equivalent drainage system shall be provided along the periphery of the parking lot, except where it is determined by the Enforcement Officer that such system is not practical for storm drainage purposes.

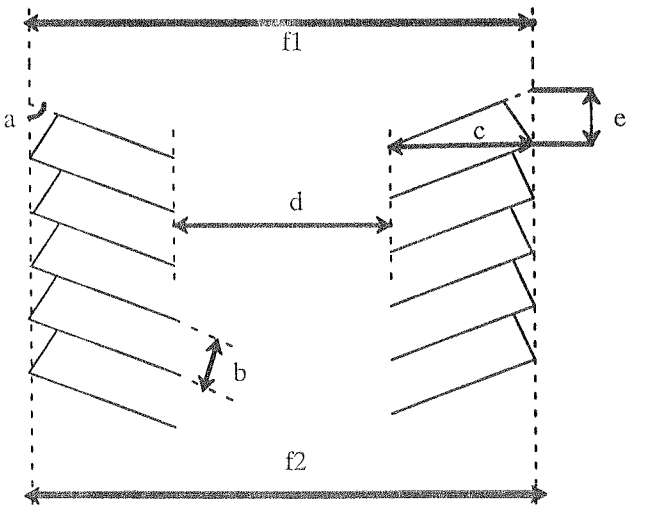
TABLE 6–2–2
Parking Space Geometric Design Standards

a	b	c	d	e	f1	f2
PARKING ANGLE (degrees)	STALL WIDTH (*)	STALL TO CURB (ft.)	AISLE WIDTH (ft.)	CURB LENGTH (ft.)	CENTER–TO–CENTER WIDTH OF TWO ROW BIN WITH ACCESS ROAD BETWEEN (ft.)	
					CURB–TO–CURB	OVERLAP C–C
0	7'–6"	7.5	12.0	23.0	27.0	
	8'–6"	8.5	12.0	23.0	29.0	–
	9'–0"	9.0	12.0	23.0	30.0	–
	9'–6"	9.5	12.0	23.0	31.0	–
	10'–0"	10.0	12.0	23.0	32.0	–
30	7'–6"	16.5	11.0	17.5	44.0	41.0
	8'–6"	16.9	11.0	17.0	44.8	37.4
	9'–0"	17.3	11.0	18.0	45.6	37.8
	9'–6"	17.8	11.0	19.0	46.6	38.4
	10'–0"	18.2	11.0	20.0	47.8	38.7
45	7'–6"	17.0	11.0	10.5	43.0	48.1
	8'–6"	19.4	13.5	12.0	52.3	46.3
	9'–0"	19.8	13.0	12.7	52.6	46.2
	9'–6"	20.1	13.0	13.4	53.2	46.5
	10'–0"	20.5	13.0	14.1	54.0	46.9
60	7'–6"	17.7	14.0	8.7	47.4	44.0
	8'–6"	20.7	18.5	9.8	59.9	55.6
	9'–0"	21.0	18.0	10.4	60.0	55.5
	9'–6"	21.2	18.0	11.0	60.4	55.6
	10'–0"	21.2	18.0	11.5	61.0	56.0
90	7'–6"	17.0	20.0	7.5	54.0	
	8'–6"	19.0	25.0	8.5	63.0	–
	9'–0"	19.0	24.0	9.0	62.0	–
	9'–6"	19.0	24.0	9.5	62.0	–
	10'–0"	19.0	24.0	10.0	62.0	–

(*) 9'–0" Recommended (*) 8'–6" Minimum (*) 7'– 6" Compact Cars Only, for non–required spaces only

Stacking Space Geometric Design Standards

Stacking spaces shall be twelve feet (12) by twenty (20) feet.



e) All facilities shall be graded, properly drained, stabilized and maintained to minimize dust and erosion.

f) All parking spaces and stacking lanes shall be clearly identified with paint lines, bumper guards, curbs, or similar treatment.

g) All parking spaces shall be provided with wheel guards or curbs located so that no part of the parked vehicle will extend beyond the property line or encroach more than two (2) feet into a required planting area.

h) Concrete pads for stationary refuse containers shall be provided beneath and in the approach to each container.

i) Parking lots shall be designed and constructed such that walkways shall maintain a minimum unobstructed width of four (4) feet. (Vehicle encroachment is calculated as two (2) feet beyond curb.)

6–2.5 Location

(A) Off–site Parking Lots: When required off–street parking is permitted to be located off–site, it shall begin within four hundred (400) feet of the zone lot containing the principal use. Required off–street parking shall not be located across an intervening major or minor thoroughfare.

(B) Parking in Nonresidential District: Automobile parking for any use may be provided in any nonresidential district.

(C) Parking in Residential Districts – See Figure 6–D: Surface parking in a residential district for any use not permitted in that district is allowed under the following conditions:

1) Property on which the parking is located must abut the lot containing the use which the parking serves. The property must be under the same ownership or subject to a parking encumbrance agreement approved by the Enforcement Office. All access to such property shall be through nonresidentially zoned property;

2) Parking shall be used only during daylight hours except by Special Use Permit;

3) Parking shall be used by customers, patrons, employees, guests, or residents of the use which the parking serves;

4) No parking shall be located more than one hundred twenty (120) feet into the residential zoning district. Parking may be allowed to extend up to four hundred (400) feet into the residential zoning district with approval of a Special Use Permit;

5) No parking shall be permitted closer than one hundred fifty (150) feet to any public street right–of–way upon which the principal use would not be permitted driveway access; and

6) Long–term or dead storage, loading, sales, repair work or servicing of vehicles is prohibited.

6–2.6 Combined Parking

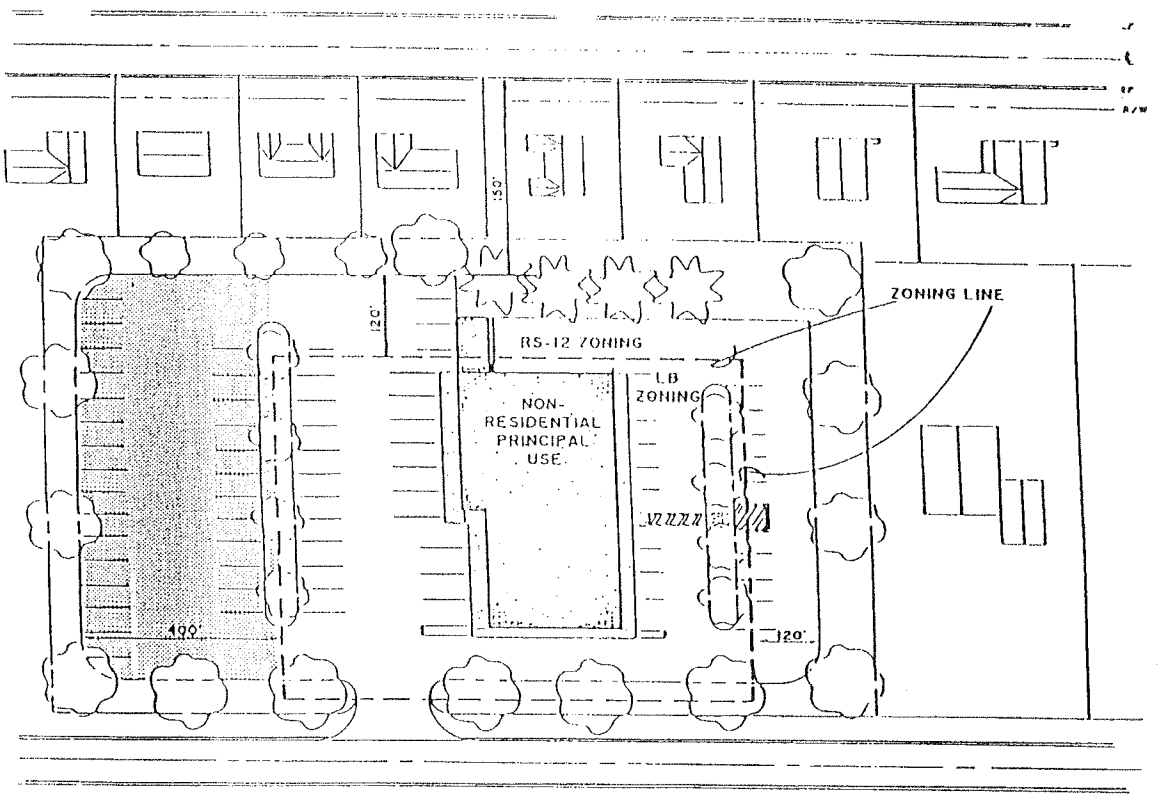
(A) Separate Uses: The required parking for separate or mixed uses may be combined in one facility.

(B) Shared Parking: A maximum of fifty (50%) percent of the parking spaces required for a church, theater, auditorium or assembly hall or other similar use may also serve as required spaces for another use located on the same zone lot. Shared spaces may also be located off–site as allowed in Section 6–2.5(A) (Off–site Parking Lots). In either case the Enforcement Officer must determine that the various activities will have peak parking demands at different periods of the day or week. Otherwise, no off–street parking required for one (1) building or use shall be applied toward the requirements of any other building or use.

(C) Reassignment: Required off–street parking spaces shall not be leased or otherwise assigned to another use except as provided in Section 6–2.6 (B) (Shared Parking).

6–2.7 Loading Areas

(A) Location: Off–street loading areas shall be located on the same zone lot as the use they serve.



* Maximum extension of parking for a non–residential use in a residential district shall be 120', 400' (see shaded area) if approved by a Special Use Permit.
* Parking may extend no closer than 150' to any street upon which the principal use would no be permitted driveway access.

FIGURE 6–D
PARKING IN RESIDENTIAL DISTRICTS

NO SCALE

(B) Design Standards

1) Minimum Number of Loading Spaces Required:

a) Retail operations, including restaurant and dining facilities within hotels and office buildings:

Gross Floor Area (SQ FT)	Number of Spaces
0 – 20,000	0
20,001 – 40,000	1
40,001 – 75,000	2
75,001 – 150,000	3
150,001 – 250,000	4
For each additional 250,000 square feet or fraction thereof	1

b) Office buildings and hotels:

Gross Floor Area (SQ FT)	Number of Spaces
0 – 100,000	0
For each additional 100,000 square feet or fraction thereof	1

c) Industrial and wholesale operations:

Gross Floor Area (ft.2)	Number of Spaces
0 – 10,000	0
10,000 – 40,000	1
40,001 –100,000	2
100,001 – 160,000	3
160,001 – 240,000	4
240,001 – 320,000	5
320,001 – 400,000	6
For each additional 90,000 square feet or fraction thereof	1

2) Each loading area shall be at least twelve (12) feet wide, sixty–five (65) feet long and fourteen (14) feet in clearance. See Figure 6–E.

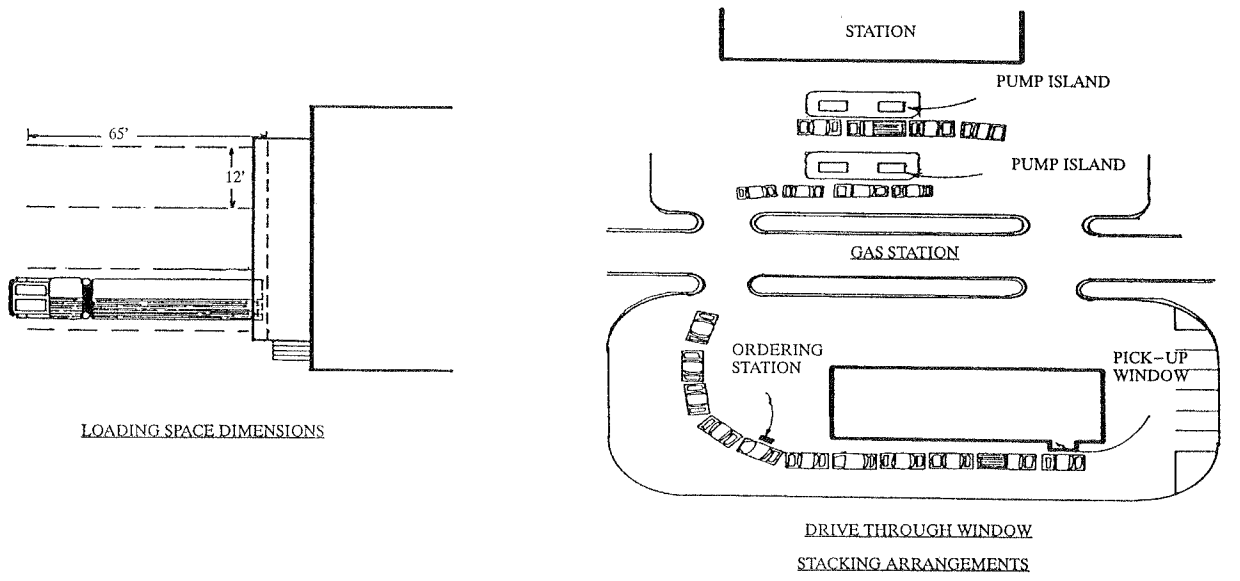


FIGURE 6–E
LOADING AND STACKING ARRANGEMENTS

NO SCALE

3) All off–street loading areas shall be arranged and marked to provide for orderly and safe unloading and loading, and shall not hinder the free movement of vehicles and pedestrians. All loading and unloading maneuvers shall take place on private property. No backing in from street or maneuvering on right–of–way shall be permitted.

6–3 LANDSCAPING REQUIREMENTS

6–3.1 Applicability

(A) Exemptions: These requirements shall not apply to:

1) Single family detached dwellings or two–family dwellings on their own lots;

2) Multi–family developments containing eight (8) or fewer dwelling units in a single zone (building) lot;

3) Properties within or surrounded by the Central Business (CB) zoning district;

4) Property lines abutting railroad rights–of–way and utility easements in excess of sixty (60) feet in width; and

5) Property lines abutting dedicated street right–of–way which has remained unopened for a period of at least fifteen (15) years.

(B) 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.

(C) 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 Enforcement Officer up to ten (10%) percent.

6–3.2 Planting Yards

(A) Required Planting Areas: The following areas are required to be landscaped:

1) Street planting yards;

2) Parking lots (excluding vehicle loading, storage, and display areas); and

3) Planting yards.

(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–F.

2) Parking Lot Plantings: Planting areas within and adjacent to parking areas designed to shade and improve the attractiveness of large areas of pavement.

3) 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–G.

4) Type B Planting Yard: A medium density screen intended to partially block visual contact between uses and create spatial separation. See Figure 6–G.

5) Type C Planting Yard: A low density screen intended to partially block visual contact between uses and create spatial separation. See Figure 6–H.

6) 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–H.

6–3.3 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 the Permitted Use Schedule, Table 4–3–1 in Section 4–3 (Permitted Use Schedule).

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 6–3–1, 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 6–3–2, to determine the types and numbers of shrubs and trees required.

TABLE 6–3–1
Planting Yard Chart

EXISITING ADJACENT USE(S)						
Land Use Classification	1	2	3	4	5	Undeveloped
1	*	*	*	*	*	*
2	C	D	D	D	D	D
3	B	B	D	D	D	D
4	A	A	C	D	D	D
5	A	A	B	C	D	D

* No Planting Yard Required

TABLE 6–3–2
Planting Yard Rate Chart

Yard Type	Minimum Width (ft.)	Min. Avg. Width (ft.)	Maximum Width (ft.)	Planting Yard Rates: Canopy Tree Rate	Understory Tree Rate	Shrub Rate
Street Yard	8	8	25	2/100 lf[b]	NA[c]	17/100 lf
Type A Yard	40[a]	50[a]	75	4/100 lf/oc	10/100 lf/oc	33/100 lf/oc
Type B Yard	25[a]	30[a]	50	3/100 lf	5/100 lf	25/100 lf
Type C Yard	15[a]	20[a]	40	2/100 lf[b]	3/100 lf	17/100 lf
Type D Yard	5	5	10	–	2/100 lf	18/100 lf
Parking Lot	NA	NA	NA	1/12 parking spaces[b]	NA[c]	NA

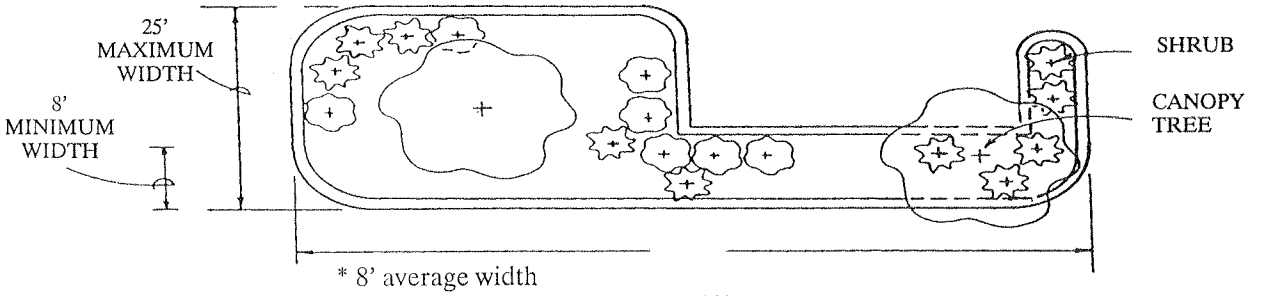
lf: linear fee oc: on center

a Walls, a minimum of five (5) feet in height, constructed of 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.

b In street yards, 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.

c One understory tree may be substituted for each required canopy tree if the Technical Review Committee determines that there would be a major conflict with overhead utility lines.

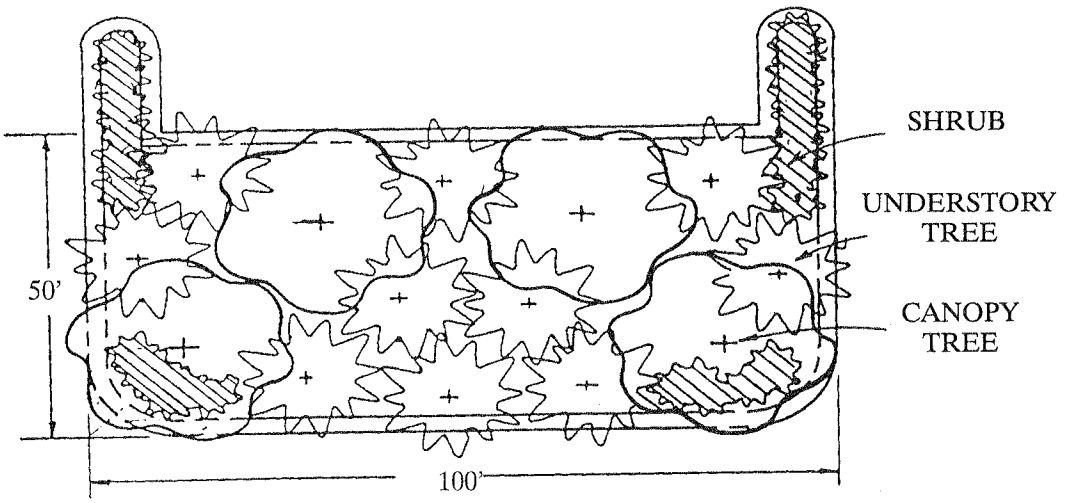
NOTE:; On Lots of Record less than fifty–five thousand (55,000) square feet in area, no development shall be required to place required landscaping on greater than fifteen (15%) percent of the site.



* 8' average width
* Plantings: 2 canopy trees per 100'
17 shrubs per 100'

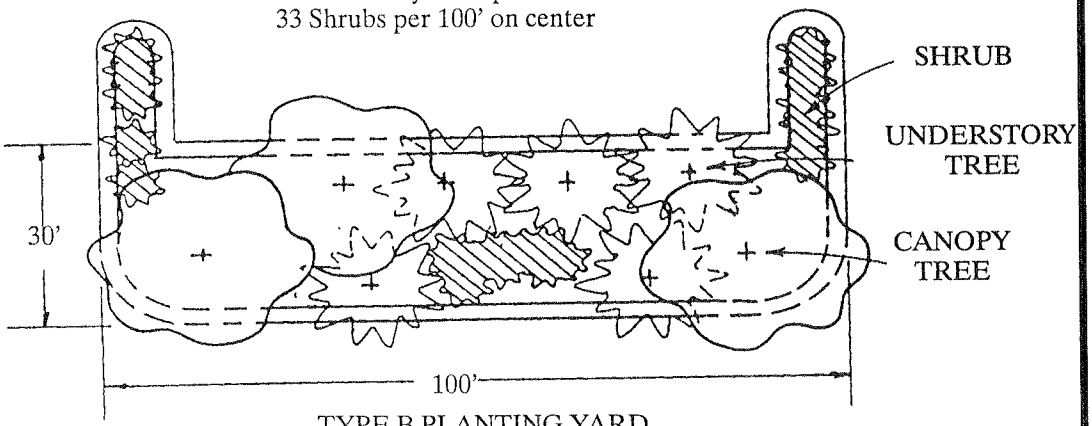
FIGURE 6–F
STREET PLANTING YARD

NO SCALE



TYPE A PLANTING YARD

* 40' minimum, 75' maximum width
* Plantings: 4 Canopy trees per 100' on center
10 Understory trees per 100' on center
33 Shrubs per 100' on center

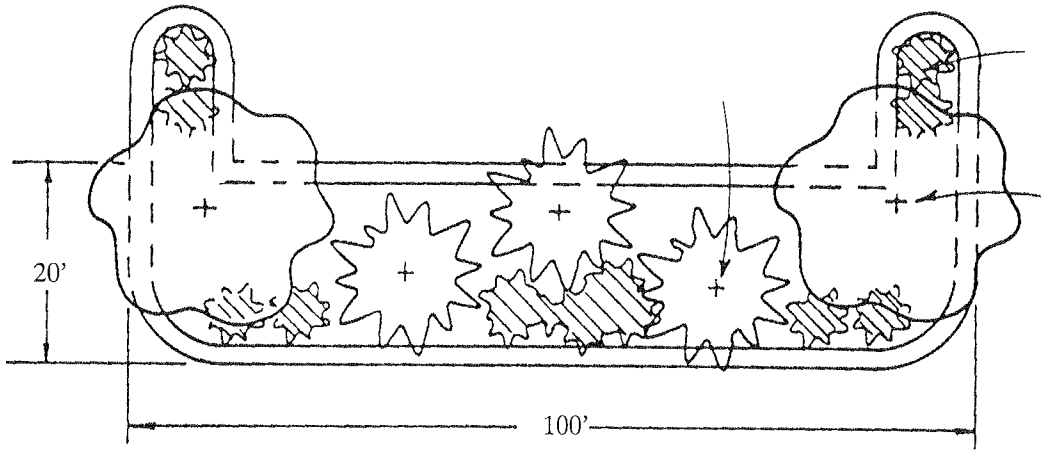


TYPE B PLANTING YARD

* 25' minimum, 50' maximum width
* Plantings: 3 Canopy trees per 100' on center
5 Understory trees per 100' on center
25 Shrubs per 100' on center

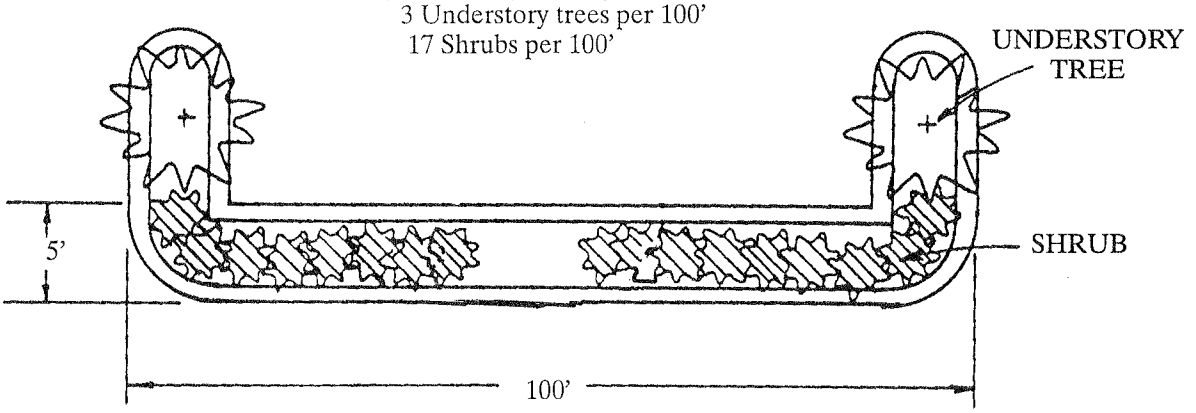
Figure 6–G
PLANTING YARD TYPE A & B

NO SCALE



TYPE C PLANTING YARD

* 15' minimum width, 40 ' maximum width
* Plantings: 2 Canopy trees per 100'
3 Understory trees per 100'
17 Shrubs per 100'

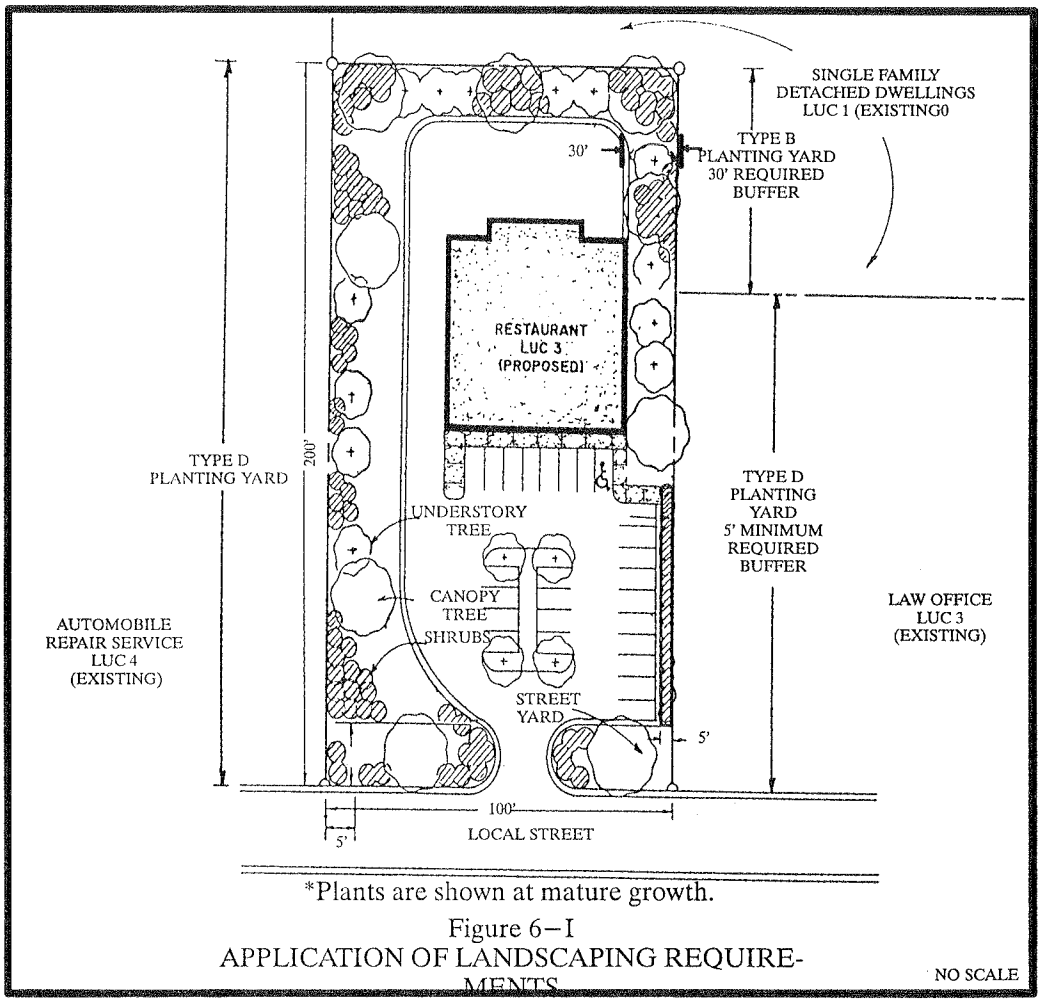


TYPE D PLANTING YARD

* 5' minimum width, 10' maximum width
* Plantings : 2 Understory trees per 100'
18 Shrubs per 100'

Figure 6–H
PLANTING YARD TYPES C & D

NO SCALE



*Plants are shown at mature growth.

Figure 6–I
APPLICATION OF LANDSCAPING REQUIREMENTS

6–3.4 Landscaping Design and Maintenance Standards

(A) Calculation of Street Planting Yards: Street planting yard rate and width calculations shall exclude access drives.

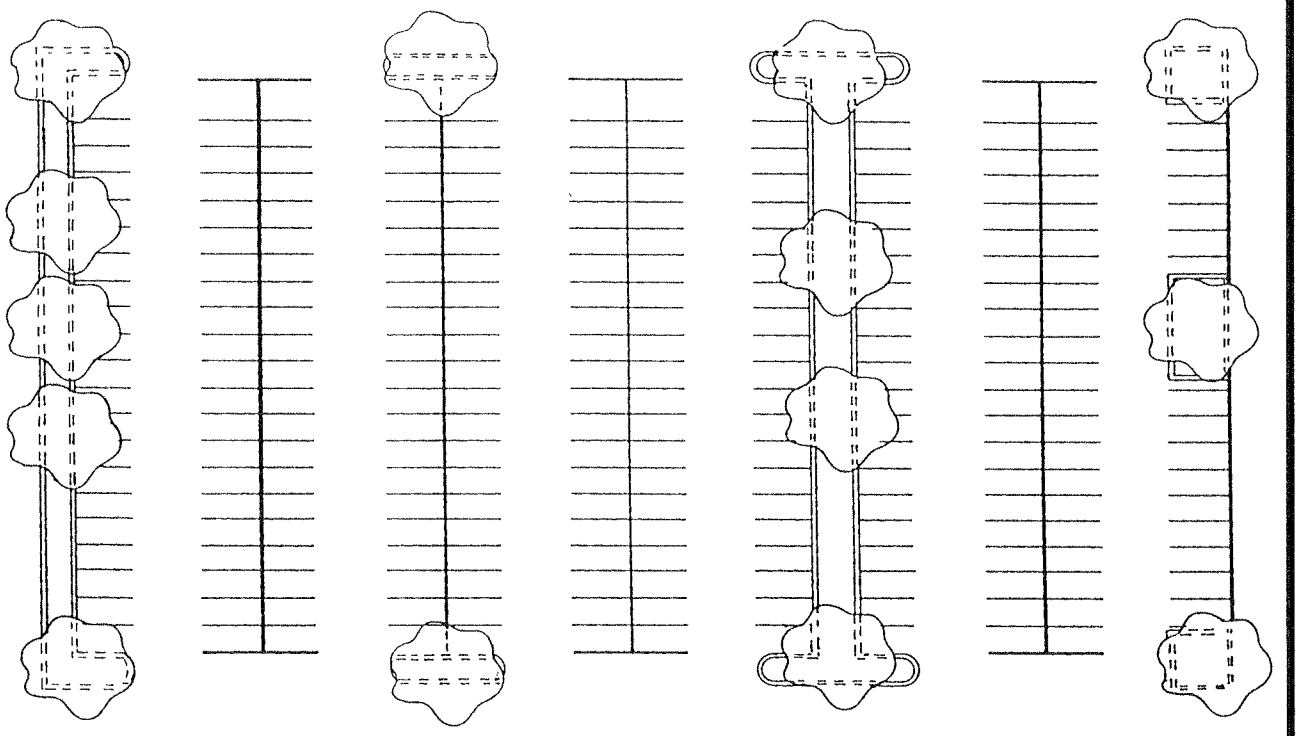
(B) Plant Species: Species used in required street planting yards, parking lots and planting yards shall be of a locally adapted nature. Refer to the recommended plant species list. Other species may be approved by the Enforcement Officer.

(C) Dimension of Planting Areas: Each planting area 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 Spacing: 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–J.

(F) Canopy Tree Size: Canopy trees must be a minimum of eight (8) feet high and two (2) inches in caliper, measured six (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.



* One Canopy Tree for every Twelve (12) Parking Spaces.
* The illustration above contains examples of possible arrangements.

Figure 6–J
PARKING LOT PLANTINGS

NO SCALE

(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) Berm: Berms may be used in an alternate planting plan as a substitute for some plant materials, subject to approval of the Enforcement Officer.

(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 fire places, fire escapes, fire balconies, and fire towers may project not more than two and one–half (2 1/2) 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.

(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 alongside 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 view of motorists using any street, driveway or parking aisle.

(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 Technical Review Committee.

(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.

6–3.5 Procedures

(A) Landscaping Plan Required: Prior to obtaining a building permit, an applicant must receive approval of a landscaping plan from the Enforcement Officer, except that site plans submitted in accordance with Section 3–11.4(B)2) 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 Enforcement Officer. 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 Enforcement Officer may issue a Temporary Certificate of Occupancy but shall not issue a Certificate of Occupancy until the planting areas have been completed and approved.

6–3.6 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 Enforcement Officer 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) The performance of alternate landscaping plans must be reviewed by the Enforcement Officer to determine if 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 of the Enforcement Officer regarding alternate methods of compliance may be appealed to the Technical Review Committee.

(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 yards may be eliminated from the landscaping plan if the Enforcement Officer 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 Enforcement Officer 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.

6–3.7 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. 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.

4) 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.

5) 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.

6–4 DEVELOPMENT STANDARDS FOR INDIVIDUAL USES

6–4.1 Application of Development Standards

The development standards listed herein are additional to other requirements in this Ordinance. These development standards are use–specific and apply to those uses designated with a "D" in Table 4–3.1 Permitted Use Schedule. Uses requiring approval of a a Special Use Permit shall also be subject to these standards and any additional standards or conditions required by the Special Use Permit.

6–4.2 Standards for All Uses

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

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

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

(C) Outdoor Lighting: Outdoor lighting structures shall be located, angled, shielded, or limited in intensity so as to cast no direct light upon adjacent property and to avoid the creation of a visual safety hazard to passing motorists.

6-4.3 Accessory Dwelling Units (on Single-Family Lots) -See Figure 6-K.

(A) Where Required: AG, all residential, LO, GO-M, and GO-H districts.

(B) General Requirements

1) The accessory dwelling unit and principal dwelling unit shall have the same address.

2) No more than one accessory dwelling unit is permitted on the same lot with a principal dwelling unit.

3) No accessory dwelling unit shall be permitted on the same zone lot with a two-family or multi-family dwelling or family care home.

(C) 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 the NC Building Code. No new doorways or stairways to upper floors are permitted if they are attached to the side of a building facing a public or private street.

2) An accessory dwelling unit shall occupy no more than twenty-five (25%) percent of the heated floor area of the principal building. The sum of all accessory uses (including home occupations) in a principal building shall not exceed twenty-five (25%) percent of the total floor area.

3) The minimum size of an accessory dwelling unit shall be two hundred and fifty (250) square feet.

4) The accessory dwelling unit shall have, water, sanitary sewer, and electrical utilities as part of the principal building.

(D) Detached Accessory Dwelling Units

1) A detached accessory dwelling unit may be:

a) a manufactured home in zones which permit this use;

b) a dwelling unit which is part of an accessory garage; or

c) a freestanding dwelling unit meeting the NC Building Code.

2) The lot containing both the principal and accessory dwelling units shall have one and one-half (1.5) times the minimum lot area required for the district.

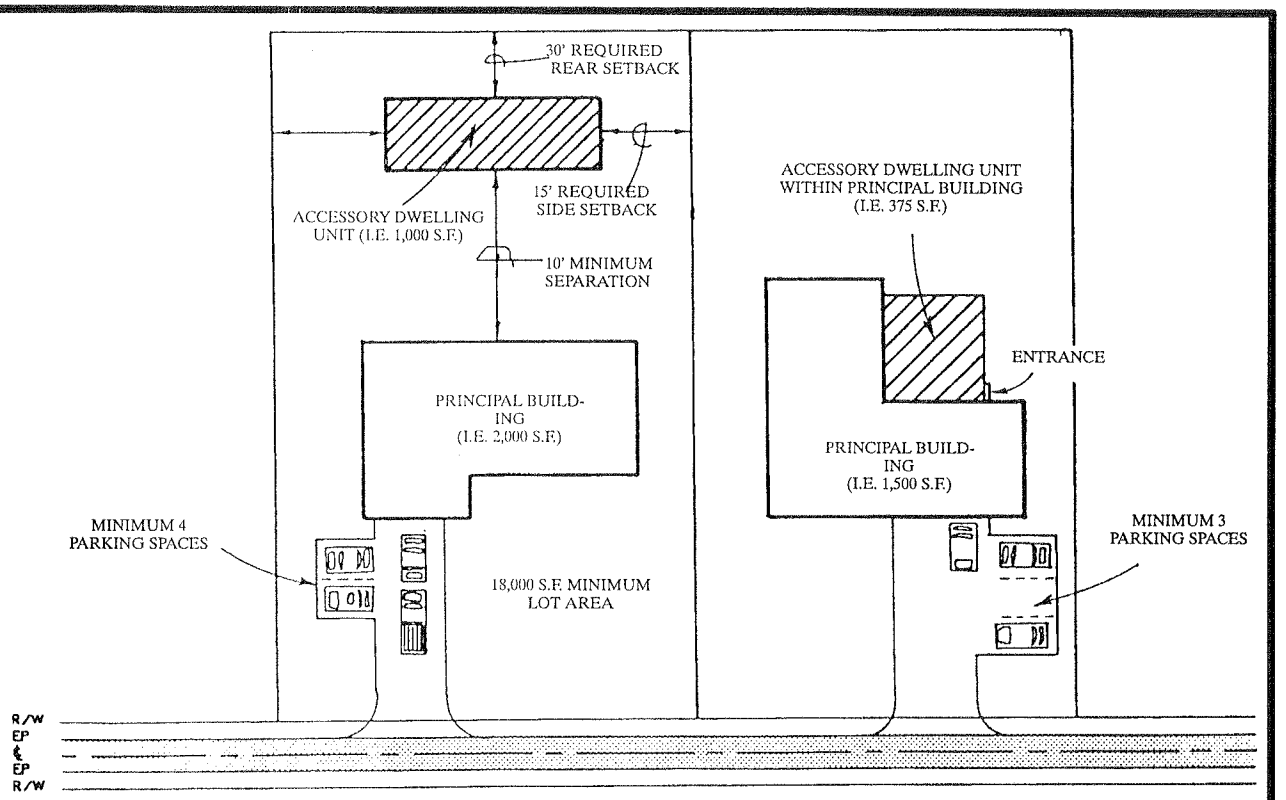
3) The accessory dwelling unit shall:

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 ten (10) feet 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.



* Based on RS–12 Zoning.
* An accessory dwelling unit within principal building shall be a minimum of 250 S.F. and a maximum of 25% of the heated floor area of principal building.
* For a detached building, the lot area shall be 1.5 time the district minimum.
* A detached accessory dwelling shall have no more than 50% of the gross floor area of the principal building.
* See Section 6–4.1 for additional requirements.

Figure 6–K
ACCESSORY DWELLING UNITS ON SINGLE FAMILY LOTS

NO SCALE

4) A detached accessory dwelling other than a manufactured home, shall have no more than fifty (50%) percent of the gross floor area of the principal building.

6–4.4 Adult Oriented Establishment (principal or accessory use) including adult arcades, adult bookstores or adult video stores, adult caberets, 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) Where Required: GB district.

(B) Property Separation : No adult oriented establishment shall locate within one thousand (1,000) feet of a church, public or private elementary or secondary school, child day care center or nursery school, public park, or residentially zoned property.

(C) Prohibition of Sleeping Quarters: Except for an adult motel, no adult oriented establishment may have sleeping quarters.

(D) Restriction of Uses on the Same Property or in the same Building: There shall not be more than one (1) 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.

(E) Signs: Except for business signs permitted by Section 6–1 (Sign Regulations) of this Ordinance, promotional materials shall not be visible to the public from sidewalks, walkways, or streets.

6–4.5 (DELETED JANUARY 4, 1996) Adult Live Entertainment Business

.6–4.6 (DELETED JANUARY 4, 1996) Adult Massage Parlor .

6–4.7 (DELETED JANUARY 4, 1996) Adult Theater.

6–4.8 Advertising Service, Outdoor

(A) Where Required: GB and HB districts.

(B) Outdoor Storage: No outdoor storage of any materials related to outdoor advertising shall be permitted.

6–4.9 Agricultural Chemicals, Pesticides, and Fertilizers; Agricultural Products; Animal and Animal Products; Farm Supplies; Flowers Nursery Stock & Florist Supplies;Forest Products; Grain & Field Beans; and Livestock; Wholesale trade of

(A) Where Required: AG district.

(B) Use Separation: All structures, buildings or enclosed areas, used for the operation shall be a minimum of one hundred (100) feet from all property lines.

(C) Noise: Equipment–producing noise or sound in excess of seventy (70) decibels shall be located no closer than one hundred (100) feet to the nearest residence.

(D) Dust: All unpaved storage areas shall be maintained in a manner which prevents dust from adversely impacting adjacent properties.

(E) Fencing: Security fencing shall be provided around all outside storage areas.

6–4.10 Agricultural Products, Other, Wholesale trade of – See Section 6–4.9.

6–4.11 Airports and Flying Fields

6–4.11.1 Airport and Flying Field, commercial (principal use)

(A) Where Required: PI district.

(B) Minimum Area: Fifty (50) acres for Basic Utility Stage 1 airport with two thousand (2,000) foot runway. More area is required for larger airports. Airport size and layout shall conform to current FAA requirements.

(C) Use Separation: There shall be a minimum three hundred (300) foot distance between airport property and the nearest residence.

(D) Fencing: Security fencing shall be provided sufficient to control access to runways and taxiways. The fencing shall be a minimum six (6) feet in height.

6–4.11.2 Flying Field, Private (accessory use)

(A) Where Required: AG, HI, and PI districst.

(B) Minimum Area: Ten (10) acres and/or airstrip size and layout shall conform to current FAA requirements. The appropriate FAA permit(s) shall be included with site plan submission.

(C) Use Separation: There shall be a minimum three hundred (300) foot distance between the private flying field and the nearest existing residence.

6–4.12 Ammunition, Small Arms

(A) Where Required: HI District.

(B) Use Separation: No such facility shall locate within a five hundred (500) foot radius of any residential or public–institutional zoning district.

(C) Security Fencing: Security fencing shall be provided along the entire boundary of such a facility.

(D) Operation: The facility and its operation shall observe all Fire Prevention and Protection requirements.

6–4.13 Amusement Park

(A) Where Required: AG, HB, LI Districts.

(B) Minimum Area: Minimum lot size shall be five (5) acres.

(C) Use Separation: No buildings or structures, temporary or otherwise, shall be located within fifty (50) feet of any property line.

(D) Security Fencing: Security fencing, a minimum six (6) feet in height, shall be provided along the entire boundary of the park activities.

(E) Use Separation: No amusement equipment, machinery or mechanical device of any kind may be operated within two hundred (200) feet of any developed residentially or public–institutionally zoned property.

6–4.14 Animal Feeder/Breeder

(A) Where Required: AG District.

(B) Setback: 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 one hundred (100) feet from all property lines.

(C) Operation: Any violation of County Health Department regulations concerning the operation of the feeder/breeder shall be considered a violation of this Ordinance.

(D) Noise: Mechanical equipment producing noise or sound in excess of seventy (70) decibels shall be located no closer than one hundred (100) feet to the nearest residence.

6–4.15 Animal Services (other), Kennels, and Pet Grooming

(A) Where Required: GO–M, GO–H, LB, GB, HB, SC, and CP districts.

(B) Outside Storage: Pens and runs located outdoors are prohibited.

6–4.16 Animal and Animal Products, Other, Wholesale trade of – See Section 6–4.9.

6–4.17 Asphalt Plant

(A) Where Required: AG and HI Districts.

(B) Use Separation: Any asphalt plant, or other industrial operations shall be located at least fifty (50) feet from any property line.

(C) Security Fencing: The asphalt operation shall be enclosed by a nonclimbable fence of at least six (6) feet in height.

(D) Rehabilitation

1) Within one (1) year after the cessation of production, all equipment and stock piles, incidental to such operation, shall be dismantled and removed by and at the expense of the owner.

2) The site shall be drained to prevent the accumulation of standing water, and channelization of the drainage shall be designed and controlled so as not to cause erosion or silting of neighboring properties or public drainageways, nor to appreciably increase the turbidity of any natural water course, or to occlude any existing drainage course.

(E) Dust: All unpaved storage areas shall be maintained in a manner so as to limit dust from leaving the storage area.

(F) Access

1) Access roads leading to any part of the operation shall be constructed with a gravel or asphalt stone surface and maintained in a dust–free manner.

2) No part of such roads shall be located closer than fifteen (15) feet to an external property line other than a limited access highway or railroad right-of-way line.

3) A truck route plan shall be submitted showing routes to and from the site. Such routes shall be designed to minimize impacts on residential areas, schools or other uses which will be negatively affected by truck traffic.

6-4.18 Athletic Fields

(A) Where Required: AG, all residential, LO and NB districts.

(B) Access: All athletic fields shall have access to collector or higher capacity street.

6-4.19 Automotive Towing and Storage Service

(A) Where Required: GB, HB, LI and HI districts.

(B) Maximum Automotive Storage:

1) In the GB and HB districts no more than twenty (20) motor vehicles shall be stored on the premises at any one time.

2) In the LI district no more than one-hundred (100) motor vehicles shall be stored on the premise at any one time.

3) In the HI district there is no maximum number.

(C) Screening: The automotive storage area must be screened with a six (6) foot high opaque fence in addition to the required planting yard..

(D) Operation: No outdoor disassembly or salvaging shall be permitted.

6-4.20 Banks, Savings and Loan, or Credit Unions

(A) Where Required: GO-M, GO-H, and CP districts.

(B) Maximum Area: The total direct customer service floor space shall not exceed four-thousand (4,000) square feet.

(C) Drive-Thru Teller Services: A maximum of three (3) service lanes for window tellers, remote tellers, or automated teller machines (ATMs) shall be allowed. The point of service for the aforementioned tellers shall be located no closer than seventy-five (75) feet to residentially-zoned property.

6-4.21 Bars

(A) Where Required: GB, HB and SC districts.

(B) Property Separation: No such establishment shall be located within two-hundred (200) feet of a church, elementary or secondary school, public park or residentially-zoned property.

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

(D) Screening: A minimum six (6) foot high opaque fence shall be erected adjacent to the property line of abutting residences.

(E) Parking: Parking areas related to the establishment shall be located no closer than thirty (30) feet to the property line of abutting residences.

6-4.22 Barber Shop, Beauty Shop

(A) Where Required: CP district.

(B) Operation: Operated as an accessory use and limited to two (2) operators per establishment.

6–4.23 Batting Cages

(A) Where Required: HB, LI and HI districts.

(B) Security Fencing: Fencing, netting, or other control measures shall be provided around the perimeter of the batting area to prevent balls from leaving the designated area.

6–4.24 Beauty Shop – See Section 6–4.22.

6–4.25 Beneficial Fill Area

(A) Where Required: All districts.

(B) Maximum Area: Two (2) acres.

(C) Maximum Duration: The Beneficial Fill Area shall be in operation no longer than one (1) year.

6–4.26 Billboards

(A) Where Required: HB, LI and HI district.

(B) Spacing: No billboard shall be erected within one thousand (1000) linear feet along the same street frontage of another billboard as measured from the billboard pole(s).

(C) Height: No billboard shall exceed thirty (30) feet in height; however, the height may be increased to fifty (50) feet if the billboard is within four hundred (400) feet of an Interstate Highway.

(D) Size: The sign area of any billboard pursuant to Section 6–1.6 (Computation of Sign Area) shall not exceed four hundred fifty (450) square feet.

(E) Adjacent Residential: No billboard shall be erected closer than three hundred (300) feet to any residentially zoned property.

(F) Setback: The support post(s) of any billboard shall meet the minimum setbacks of the district in which it is located. No sign portion of a billboard shall project closer than fifteen (15) feet to a street right–of–way or closer than five feet to any other property line, measured horizontally.

(G) Auxiliary Specifications: All billboards shall meet the minimum requirements of Section 6–1.7 (Location, Construction and Maintenance Specifications).

(H) Permits: A permit to erect or install a billboard shall be required in accordance with the requirements and procedures of Article III (Permits and Procedures).

(I) Nonconforming: Nonconforming billboards may be continued in accordance with the provisions of Section 3–14 (Nonconforming Lots, Uses, and Structures); provided that a Nonconforming Sign Certificate in accordance with Section 6–1.10 (Sign Certificates) is obtained.

6–4.27 Building Supply Sales (with storage yard)

(A) Where Required: GB, HB, and SC Districts.

(B) Screening: All outside storage shall be completely screened from view from all streets and adjacent residentially zoned property.

(C) Security Fencing: Security fencing, a minimum six (6) feet in height, shall be provided around all outside storage areas.

(D) Dust: All storage areas shall be maintained in a manner so as to limit dust from drifting onto adjoining properties.

6–4.28 Caretaker Dwelling

(A) Where Required: AG and all nonresidential districts.

(B) Operation: A building permit for the principal building must be obtained or principal use is engaged, prior to occupancy.

(C) Number: No more than one (1) caretaker dwelling unit shall be permitted per lot.

6–4.29 Car Wash

(A) Where Required: GB, HB, and SC districts.

(B) Use Separation: Building(s) shall be not less than seventy–five (75) feet from any interior side or rear property line which adjoins residentially or public–institutionally zoned property.

(C) Screening: A minimum six (6) foot high opaque fence shall be provided adjacent to all residentially–zoned property.

(D) 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 the 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 residentially zoned property.

(E) Adequate provision shall be made for the safe and efficient disposal of waste products.

6–4.30 Cemetery/Mausoleum

(A) Where Required: All districts.

(B) Minimum Area: A minimum of three (3) contiguous acres shall be required to establish a cemetery or mausoleum not located on the same tract of land as a church.

(C) Location: Principal access must be from a collector street or higher capacity street.

6–4.31 Church

(A) Where Required: All residential districts.

(B) Location: Within urban areas, church facilities located on sites of three (3) acres or more shall have direct access to a collector or higher capacity street.

6–4.32 Club or Lodge

(A) Where Required: AG, all residential, and NB districts.

(B) Location: Except in the AG district, clubs and lodges shall have direct access to a collector or higher capacity street.

6–4.33 Computer Sales

(A) Where Required: CP district.

(B) Maximum Area: A maximum of three thousand (3,000) square feet of gross floor area shall be permitted per establishment.

(C) Outside Storage: No outside storage of materials shall be permitted.

6–4.34 Congregate Care Facility

(A) Where Required: RM–8, RM–12, RM–18, RM–26, GO–M, GO–H, and PI districts.

(B) 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 thirty (30) square feet 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.

(C) Density Requirements:

1) Conversions of existing hotels or motels to a congregate care facility shall be exempt from the density requirement of Table 4–4–4.

2) After January 1, 1994, a newly constructed congregate care facility in the GO–M or GO–H District shall be exempt from the density requirements of Table 4–4–4. The residential capacity of the facility shall be determined by provisions of the NC Building Code in conjunction with the applicable setbacks, planting yards, and minimum off–street parking requirements of this Ordinance.

6–4.35 Convenience Store (with gasoline pumps)

(A) Where Required: CP district.

(B) Maximum Area: A maximum of three thousand (3,000) square feet of gross floor area shall be permitted per establishment.

(C) Outside Storage: No outside storage of materials shall be permitted.

(D) Gasoline Service Islands/Pumps: There shall be no more than one (1) gasoline service island containing no more than four (4) gasoline pumps.

6–4.36 Convenience Store (without gasoline pumps)

(A) Where Required: CP districts.

(B) Maximum Area: A maximum of three thousand (3,000) square feet of gross floor area shall be permitted per establishment.

(C) Outside Storage: No outside storage of materials shall be permitted.

6–4.37 Country Club with Golf Course, Swim & Tennis Club

(A) Where Required: AG, all residential, GO–M, GO–H, HB, CP, LI, and PI districts.

(B) Minimum Area: The minimum area shall be two (2) acres in addition to the golf course(s). The minimum shall be one (1) acre if located on common area within a development.

(C) Use Separation: Fifty (50) foot minimum distance between clubhouse, swimming pool, lighted tennis court, or athletic field and any adjacent residentially–zoned property.

(D) Security Fencing: Outdoor swimming pools shall be protected by a fence, or equal enclosure, a minimum four (4) feet in height and equipped with a self–closing and positive self–latching gate provided with hardware for permanent locking.

6–4.38 Day Care Center, Child or Adult

(A) As a Home Occupation

1) Defined: An adult or child day care center with five (5) or fewer attendees shall be operated as a Home Occupation and is subject to the development standards for a Home Occupation.

2) Where Required: All districts.

(B) As a Principal Use: An adult or child day care center with six (6) or more attendees shall be operated as a principal use and is subject to the following development standards.

1) Where Required: AG, RM–8, RM–12, RM–18, RM–26, and all nonresidential districts, except HI.

2) Minimum Area: An indoor activity area shall be provided equivalent to at least twenty–five (25) square feet per attendee.

3) Open Space and Recreation: An outdoor activity area shall be provided equivalent to at least seventy–five (75) square feet per attendee and located outside of the street setback.

4) Security Fencing: Outdoor activity area(s) for children shall be enclosed by a security fence at least four (4) feet in height and located outside the street setback.

5) Location: Centers on a site greater than three (3) acres shall have frontage on a collector or thoroughfare street.

6) Signs: An entrance sign shall be posted and maintained which lists the name and phone number of the current operator, the types of material accepted, the hours of operation, tipping charges and any other pertinent information.

6–4.39 Drugstore

(A) Where Required: CP district.

(B) Maximum Area: A maximum of three thousand (3,000) square feet of gross floor area shall be permitted per establishment.

(C) Outside Storage: No outside storage of materials shall be permitted.

6–4.40 Elementary or Secondary School

(A) Where Required: AG, all residential and LO districts.

(B) Access: All elementary or secondary schools shall have direct access to a collector street or higher capacity street.

(C) Minimum Area: All elementary or secondary schools shall be located on a minimum of three (3) acres.

6–4.41 Equestrian Facility

(A) Where Required: AG, RS–40, and PI districts.

(B) Minimum Area: Minimum area required for an Equestrian Facility to be established is twenty–five (25) acres.

(C) Use Separation: There shall be minimum one hundred (100) foot distance between manure storage areas, barns or stables and any adjacent residentially zoned property.

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

6–4.42 Equipment Repair, Light

(A) Where Required: GB and HB Districts.

(B) Outside Storage: Outside storage is prohibited.

6–4.43 Explosives

(A) Where Required: AG District.

(B) Property Separation: No facility shall locate within a five hundred (500) feet of any residentially or public institutionally zoned property.

(C) Setbacks: Buildings, including any accessory buildings for storage of explosive raw materials and/or final products, shall be not less than one hundred and fifty (150) feet from all property lines.

(D) Security Fencing: Security fencing, a minimum of eight (8) feet in height, shall be provided along the entire boundary of the facility.

(E) Operation: Building(s) shall meet the requirements for Hazardous Occupancy under the NC Building Code.

6–4.44 Farm Supplies, Other, Wholesale trade of – See Section 6–4.9.

6–4.45 Flowers, Nursery Stock and Florist Supplies, Wholesale trade of – See Section 6–4.9.

6–4.46 Forest Products, Wholesale trade of – See Section 6–4.9.

6–4.47 Garden Center or Retail Nursery

(A) Where Required: SC district.

(B) Outside Storage: No outside storage of non–plant material shall be permitted.

6–4.48 Golf Course

(A) Where Required: All residential, HB, CP, LI, and PI districts.

(B) Use Separation: Fifty (50) foot minimum distance between clubhouse or other principal building(s) and any adjacent residentially–zoned property.

6–4.49 Golf Driving Range

(A) Where Required: AG, HB, LI, and HI districts.

(B) Minimum Area: The minimum lot depth from the tees to the end of the driving area shall be one thousand (1,000) feet or the end shall be controlled with netting and/or berms to prevent golf balls from leaving the property.

(C) Security Fencing: 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.

6–4.50 Grain and Field Beans, Wholesale trade of – See Section 6–4.9.

6–4.51 Group Care Facility

(A) Where Required: GO–M, GO–H, and PI districts.

(B) Property Separation: No Such facility shall be located within one–half (1/2) mile of an existing group care facility.

(C) Operation: The facility shall be limited to not more than thirty (30) persons.

6–4.52 Home Occupations (including renting of rooms)

(A) Where Required: AG, all residential, GO–M, GO–H, and NB districts.

(B) Maximum Area: Area set aside for Home Occupation shall occupy no more than twenty–five (25%) percent of the gross floor area of the dwelling unit.

(C) Outside Storage: No outside storage or display of items associated with the Home Occupation is permitted.

(D) Operation

1) The Home Occupation must be conducted entirely within a dwelling unit. It must be a use which is clearly incidental and secondary to the use of the dwelling unit for residential purposes and does not change the character of the residence. Home Occupations are not permitted in a detached garage or other accessory structure, except for accessory dwelling units.

2) Permitted home occupations include, but are not limited to: typing services, telephone sales, barber/beauty services, doctor/dentist office, architects, accountants, family day care (5 or fewer persons), food catering, and handicrafting etc.

3) No display, stock–in–trade, nor commodity sold not made on the premises shall be permitted.

4) Only one (1) person may be employed who is not an occupant of the residence.

5) Activities shall not generate traffic, parking, noise, vibration, glare, fumes, odors, or electrical interference beyond what normally occurs in the District in which it is located.

6) Instruction in music, dancing, art or similar subjects shall be limited to no more than five (5) students at one time.

6–4.53 Junked Motor Vehicle (as an accessory use)

(A) Where Required: All districts..

(B) Screening

1) AG District: Up to two (2) vehicles meeting the definition of "motor vehicle, junked," are allowed, but must be located behind the rear building line of the principal building. All vehicles in excess of two (2) vehicles meeting the definition shall be enclosed within a building which meets the dimensional requirements of the district.

2) Residential Districts: Any vehicle meeting the definition of "motor vehicle, junked" shall be enclosed within a building which meets the dimensional requirements of the district in which it is located.

3) Nonresidential Districts: Any vehicle meeting the definition of "motor vehicle, junked" shall be stored, parked or placed on the property in such a manner so as to be totally screened from view from any street and/or from any adjacent residentially or public institutionally zoned property. Total screening shall be effected by placement of the vehicle(s) either within or behind a building and/or by plant materials, fences, berms or a combination thereof with a minimum height of six (6) feet.

6–4.54 Kennels – See Section 6–4.15.

6–4.55 Landfills, Construction or Demolition / Land Clearing and Inert Debris

6–4.55.1 Construciton or Demolition Debris Landfill (C–D)

(A) Where Required: All districts.

(B) Area, Siting, and Location Requirements:

1) Waste disposal area cannot exceed one (1) acre and must be at least four (4) feet above the seasonal high groundwater table.

2) The landfill must be located at least one-quarter mile from any other lanfill of any type.

3) The perimeter of the landfill must be at least fifty (50) feet from the boundary of the property and five hundred (500) feet from the nearest existing drinking water well at time of approval.

(C) Closure and Post Closure:

1) Within thirty (30) days of the completion or termination of demolition activities, the landfill must be closed pursuant to NCGS 130A-301.2.

2) The site must be covered with at least two (2) feet of compacted earth, graded to minimize erosion, and planted with suitable vegetation.

3) No building may be build or located immedately above any part of the landfill and no construction on any part of the site may in initated before the landfill is closed.

4) The property owner is responsible for filing with the Guilford County Registry and with the North Carolina Department of Environment, Health, and Natural Resources a survey of the site and proper notice for disclsure purposes pursuant to NCGS 47-30 and NCGS 130A-301.2.

6-4.55.2 Land Clearing and Inert Debris (LCID) Landfill

(A) Land Clearing and Inert Debris Landfill (Minor)

1) Where Required: All districts.

2) Maximum Area: Two (2) acres.

3) Maximum Duration: The landfill shall be in operation no longer than one (1) year.

(B) Land Clearing and Inert Debris Landfill (Major)

1) Where Required: AG and HI districts.

2) Use separation: Fifty (50) feet minimum from any property line; three hundred (300) feet minimum from any residence.

3) Buffer: Where possible a minimum fifteen (15) foot tree buffer shall be retained around the exterior property line.

4) Access: Access to the landfill shall be controlled with gates, chains, fences, ditches and/or trees to prevent unregulated dumping.

5) Dust: All unpaved areas shall be maintained in a manner which prevents dust from leaving the property.

6) Operation: No filling is permitted in the 100-year floodplain of any stream; no filling is permitted in minor drainageways unless the drainage has been piped in accordance with approved plans; no filling is permitted in utility easements.

7) Closure: Landfills shall be closed with a minimum of two (2) feet of clean soil, graded to a maximum slope of three to one (3:1), and stabilized with vegetation or by other approved means.

6-4.56 Laundry or Dry Cleaning Plant

(A) Where Required: LB and SC districts.

(B) Maximum Area: A maximum of five thousand (5,000) square feet of gross floor area shall be permitted per establishment.

(C) Outside Storage: No outside storage of materials shall be permitted.

6–4.57 Livestock, Wholesale trade of – See Section 6–4.9.

6–4.58 Manufactured Dwelling Park, Recreational Vehicle Park

(A) Where Required:

1) Manufactured Dwelling Park: AG, RM–12, RM–18, and RM–26 districts.

2) Recreational Vehicle Park: AG and HB districts.

(B) General Requirements: The following requirements apply to both Manufactured Dwelling Parks and Recreational Vehicle Parks.

1) It shall be unlawful for any person to construct a new park or to make an addition or alteration to an existing park, unless a Site Plan for the park has been approved by the Technical Review Committee.

2) Compliance with Article V (Subdivision:Procedures and Standards): A manufactured dwelling park (but not a recreational vehicle park) shall be considered a group development and be subject to all procedures and standards of Article V (Subdivision:Procedures and Standards).

3) Minimum Tract Area: Five (5) acres.

4) Minimum and Maximum Number of Spaces: At least fifteen (15) spaces but not more than three hundred (300) spaces.

5) Setback: All spaces shall be located a minimum of one hundred (100) feet from all public rights–of ways and property lines.

6) Number of Homes and Vehicles in Each Space: No more than one (1) manufactured home or recreational vehicle may be parked or set–up on any one space.

7) Access:

a) No space shall have direct vehicular access to a public street.

b) All spaces shall directly abut a private street contained within the park.

c) Adequate access for shall be provided to each space, with a minimum access width of twenty (20) feet unless more is deemed necessary because of topographical conditions or street curvature.

8) Recreational Areas and Facilities: Recreational areas and facilities to serve the needs of the anticipated population within the manufactured home or recreational vehicle park shall be provided and shall consist of at least the following:

a) A play lot for pre–school children containing a minimum size of one thousand two hundred (1,200) square feet provided within five hundred (500) feet of every space.

b) One or more playgrounds for school–age children and adults, containing a minimum size of one (1) acre per one hundred (100) spaces.

These recreation areas shall not be in an area utilized for septic tank fields.

9) Manufactured Dwelling and Recreational Vehicle Sales: The sales of manufactured dwellings or recreational vehicles in the parks on a commercial basis shall not be permitted

10) Drainage and Grading

a) The spaces shall be located on ground with an elevation that is not susceptible to flooding and which is graded to prevent any water from ponding or accumulating on or around the manufactured home park. Where storm drainage pipes are located in adjacent streets, underground drainage facilities with connections to the storm drainage system shall be provided for the manufactured home park.

b) Each space shall be graded and grassed to prevent erosion and provide adequate storm drainage away from the manufactured home or recreational vehicle pad.

c) The slope of the surface of the stand or pad shall not exceed three (3%) percent.

d) No banks, except along drainage ditches, in the park shall have a slope steeper than three (3) feet to one (1) foot.

11) Garbage and Refuse Disposal

a) Containers: All refuse shall be stored in conveniently located, and leakproof containers with tight–fitting lids. Containers shall be provided in sufficient number and capacity for proper storage of all refuse.

b) Storage Racks or Platforms: Racks or concrete platforms shall be provided on which to store containers for refuse. Dumpsters shall be required in lieu of individual containers in areas where municipal water or sewer are available. Such containers racks or platforms shall be so designed as to prevent tipping, to minimize spillage and container deterioration, and to facilitate cleaning.

c) Collection: All refuse shall be collected at least twice weekly, or more often if the need is indicated.

12) Registration: It shall be the duty of the operator to keep an accurate register containing a record of all occupants. The register shall contain the following information:

a) Name, address and space number of each occupant.

b) The date the manufactured dwelling or recreational vehicle entered the park.

c) The license number of each recreational vehicle and/or car, truck, etc. with state of issuance, make and type of vehicle.

The operator shall keep the register available at all times for inspection by the Enforcement Officer, public health officials, and other officials whose duties necessitate acquisition of the information contained in the register.

13) Park Manager Residence: A single–family detached dwelling may be constructed for the manager of the park.

14) Pre–existing Dwellings: Pre–existing dwellings on the site may remain provided they occupy approved spaces.

(C) Manufactured Park Requirements: The following design requirements apply only to Manufactured Dwelling Parks.

1) Minimum Manufactured Dwelling Space Size: A manufactured dwelling space shall consist of a minimum of six thousand (6,000) square feet and shall have a width of at least forty–five (45) feet at the location of the manufactured dwelling stand. Exception: A manufactured dwelling space not served by public sewer shall consist of a minimum of forty thousand (40,000) square feet and shall have a width of least one hundred fifty (150) feet at the location of the manufactured dwelling stand. Every manufactured dwelling space shall be clearly established on the ground by permanent monuments or markers.

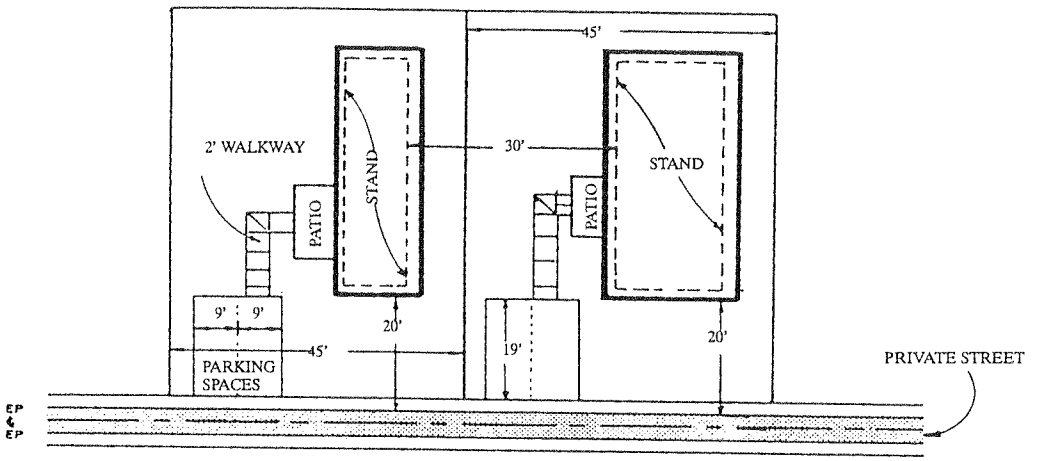
2) Each Manufactured dwelling space shall contain:

a) A manufactured dwelling stand consisting of a properly graded and compacted surface no less than thirteen (13) feet by sixty (60) feet.

b) A patio space constructed of concrete, brick, flagstone or other hard surface material a minimum of two hundred and forty (240) square feet in area.

c) A hard surface walkway a minimum of two (2) feet wide leading from the patio to the parking space or road. See Figure 6–L.

3) Manufactured Dwelling Additions: Prefabricated structures specifically designed by the manufacturer for manufactured dwelling extensions and any other addition meeting the NC Building Code may be added to any manufactured dwelling provided that setback within the space can be met and a building permit is obtained from the Jurisdiction.



* If the manufactured dwelling space is served with an on–site individual septic tank system the space shall be a minimum of 40,000 s.f. and a minimum lot width of 150' or a minimum of 6000 s.f. if the lot is served by a private or public sewer system .
* All stands shall be a minimum size of 13' x 60'.
* All patios shall be a minimum size of 240 s.f.

Figure 6–L
TYPICAL MANUFACTURED DWELLING SPACE

NO SCALE

4) Construction and Design of Private Streets

a) Private entrance, collector, and interior streets with no parking or minor or cul–de–sac streets with no parking shall meet the minimum design standards of Article V (Subdivision: Procedures and Standards).

b) One–way minor streets with no parking (acceptable only if less than five hundred (500) feet total length and serving less than fifteen (15) manufactured dwelling stands) shall have a twenty (20) foot minimum common area with twelve (12) foot minimum paved surface.

c) The private streets shall be lighted at night with no less than two (2) foot–candles of light measured at a height of five (5) feet from the ground along the entire length of the street or drive center line.

5) Park Access: If a manufactured dwelling park has more than one (1) direct access to a public street, such access points shall be no less than two hundred (200) feet apart and no closer than three hundred (300) feet to a public street intersection.

6) Parking

a) Two parking spaces, nine (9) feet by nineteen (19) feet shall be provided within each manufactured dwelling space.

b) All parking spaces shall be paved or covered with four (4) inches of crushed stone.

c) No parking will be allowed on private entrance and collector streets.

7) Landscaping: Landscaping shall be provided throughout the park with ample trees and shrubs to provide shade and break up open areas. All banks and open areas shall be grassed.

8) Removal of Rubbish: All cut or fallen trees, stumps, or rubbish shall be completely burned or removed from the mobile home park.

9) Utilities Installation: Each manufactured dwelling located within a park shall comply with the current North Carolina Regulations for manufactured dwelling in both manufacture and installation and must be inspected to assure compliance prior to occupancy.

a) All utilities shall be installed underground except where extreme conditions of topography make this requirement unreasonable.

b) Placement of utilities serving the mobile home stand shall comply with the NC Building Code for Plumbing.

c) Minimum electrical service of two hundred (200) ampere, one hundred and twenty (120) – two hundred and forty (240) volt single phase shall be provided to each manufactured dwelling stand. The service panel and location as well as all wiring shall be in accordance with the National Electrical Code.

d) Each manufactured dwelling shall be required to connect to the utilities provided at each manufactured dwelling space.

e) Each manufactured dwelling park shall obtain water from a public water supply when available, and when unavailable, from a source approved by the Guilford County Health Department. The water supply and pressure shall be adequate for the park requirements. Water for drinking, cooking, laundry, and general sanitary uses for each individual manufactured dwelling shall be obtained only from faucets or other plumbing connections located within each manufactured dwelling.

f) Each manufactured dwelling park shall be provided with an adequate sewage disposal system, either by connection to a public sewer or a septic tank constructed in compliance with the regulations of the Guilford County Board of Health. All sewage wastes from toilets, showers, bathtubs, lavatories, wash basins, refrigerator drains, sinks, faucets, and water – using appliances not herein mentioned shall be piped into the manufactured dwelling park sewage disposal system.

10) Fuel Oil Drum: Each manufactured dwelling that requires the use of fuel oil shall be furnished with an oil drum having a minimum capacity of one hundred fifty (150) gallons, set upon a painted, prefabricated metal stand.

(D) Recreation Vehicle Park (RVP) Regulations: The following design requirements apply only to Recreation Vehicle Parks.

1) Minimum space requirements

a) Each recreational vehicle space shall consist of a minimum of two thousand (2,000) square feet.

b) Each recreational vehicle space shall be designated on the ground by permanent markers or monuments.

2) Setbacks: All structures, buildings, and sewage facilities shall meet the setbacks requirement for the district in which they are located.

3) Roads and Drives

a) The RVP shall have all–weather roads and driveways that directly abut all spaces.

b) Entrance and circulation drives must meet the minimum design standards of Article V (Subdivisions: Procedures and Standards).

4) Parking: Parking space sufficient to accommodate at least one (1) automobile and camping vehicle shall be constructed within each space and shall be paved.

5) Installation, Alteration, and Use of Utilities

a) The installation, alteration, or use of all utilities including, but not limited to, electrical service, plumbing fixtures, and sewage disposal systems shall conform with all applicable codes.

b) Water Supply

i) A safe, adequate, and conveniently located water supply must be provided for each park in compliance with applicable regulations.

ii) Areas around faucets or drinking fountains shall be properly drained.

c) Sanitary Facilities

i) Each park shall have a central structure or structures that will provide separate toilet and bathing facilities for both sexes.

ii) The minimum number of facilities per sex to be provided shall follow the schedule below:

Toilets	1 per 15 spaces
Urinals	1 per 30 spaces (male facilities only)
Lavatories	1 per 15 spaces
Showers	1 per 15 spaces

iii) All toilet, shower, lavatory, and laundry facilities shall be provided and maintained in a clean, sanitary condition and kept in good repair at all times. They shall be safely and adequately lighted. Facilities shall be easily accessible to all persons and conveniently located.

d) Sewage Disposal: Each park shall provide a sewage dumping station. In accordance with Guilford County Health Department regulations, all sewage wastes from the park, including waste from toilets, showers, bathtubs, lavatories, wash basins, refrigerator drains, sinks, faucets, and water–using appliances not herein mentioned, shall be piped into the park's sewage disposal system approved by the Guilford County Health Department.

6) Insect and Rodent Control Measures: Insect and rodent control measures to safeguard the public health and comfort shall be practiced for all uses, structures, etc. used in the Park.

7) Retail Sales: The recreational vehicle park may contain a retail sales counter and/or coin operated machines for the park residents' use only, provided they are completely enclosed within a structure and there is no exterior advertising.

8) Permanent Sleeping Quarters: Permanent sleeping quarters shall not be permitted within the park for guests.

9) Manufactured Dwellings in Recreational Vehicle Parks: It shall be unlawful for a person to park or store a manufactured dwelling in a recreational vehicle park, except that one (1) manufactured dwelling may be located within the park for exclusive use as the dwelling quarters for the park manager or operator. Such a manufactured dwelling shall be located in an area designated on the site plan, and approved by the Technical Review Committee.

6–4.59 Market Showrooms

(A) Where Required: GB and HB districts

(B) Display Area: Display areas shall exist within permanent buildings only.

6–4.60 Migrant Labor Housing

(A) Where Required: AG District.

(B) Minimum Area: Each site shall contain not less than two (2) acres of land. An additional two thousand (2,000) square feet of land shall be required for each worker in excess of twenty (20) people.

(C) Setback

1) Minimum required front yard shall be one hundred (100) feet.

2) Minimum required interior yard shall be fifty (50) feet.

(D) Building Area: Rooms or compartments for sleeping shall contain not less than thirty–nine (39) square feet of floor space for each person.

(E) Health & Safety

1) Not more than ten (10) people shall be housed in any one (1) room or compartment for sleeping purposes.

2) Separate toilet and shower facilities shall be provided for male and female workers. A minimum of one (1) toilet and one (1) shower shall be provided for each ten (10) workers.

3) A laundry room shall be required with one (1) wash sink of at least ten (10) gallons capacity for each ten (10) workers. Adequate clothes drying lines shall be provided.

4) Dining and food service facilities shall be provided and shall contain at least twelve (12) square feet 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 responsibility of the owner of the property to insure that all garbage and refuse is regularly disposed of in a sanitary manner acceptable to the County Health Department.

6–4.61 Mining & Quarrying

(A) Where Required: AG and HI Districts.

(B) Use Separation

1) The edges of any pit where a mining operation is taking place and any equipment used in the processing of rock and gravel, any asphalt plant, or other industrial uses operated in conjunction with the mine or quarry shall be located at least fifty (50) feet from any property line.

2) Where the mining operation site is bounded by a railroad right–of–way currently being used for rail service to the mining operation, no setback shall be required between the railroad right–of–way and such operation.

(C) Security Fencing

1) The mining operation shall be enclosed by a nonclimbable fence of at least six (6) feet in height.

2) Abandoned locations shall have a fence of at least six (6) feet in height around the perimeter of the site.

(D) Rehabilitation

1) Within one (1) year after the cessation of production at all mining operations, all equipment and stock piles, incidental to such operation, shall be dismantled and removed by and at the expense of the owner.

2) Except in a case where redevelopment for another permitted use is in progress on the site of an abandoned extractive operation, all excavations shall be graded to reduce the surface to gently rolling topography in substantial conformity to the land area immediately surrounding; and shall be planted with a cover of sod, trees, shrubs, legumes, or grasses, which will minimize erosion due to wind or rainfall.

3) The site shall be drained to prevent the accumulation of standing water, and channelization of the drainage shall be designed and controlled so as not to cause erosion or silting of neighboring properties or public ways, nor to appreciably increase the turbidity of any natural water course, or to occlude any existing drainage course.

(E) Noise: All operations involving blasting discernible beyond the external property line on a quarry shall only be conducted between the hours of 7:00 A.M. to 6:00 P.M.

(F) Dust: All non–paved storage areas shall be maintained in a manner so as to limit dust from leaving the storage area.

(G) Access

1) Access roads leading to any part of the operation shall be constructed with a gravel or crushed stone surface and maintained in a dust–free manner.

2) No part of such roads shall be located closer than fifteen (15) feet to an external property line other than a limited access highway or railroad right-of-way line.

3) A truck route plan shall be submitted showing truck routes to and from the site. Such routes shall be designed to minimize impacts on residential areas, schools or other uses which will be negatively affected by truck traffic.

6-4.62 Mixed Development

(A) Where Required: GB, HB, SC, and CP Districts.

(B) Location of Residential Use: No residential use(s) shall be permitted on or below the ground floor.

(C) Percentage of Mix: Where residential and non-residential uses are mixed in a principal building, at least twenty percent (20%) percent of the gross floor area shall be devoted to the permitted nonresidential office and/or commercial use(s).

(D) Dimensional Requirements: Any building must conform to the nonresidential dimensional requirements of the district in which it is located.

6-4.63 Newsstand

(A) Where Required: CP district.

(B) Maximum Area: A maximum of three thousand (3,000) square feet of gross floor area shall be permitted per establishment.

(C) Outside Storage: No outside storage of materials shall be permitted.

6-4.64 Optical Goods Sales

(A) Where Required: GO-M and GO-H districts.

(B) Maximum Area: A maximum of three thousand (3,000) square feet of gross floor area shall be permitted per establishment.

6-4.65 Pet Grooming - See Section 6-4.15.

6-4.66 Petroleum and Petroleum Products

(A) Where Required: HI District.

(B) Use Separation

1) Storage tanks protected by either an attached extinguishing system approved by the Fire Marshal or an approved floating roof shall not be located closer to an exterior property line than a distance equal to the greatest dimension of either diameter or height of the tank, except that such distance need not exceed one hundred and twenty (120) feet.

2) Storage tanks not equipped as indicated in 1) above, shall not be located any closer to an exterior property line than a distance equal to one and one-half (1 1/2) times the greater dimension of either the diameter or height of the tank, except that such distance need not exceed one hundred and seventy-five (175) feet.

3) Storage tanks and loading facilities shall be located a minimum of five hundred (500) feet from any existing residence or residentially zoned property.

(C) Access: Gravel or paved roadways shall be provided to all storage tanks.

(D) Security Fencing: Security fencing, a minimum of six (6) feet in height, shall be provided along the entire boundary of such facilities.

(E) Dikes

1) Tanks or groups of tanks shall be diked to prevent the spread of liquid onto other property, waterways, or drainageways. The volumetric capacity of the diked area shall not be less than the capacity of the largest tank within the diked area.

2) Dikes or retaining walls shall be of earth, steel, concrete or solid masonry designed and constructed to be liquid tight and to withstand a full hydraulic head. Earthen dikes three (3) feet or more in height shall have a flat section at the top not less than two (2) feet in width. The slope shall be consistent with the angle or repose of the material of which the dikes are constructed. Dikes shall be restricted to an average height of not more than six (6) feet above the exterior grade unless means are available for extinguishing a fire in any tank. Dikes enclosing such tanks shall be provided at the top with a flareback section designed to turn back a boil–over wave. A flareback section shall not be required for dikes and walls enclosing approved floating roof tanks. No loose combustible material, empty or full drums or barrels, shall be permitted within the diked area.

3) Where provision is made for draining rainwater from diked areas, such drains shall normally be kept closed and shall be so designed that when in use they will not permit flammable liquids to enter natural watercourses, public sewers, or public drains. Where pumps control drainage from the diked area, they shall not be self–starting.

(F) Tank Maintenance

1) All storage tanks shall be maintained in a leak–proof condition with an adequately painted, rust free exterior surface.

2) A firm substrate shall be constructed under each storage area to eliminate differential subsidence and to prevent the product from seeping.

(G) Operation: The product shall be sold in the same form as received and shall not be altered, except that two or more products may be blended. Any other alteration of the product shall be deemed a manufacturing use, requiring approval of a special use permit.

(H) Storage: All storage facilities shall comply with the latest edition of the "Flammable and Combustible Liquids Code, NEPA 30" of the National Fire Protection Association.

6–4.67 Private Dormitory

(A) Where Required: RM–18, RM–26, GO–M, and GO–H districts.

(B) Use Separation: The property on which the use is located shall be within a one–half (1/2) mile radius of property developed as the primary campus of a college, business college, trade school or university.

(C) Density Requirements:

1) Conversions of existing hotels or motels to a private dormitory shall be exempt from the density requirement of Table 4–4–4.

2) After January 1, 1994, a newly constructed private dormitory in the GO–M or GO–H District shall be exempt from the density requirements of Table 4–4–4. The residential capacity of the facility shall be determined by provisions of the NC Building Code in conjunction with the applicable setbacks, planting yards, and minimum off–street parking requirements of this Ordinance.

6–4.68 Public Park; Public Recreation Facility

(A) Where Required: All districts.

(B) Parking: Overflow parking (in addition to required parking) must be designated on the site plan and be kept available to handle all traffic from special events such as softball tournaments and outdoor concerts.

(C) Access: All parks greater than ten (10) acres shall have primary access to a collector or higher capacity street.

6–4.69 Public Recreational Facility – See Section 6–4.68.

6–4.70 Radio, Television, Communication Tower (principal)

(A) Where Required: AG, GB, GO–M, GO–H, HB, CP, LI, HI, and PI districts.

(B) Location:

1) In the GO–M, GO–H, HB, CP, LI, HI, and PI districts the tower shall be a minimum of one hundred (100) feet from any residentially zoned property.

2) In the AG district the distance of the nearest portion of the tower to any existing residence or RM or RS zoned property shall be one and one–half times the height of the tower for unguyed freestanding towers; or for guyed towers, the area necessary to contain all guy wires and appurtenances plus the district's required setback for guyed towers.

(C) Landscaping: Where adjacent to RM or RS zoned property, the required planting yard shall be landscaped at a Type A planting rate

(D) General:

1) Guy wires, anchors, and supporting cables shall be contained on the same zone lot with the tower and shall not encroach more than one–half the width of the planting yard.

2) The lot shall be of sufficient size to accommodate the intended use and the planting yard if required.

3) The provisions of section 4–9 regarding Special Purpose Lots may be applied.

4) New towers shall be permitted only if there is no prudent or feasible method to share an existing tower. No triangular platforms greater than fifteen (15) feet on a side shall be permitted. Triangular or T–bar platforms shall not be permitted if mounting of required antennas can be accomplished without such platforms.

5) Any existing tower or any tower approved for erection on or before the effective date of this amendment is exempt from Nonconforming Use of Land and Nonconforming Structure provisions in Section 3–14.

6–4.71 Recreational Vehicle Park – See Section 6–4.58.

6–4.72 Recycling Processing Centers

(A) Where Required: LI District.

(B) Use Separation: No such facility shall locate within a five hundred (500) foot radius of any residentially or public–institutionally zoned property.

(C) Outside Storage: No outside storage of materials shall be permitted.

(D) Operation: The facility shall be operated in a wholly enclosed building except that loading to a flatbed railcar may take place outside the building provided no materials remain on the loading area for more that twenty–four (24) hours.

(E) Dust: All unpaved areas shall be maintained in a manner which prevents dust from adversely impacting adjacent properties.

6–4.73 Refrigerator or Large Appliance Repair

(A) Where Required: GB and HB districts.

(B) Outdoor Storage: No outdoor storage of appliances, equipment or parts shall be permitted.

6–4.74 Restaurant (no drive thru)

(A) Where Required: LB district.

(B) Maximum Area: A maximum of three thousand (3,000) square feet of gross floor area shall be permitted per establishment.

(C) Outside Storage: No outside storage of materials shall be permitted.

6–4.75 Rural Family Occupation – See Figure 6–M.

(A) Where Required: AG District.

(B) Minimum Area

1) The Rural Family Occupation (RFO) must be located on a tract of two (2) acres or more.

2) A portion of the tract measuring forty thousand (40,000) square feet with one hundred and fifty (150) feet of width must be designated and reserved as exclusively residential.

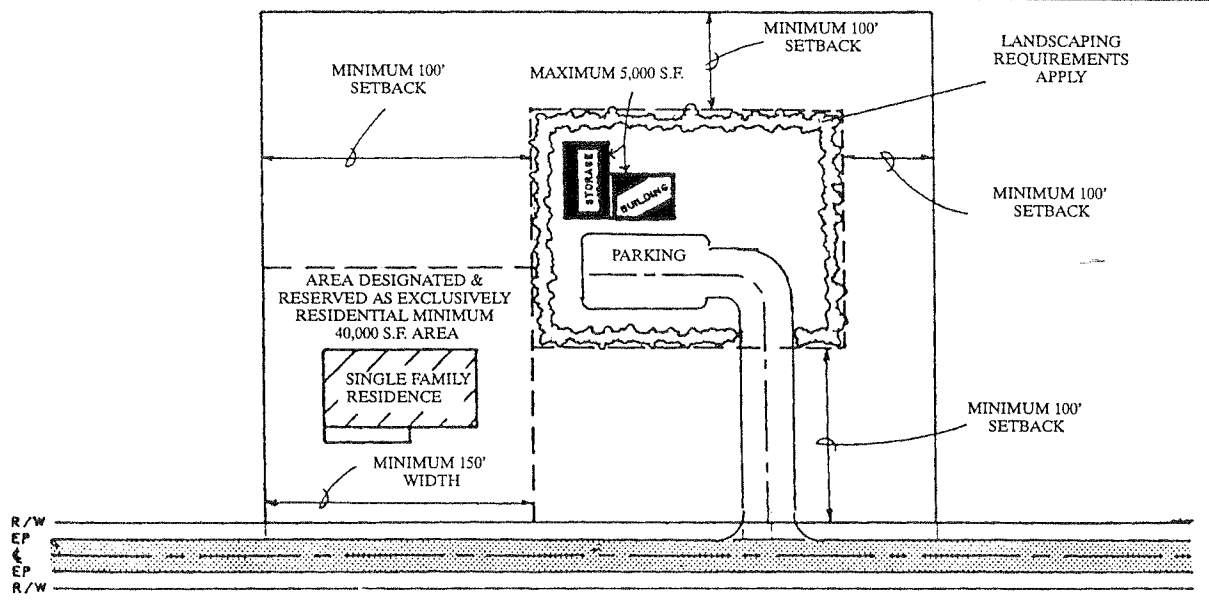
(C) Maximum Area: The total floor area of all buildings occupied by the RFO shall not exceed five thousand (5,000) square feet. The total land area that may be used in conjunction with the Rural Family Occupation is fifteen thousand (15,000) square feet.

(D) Use Separation: All operations of the RFO shall observe a one hundred (100) foot setback from all property lines.

(E) Location: All operations of the RFO shall be located behind the rear line of the building occupied as the principal residence.

(F) Landscaping: All operation of the RFO, including buildings, outside storage areas, and parking shall be treated as a separate use and subject to the landscaping provisions of this Ordinance.

(G) Environmental Review: The Guilford County Environmental Health Division shall evaluate each RFO 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 RFO shall mitigate the impact of these and other environmental concerns. A written evaluation of these potential impacts is required by the Environmental Health Division prior to the consideration of any request for an RFO.



* Minimum lot area is 2 acres.
* Permitted only in Agricultural District
* Maximum 5,000 s.f. building coverage, total land area used in conjunction with Rural Family Occupation is 15,000 s.f.
* Anything associated with a rural family occupation, excluding access, shall be 100' from all property lines.

Figure 6–M
RURAL FAMILY OCCUPATION NO SCALE

(H) Operation

1) The RFO must be owned by the landowner who must reside on the property.

2) No more than five (5) persons shall be employed other than those residing on the property.

3) There shall be no more than two (2) commercial vehicles operating in and out of the property.

4) The RFO shall not be operated between the hours of 9 P.M. to 6 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 which bring to the site goods specifically for the purpose of resale shall be prohibited.

6-4.76 Salvage Yards, Auto Parts and Scrap Processing

(A) Where Required: AG and HI districts.

(B) Minimum Area: The minimum area required to establish a salvage yard shall be five (5) acres.

(C) Outside Storage: An approved opaque fence of uniform construction not less than six (6) feet in height shall be required around the perimeter of the activity. Such fencing shall be located between the salvage yard and the required planting yards.

1) The facility operator(s) shall provide continuous on-site supervision by an employee (s) and/or volunteer(s) during the hours of operation.

(D) Use Separation: No salvage yard, scrap processor, or auto wrecking shall be located within three hundred (300) feet of any residence existing or under construction at the time of installation of such operation or business

6-4.77 Satellite Dish / Communication Tower (Accessory)

(A) Where Required: All districts.

(B) Location

1) All supporting cables and anchors shall be contained on the property.

2) In residential districts, structures shall not be located or placed in any street yard or side yard.

3) Attached and detached satellite dishes eighteen (18) inches in diameter or less shall be exempt from the requirements of subsection (B) (2) above. Detached satellite dishes eighteen inches in diameter or less shall not exceed six (6) feet in height and shall not be located within fifteen (15) feet of any public or private street right-of-way or private lane.

6-4.78 Shelter for the Homeless

(A) Where Required: GO-M, GO-H, GB, HB, LI, HI, and PI districts.

(B) Property Separation: No such facility shall be located within one-quarter (1/4) mile of an existing shelter for the homeless.

(C) Minimum Floor Area: A minimum floor space of fifty (50) square feet shall be provided for each individual sheltered.

(D) Operation:

1) The facility shall be contained within the building of and operated by a government agency or nonprofit organization.

2) The facility operator(s) shall provide continuous on-site supervision by an employee(s) and/or volunteer(s) during the hours of operation.

6–4.79 Shoe Repair or Shoeshine Shop

(A) Where Required: CP district.

(B) Maximum Area: A maximum of three thousand (3,000) square feet of gross floor area shall be permitted per establishment.

(C) Outside Storage: No outside storage of materials shall be permitted.

6–4.80 Shooting Range (Indoor)

(A) Where Required: AG, GB, HB, LI, and HI districts.

(B) Noise: The facility shall be designed to absorb sound to the maximum extent feasible.

6–4.81 Shooting Range (Outdoor)

(A) Where Required: AG and PI districts.

(B) Use Separation: Separation shall be a minimum three hundred (300) feet between range and closest exterior property line.

(C) Access: Controlled to prevent unregulated entrance to firing area.

(D) Security Fencing: Security fencing to prevent an individual from crossing the property downrange.

(E) Dikes (berms): Dikes shall be of sufficient height and thickness to stop all rounds fired downrange. Elevation control is required along the shooting stands to prevent rounds from being fired over the berm.

6–4.82 Single Room Occupancy Residence

(A) Where Required: RM–8, RM–12, RM–18, RM–26, GO–M, GO–H, and PI districts.

(B) Minimum Area: Rooming units shall be a minimum of seventy (70) square feet with an additional minimum of fifty (50) square feet for each additional occupant.

(C) Minimum Common Area: 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 totalling 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.

(D) Operation: On–site management shall be provided on a twenty–four (24) hour basis.

(E) Density Requirements:

1) Conversions of existing hotels or motels to a single room occupancy residence shall be exempt from the density requirement of Table 4–4–4.

2) After January 1, 1994, a newly constructed single room occupancy residence in the GO–M or GO–H District shall be exempt from the density requirements of Table 4–4–4. The residential capacity of the facility shall be determined by provisions of the NC Building Code in conjunction with the applicable setbacks, planting yards, and minimum off–street parking requirements of this Ordinance.

6–4.83 Sports Instructional Schools

(A) Where Required: SC district.

(B) Location of Instruction: No outside instruction shall be allowed.

6–4.84 Swim and Tennis Club – See Section 6–4.37.

6–4.85 Swimming Pools

(A) Where Required: All Districts.

(B) Use Separation

1) Pools shall be located so as to comply with the minimum setback requirement for accessory structures for the district in which it is located.

2) Pools which are not an integral part of the principal building shall be located a minimum of ten (10) feet from the principal building.

(C) Security Fencing: Swimming pools located outdoors shall be protected by a fence, or equal enclosure four (4) feet in height and equipped with a self closing and positive self latching gate provided with hardware for permanent locking.

6–4.86 Tourist Home (Bed and Breakfast)

(A) Where Required: AG, all residential districts, NB, and LB districts.

(B) Use Separation: No such facility shall locate within four hundred (400) feet of a rooming house, boarding house or another tourist home.

(C) Operation

1) The tourist home must be owned by the landowner who also 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.

(D) Signs: There shall be no exterior advertising except that which is permitted for a home occupation.

6–4.87 Truck Stops

(A) Where Required: HB District

(B) Maximum Area: The maximum area shall be for (4) acres.

(C) Lighting: The maximum height of any outdoor lighting source or structure shall be thirty (30) feet.

(D) Screening: A minimum six (6) foot high opaque fence shall be provided adjacent to residentially zoned property.

6–4.88 Turkey Shoots

(A) Where Required: AG district.

(B) 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 a road right–of–way. The line of fire is a line which passes through the firing point and bisects the target. The back stop or target area shall be located not less than five hundred (500) feet 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 two (200) feet from and parallel to the road right–of–way.

4) All backstops shall be constructed a minimum of five hundred (500) feet from a residence located to the rear and/or side of the backstop.

(C) Parking: An off-street parking area adequate in size to store two (2) cars for every back stop shall be provided.

(D) Operation

1) Backstops shall be constructed of a material that will allow the shot to penetrate and not pass through. It shall be of a minimum thickness of two (2) feet and maintained at a height of four (4) feet above the target.

2) The firearms used in turkey shoots shall be limited to shotguns firing shot no larger than number eight (#8). No firearms may be used which have been altered from manufacturer's specifications.

3) The operators of the turkey shoot shall be responsible for maintaining adequate fire protection by notifying the local fire department as to the dates and times of the turkey shoot.

4) Turkey shoots shall be limited to Thursdays, Fridays, and Saturdays and be in operation no later than 11:00 PM.

5) Provisions for sanitation and refuse disposal must be made in accordance with health standards.

(E) Event Permit: The Enforcement Officer shall issue an event permit not to exceed (90) days in a given year for a qualifying turkey shoot.

6-4.89 Utility Substations including Transformer Stations, Telephone Exchanges, Repeater Stations, Pressure Regulator Stations, Pump & Lift Stations, & Similar Structures

(A) Where Required: All districts.

(B) Dimensional Requirements: All buildings shall be considered accessory buildings or structures.

(C) Noise: Equipment producing noise or sound in excess of seventy (70) decibels shall be located no closer than one hundred (100) feet to the nearest residence.

(D) Security Fencing: Security fencing, a minimum of six (6) feet in height, shall be provided around the entire facility.

(E) Outside Storage: If the facility has no outside storage or placement of materials or equipment the Land Use Classification (LUC) shall be considered a one (1), otherwise the LUC shall be considered a four (4).

6-4.90 Veterinary Service (other)

(A) Where Required: GO-M, GO-H, LB, GB, HB, SC, and CP Districts.

(B) Outside Storage: Pens and runs located outdoors are prohibited.

6-4.91 Warehouse (general storage/enclosed)

(A) Where Required: GB and HB districts.

(B) Maximum Area: A maximum of ten thousand (10,000) square feet of gross floor area shall be permitted for warehouse or wholesaling per establishment per lot.

(C) Outdoor Storage: No outdoor storage of warehousing or wholesaling items is permitted.

(D) Land Use Classification: Warehousing or wholesaling uses shall have a land use classification of three (3).

6-4.92 Warehouse (Self-Storage)

(A) Where Required: GB and HB Districts.

(B) Minimum Size: Minimum lot size shall be two (2) acres.

(C) Maximum Size: Maximum lot size shall be five (5) acres.

(D) Lot Coverage: The total ground area covered by buildings shall not exceed fifty percent (50%) of the site.

(E) Maximum Height: Maximum height of building(s) shall be twenty (20) feet.

(F) Storage

1) No outside storage shall be permitted.

2) Storage of hazardous, toxic or explosive substances shall be prohibited.

(G) Operation

1) No business activity other than the rental of storage units shall be conducted on the premises.

2) One residential dwelling unit shall be allowed on the same lot for use as a caretaker dwelling.

6–4.93 Watch or Jewelry Repair Shop

(A) Where Required: CP district.

(B) Maximum Area: A maximum of three thousand (3,000) square feet of gross floor area shall be permitted per establishment.

(C) Outside Storage: No outside storage of materials shall be permitted.

6–5 FENCES

6–5.1 Applicability

This Section regulates all fences unless otherwise provided in this Ordinance. Fences are permitted in required setbacks according to Section 4–6.3 (Encroachments into Required Setbacks), provided the requirements of this Section are met.

6–5.2 Permitted Fence Types

The following fence types are permitted in all zoning districts:

(A) Masonry or stone walls;

(B) Ornamental iron;

(C) Chain–link or woven wire; and

(D) Wood or similar material.

6–5.3 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 in agricultural zoning districts;

(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; and

(E) Fences constructed of concertina wire.

6–5.4 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 Enforcement Officer 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.

6–5.5 Height

(A) Residential Uses

1) Before Front Setback: No fence shall exceed four (4) feet in height up to the front setback line.

2) Behind Front Setback: No fence shall exceed seven (7) feet in height behind the front setback line.

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 seven (7) 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 seven (7) 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) Measurement:

1) Fence height shall be measured in the same manner as buildings. However, where fences are located on retaining walls or man-made berms, the height of the retaining wall or 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, municipal water storage facilities, public correctional and mental institutions, or military facilities, or hazardous or radioactive waste, storage, and disposal facilities.

6–5.6 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.

6–5.7 General Fence Requirements

(A) Obstruction of View: No fence shall be placed or retained in such a manner as to obstruct vision at any intersection of public or private streets.

(B) Obstruction of Drainageway: Fence construction shall not alter or impede the natural flow of water in any stream, creek, drainage swale or ditch.

(C) Historic Districts: Fences in Historic Districts shall meet the guidelines for the particular Historic District in which it is located.

(D) Obstruction of Access: No fence shall block access from doors or windows. Fences must have a clearance of at least two (2) feet from building walls, except where fences project from or to a building wall.

(E) 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.

(F) Location Within Required Planting Yards: The setback of fences within a required planting yard shall be subject to the approval of a landscaping plan.

ARTICLE VII

ENVIRONMENTAL REGULATIONS

7-1 WATER SUPPLY WATERSHED DISTRICTS

7-1.1 District Descriptions

Two overlay districts cover designated water supply watersheds. 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.

7-1.2 Incorporation of Designated Water Supply Watershed Map(s)

This Section incorporates by reference the Guilford County Designated Water Supply Watershed Map(s), dated January 1, 1997, showing Watershed Critical Areas, General Watershed Areas, watershed classifications, and perennial streams of the following: Reidsville, Greensboro, High Point, Jamestown, Randleman, Randleman Dam, Burlington, Sandy Creek and Dan River watersheds.

7-1.3 Applicability

(A) Coverage:

1) This Section 7-1 (Water Supply Watershed Districts) applies to all sites containing new development in the Watershed Critical Area or General Watershed Area, including grading, paving, gravel placement, and construction of buildings and other structures, except for the exempt activities listed in Section 7-1.3(B) below. Section 7-2 (General Watershed Area) and Section 7-3 (Watershed Critical Area) impose additional requirements specific to their overlay district.

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 Enforcement Officer 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 or two family dwelling and its accessory structures on a zone lot that was recorded prior to January 1, 1994 and is locates outside WCA Tiers 1 and 2.

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 Enforcement Officer has determined that equal or improved water quality will result.

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.

4) Existing development until such time that additional new development is initiated on the site.

7-1.4 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 Governing Body; and

4) The Enforcement Officer finds that the 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.

7–1.5 Watershed Development Plan

(A) Plan Required: A watershed development plan in accordance with the performance standards specified in Table 7–2–1 or the requirements of Section 7–3 and with other requirements of this Article shall be submitted to the Enforcement Officer and shall include all applicable information listed in Appendix 2 (Map Standards) of this Ordinance.

(B) Plan Approval: The Enforcement Officer is authorized to approve any watershed development plan which is in conformance with the performance standards specified in Table 7–2–1 or the requirements of Section 7–3 (Watershed Critical Area) whichever is applicable, and with other requirements of this Article.

(C) Approved Plan a Prerequisite: The Enforcement Officer is not authorized to issue any permits, except as provided in Section 3–4.1(D) for development on any land in a WCA or GWA unless and until a 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 shall prepare the plan with the Engineer's Certification of Runoff Control from Table 7–1–1 affixed, signed, sealed, and dated.

(E) Appeals: Appeals of the Enforcement Officer's decision on a watershed development plan shall be made in writing to the Planning Board. The Technical Review Committee shall review the appeal at its first regularly scheduled meeting after receipt of the written appeal and make a recommendation to the Planning Board.

7–1.6 Improvements

(A) Design of Improvements

1) Design of improvements shall:

a) Be performed by a North Carolina registered professional engineer;

b) Be subject to approval of the Enforcement Officer; and

c) Meet or exceed the guidelines in the Guilford County Water Quality Protection Manual, issued by Guilford County, January 1, 1997.

2) The Enforcement Officer may recommend, and the Technical Review Committee may require, that a given runoff control structure(s) be positioned on a site such that water quality protection is improved.

3) 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 Section 5–7.1 (Plans).

(B) Construction of Improvements:

1) The construction of all improvements designed for watershed protection and shown on an approved 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. Engineering certification of completion TABLE 7-1-2 shall be required prior to final approval by the Enforcement Officer.

(C) 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 mechanism to ensure their maintenance shall be established concurrent with or prior to plat recordation.

(D) 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 5-8.2 (Permanent Runoff Control Structures).

2) Maintenance of runoff control structures shall be performed at such time as the designated sediment storage volume of the structure has been lost to sediment or a part of the installation is not functioning as originally designed. The Enforcement Officer shall have the responsibility to inspect runoff control structures annually, to record the results on forms approved or supplied by the N. C. Division of Environmental Management, and to notify the responsible property owner or owner's association when 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 jurisdiction may perform such maintenance or repairs and recover all costs attendant thereto from the property owner or owner's association.

7-1.7 Clustering

(A) Clustering Encouraged: Clustering of residential development is encouraged. Clustering of single family detached development is allowed under the provisions of Section 4-4.1(B) (Single Family Detached Cluster Development). Multifamily development may be clustered so long as the development complies with the standards of Section 4-4.2 (Multifamily Districts).

(B) Performance Requirements: Clustering is allowed if the overall density of the project meets the applicable GWA or WCA 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, and the remainder of the tract remains in a vegetated or natural state.

7-1.8 Stream Buffer Required

In the WCA and the GWA, a stream buffer with a minimum width as specified below measured landward from the normal pool elevation of impoundments and from the bank of each side of streams or rivers, shall be maintained along all perennial waters. [See Section 7-3 (Watershed Critical Area Requirements) for additional requirements concerning stream buffers in the WCA.]

(A) Development Using Low Density Option: Thirty (30) feet.

(B) Development Using High Density Option: One hundred (100) feet.

(C) No new development is allowed in the buffer except for water dependent structures, other structures such as flag poles, signs and security lights which result in only diminutive increases in impervious area and public projects such as road crossings and greenways where no practical alternative exists. These activities shall minimize built-upon surface area, direct run-off away from the surface waters and maximize the utilization of stormwater Best Management Practices.

7-1.9 Stream Channelization

Perennial Streams in a WCA or GWA shall not be channelized without prior approval by the Planning Board.

TABLE 7–1–1

ENGINEER'S CERTIFICATION OF RUNOFF CONTROL

The engineering certification required on Watershed Development Plans and construction plan drawings shall be of the following form:

ENGINEER'S CERTIFICATION OF RUNOFF CONTROL

I certify that this plan will control the (runoff from a one–half inch rainfall over the total drainage area)
(runoff from a one inch rainfall over the total drainage area)
and that the runoff control measures shown on this plan meet or exceed the guidelines in the Guilford County Water Quality Protection Manual issued by Guilford County, January, 1997.

P.E. SEAL _____
SIGNATURE _____
DATE _____

TABLE 7–1–2

ENGINEER'S CERTIFICATION OF COMPLETION

The Engineering certification required upon completion of permanent runoff control structures shall be of the following form:

ENGINEER'S CERTIFICATION OF COMPLETION

I certify that the permanent runoff control structure for __(name of plat)___ as recorded in PB ___ , PG___ in the Office of the Guilford County Register of Deeds has been completed in conformance with the approved plans and specifications dated __(approval date)__ .

P.E. SEAL _____
SIGNATURE _____
DATE _____

7–1.10 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.

7–1.11 Modifications

(A) General:

1) Requests for watershed protection modifications shall be submitted in writing on forms supplied by the governing jurisdiction and with a completed watershed development plan showing all pertinent information relative to the site in question. Information not shown on the watershed development plan or not presented in writing shall not be considered pertinent to the modification request.

2) For each request for a minor or major watershed modification, the Technical Review Committee 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 Planning Board hearing.

3) In granting modifications the jurisdiction may require such conditions as will secure, insofar as practicable, the objectives of the requirements being modified.

(B) Minor Watershed Modifications: The Planning Board is designated to approve minor watershed modifications in the General Watershed Areas (GWA) and Watershed Critical Areas (WCA). The Technical Review Committee (TRC) shall review the submitted request and make a recommendation to the Planning Board to approve or deny the modification. The Planning Board shall make its decision after determining that good and justifiable cause for a modification exists. Any minor watershed modification approved by the Planning Board may be appealed to the governing body within 15 days.

(C) Major Watershed Modifications:

1) The North Carolina Environmental Management Commission (EMC) is designated to approve major watershed modifications for both the GWA and the WCA. The review process shall be the same as in subsection (B)2) above, except that the Governing Body shall make recommendations to the EMC. The modification application, hearing notices, and minutes from each committee and board review shall be forwarded to the EMC, which shall approve or deny the modification.

2) Before the Planning Board or Governing Body may grant 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 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 Board or Governing Body for relief.

e) The hardship is peculiar to the applicant's property, rather than the result of conditions that are widespread.

4) The modifications is in harmony with the general purpose and intent of the Ordinance and preserves its spirit.

5) In the granting of the modification the public safety and welfare have been assured and substantial justice has been done.

7–1.12 Watershed Reporting

(A) 10/70 Provision – Watershed Reporting: The Watershed Administrator shall keep records on the County's use of the provisions that 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 percent (70%) 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).

(B) Watershed Modifications: The Watershed Administrator shall keep a record of all watershed modifications. This record shall be submitted for each calendar year to the Division of Water Qualtiy Management on or before January 1st of the the following year and shall provide a description of each project receiving a minor or major modification and the reasons for granting the modification.

7–2 GENERAL WATERSHED AREAS (GWA)

7–2.1 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 forty thousand (40,000) square feet.

(C) Performance Standards: The Watershed Development Plan for any development covered by this Section shall be prepared and submitted in accordance with the performance standards found in Table 7–2–1. The owner, developer, or person submitting the Watershed Development Plan shall indicate which performance standard they have chosen for review and approval.

TABLE 7–2–1
Watershed Performance Standards

Development Type	Schedule
1) Residential development with two (2) or fewer dwelling units per gross acre.	Residential Scoresheet (Table 7–2–2. A score of one hundred (100) or more is required for passing; or Engineering Certification by registered professional engineer, with seal (Table 7–1–1) certifying control of the first one–half (1/2) inch of runoff from built–upon area coverage.
2) Institutional, Commercial, Recreational, and Industrial development with twenty–four (24%) percent or less built–upon area; or Residential development with greater than two (2) dwelling units per gross acre and with twenty–four (24%) percent or less built–upon area.	Institutional, Commercial, Recreational, Industrial and High Density Residential Scoresheet. (Table 7–2–3). A score of 100 or more is required for passing; or Engineering Certification by registered professional engineer, with seal (Table 7–1–1) certifying control of the run–off from a one–half (1/2) inch rain.
3) All development with more than twenty–four (24%) percent of built–upon area. (See Note 2)	Engineering Certification by registered professional engineer, with seal (Table 7–1–1) certifying control of the run–off from a one inch (1") rain.

Note: 1) The owner, developer, or person submitting the Watershed Development Plan shall indicate which Performance Standard shall be used for review and approval.
2) Within a WS–III watershed, development cannot exceed fifty (50%) percent built–upon area unless it is non–residential development and has received an additional allocation option in compliance with Section 7–2.3(B)1) .

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TABLE 7–2–2		Residential Scoresheet		
Maximun Points		Factor	Point Value	Points Earned
20	1.	**Zone:** AG or RS–40	10	
		PD–R (Single Family Detached & Cluster)	15	
		PD–R (Cluster Exclusively)	20	
25	2.	**Built–upon Area:** 0 – 3%	25	
		3 – 7%	20	
		7 – 10%	15	
		10 – 15%	10	
25	3.	**Proximity to Floodway** as Defined By The Federal Insurance Administration: More than 2000 feet	25	
		1000 – 2000 feet	20	
		500 – 1000 feet	15	
		100 – 500 feet	10	
		50 – 100 feet	5	
10	4.	**Soil Type** as Defined on pg. 29 and Table 7, pg. 57 Guilford County Soil Survey: Slight	10	
		Moderate	5	
25	5.	**Drainage** – Protect and Use Natural Drainageways		
		Piped or Improved Drainage With Rip–Rap	5	
		Dispersed Drainage or Protected Drainageways	10	
		Dispersed Drainage and Protected Drainageways	20	
		Enhanced and Protected Natural Drainageways	25	
25	6.	**Slope** – Low Percentage of Slope: 0 – 6% Average Slope of Subdivision or Lot	25	
		6 – 10%	20	
		10 – 15%	5	
25	7.	**Land Cover** – High Percentage of Natural and Stabilizing Vegetation		
		50' Stream Buffer and Natural or stabilizing vegetation on greater than 25% of the lot	25	
		50' Stream Buffer and Natural or stabilizing vegetation on 15 – 25% of lot	20	
		50' Stream Buffer and Natural or stabilizing vegetation on 10 – 15% of lot	15	
		Natural or stabilizing vegetation between units and water	10	
		Ornamental lawn on greater than 5% of the lot	5	
25	8.	**Run–off Control Strategies:** Maximum Runoff Control	25	
		Moderate Runoff Control	20	
		Runoff control in excess of minimum requirements of Erosion Control Ordinance	15	
		Runoff control equal to minimum requirements	5	
10	9.	**Sewage Disposal:** Public Sewer Service	10	
10	10	**Road and Driveway Design:** with Vegetated Ditches	10	
		with Piped Drainage and/or Curb and Gutter and Energy Dissipators	5	
Total: 200			Total	

NOTE:

1) All plans must have 100 or more points and meet all other requirements to be accepted.

2) Do not use this table if gross density exceeds 2 dwelling units per acre or built–upon area greater than 24%.

SUBMISSION REQUIREMENTS

SINGLE FAMILY: Rated prior to approval of a Preliminary Plat. Individual homes on individual lots are not rated.

MULTI–FAMILY: Rated prior to approval of a site plan.

RATING SYSTEM DEFINITIONS

1. Conditional use rezonings will be given the appropriate bonus points if the use and site plan conditions meet the requirements of the bonus zone, such as clustering development on the best soils and terrain of the site.
2. A gravel surface is considered built–upon area.
3. Proximity to floodway is determined by measuring or scaling the distance from the floodway to the closest boundary of the tract.
4. Self explanatory.
5. Protected Drainageway means drainage is channeled by pervious devices such as sod waterways, berms, channels or swales which have been constructed to resist soil erosion by either vegetating, netting, rip–rapping or a combination of those, and which allows infiltration of water into the soil.

   Dispersed Drainage means spread out, as opposed to collecting the runoff in channels, so as to effect increased sheet flow and overland flow.

   Improved Drainageway means channeled by impervious surfaces such as curb and gutter or concrete (gunnite, bituminous,etc.) channels.

   Enhanced Drainage means carried by existing natural drainageways which have been enhanced to resist soil erosion, including stream bank degradation.
6. All slopes are before development.
7. If all or part of an existing lot containing natural or stabilizing vegetation is dedicated to the public for park and open space purposes; such land will count in computing the score.

   Stabilizing Vegetation means any vegetation that protects the soil against erosion.
8. Maximum Runoff Control means approximately one hundred (100%) percent of built–upon area runoff must pass through permanent retention or wet detention pond(s).

   Moderate Runoff Control means at least seventy–five (75%) percent of built–upon area runoff must pass through permanent retention and/or wet detention pond(s).

   Runoff Control in Excess of Erosion Control Ordinance means at least fifty (50%) percent of built–upon area runoff must pass through permanent retention of permanent wet detention pond(s).

   Runoff Control Equal to Minimum Requirements means velocity control of runoff.

   Detention Pond means a pond which collects stormwater runoff, filters the water and releases it slowly over a period of hours or days. It does not have a permanent pool and is sometimes referred to as a dry pond.

   Wet Detention Pond means a pond that has a permanent pool and also collects stormwater runoff, filters the water and releases it slowly over a period of days.

   Retention Pond means a pond that has a permanent pool.
9. No points will be allowed for on–site septic tank systems or private sewage treatment systems.
10. Self Explanatory.

TABLE 7–2–3		Institutional, Recreational, Comm., Industrial & High Density Residential Scoresheet		
Maximum Points		Factor	Point Value	Points Earned
10	1.	Built–upon area: less than 7.5 % Built–upon	10	
		7.5% – 15% Built–upon	5	
25	2.	Proximity to Floodway as Defined By The FEMA		
		More than 2000 feet	25	
		1000 – 2000 feet	20	
		500 – 1000 feet	15	
		100 – 500 feet	10	
		50 – 100 feet	5	
15	3.	Soils – Hydrologic Soil Group (When 50% or more of the site remains Undisturbed.)		
		B	15	
		C	5	
20	4.	Drainageways		
		Vegetated Waterways (Swales)	10	
		Minor Channels with Riprap	10	
		Preserve Natural Drainageways	10	
		Preserve and Protect Natural Drainageways	20	
25	5.	Land Slope (where 50% or more of site remains undisturbed.)		
		0 – 6% Average Slope of Subdivision or Lot	25	
		6 – 10%	20	
		10 – 15%	5	
25	6.	Undisturbed Area: Greater than 50% Undisturbed	25	
		30% – 50% Undisturbed	15	
		20% – 30% Undisturbed	10	
10	7.	Permanent Erosion Control		
		Revegetating Bare Soil Areas	5	
		Revegetating and Protecting Concentrated Flow Areas	10	
60	8.	Permanent Runoff Control Strategies:		
		Natural Infiltration of Required Runoff from:		
		100% of Built–upon Area	60	
		75% of Built–upon Area	45	
		50% of Built–upon Area	30	
		Wet Detention Pond Meeting Performance Standards Controlling Pollutants from:		
		100% of Built–upon Area	50	
		75% of Built–upon Area	40	
		50% of Built–upon Area	25	
		Vegetative Filter for Sites with less than 25% Built–upon Area Meeting Performance Standards	15	
10	9.	Sewage Disposal: Public Sewer System	10	
15	10	Road and Driveway Design:		
		with water from roadside swales or curb cuts directed into natural infiltration	15	
		with Vegetated Ditches	10	
		with Piped Drainage and/or Curb and gutter and Energy Dissipators	5	
Total: 215			Total	

SUBMISSION REQUIREMENTS

NOTE:
1) All plans must have 100 or more points and meet all other requirements to be accepted.
2) Do not use this table if built-upon area exceeds twenty-four (24%) percent.

RESIDENTIAL/COMMERCIAL/INDUSTRIAL SUBDIVISIONS: Rated prior to approval of preliminary plat.

RESIDENTIAL/INSTITUTIONAL/COMMERCIAL/INDUSTRIAL SITE PLANS: Rated prior to approval of site plan unless lot was prequalified by subdivision.

COMMERCIAL/INDUSTRIAL PROJECTS WITHOUT SITE PLANS: Rated prior to approval of the building permit.

RATING SYSTEM DEFINITIONS, EXPLANATIONS AND STANDARDS

1. Built-upon area coverage includes: paved and gravel parking lots, driveways, roads and streets; buildings or other structures which cover the soil. It is computed by the equation: Acres built-upon area divided by total acres in the tract times one-hundred (100%) percent.
2. Proximity to floodway is determined by measuring or scaling the distance from the floodway to the closest boundary of the tract.
3. Hydrologic Soil Groups as defined on pg. 35 of the USDA – SCS Guilford County Soil Survey (12/19/77) and referenced in Table 15.
4. Vegetated waterways (swales) are to be constructed according to USDA – SCS specifications or equivalent methods, and includes installation of channel liners (plastic, jute, or excelsior) where expected flow velocity (10 yr. storm) exceeds three (3) feet per second.

   Rip-rap lined channels are to meet Guilford County specifications.

   Preserving natural drainageways shall mean no disturbance of natural drainageways by cutting, filling, channelization or destroying natural vegetation.

   Preserve and protect natural drainageways shall mean protecting natural channels against stream bank erosion by rip-rap, or establishing soil stabilizing vegetation on stream banks and/or providing for a natural or revegetated buffer strip of twenty-five (25) feet or more on each side of the stream.
5. Slope shall mean the maximum inclination of the land surface from the horizontal as measured in percentage slope. The average slope shall be determined for the entire lot, tract or subdivision.
6. Undisturbed area shall be 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 for the purposes of watershed protection scoresheet evaluation.
7. Revegetating bare soil areas shall mean providing a stabilizing vegetative cover on those areas disturbed by grading of the site where no other land cover (structure, etc.) are to be located.
8. All runoff control methods or devices shall meet or exceed Guilford County design specifications. Retention ponds will be considered in lieu of wet detention ponds on a case by case basis.
9. No points will be allowed for on-site septic tank systems or private sewage treatment systems.
10. Self Explanatory.

(D) Runoff Control:

1) When runoff control is required for development using the low density option [see definition in Section 2-1.2 (Drainage and Watershed Protection) and Table 2-1-1] the runoff control structure(s) may be any one of the following meeting the guidelines in the Guilford County Water Quality Protection Manual:

a) Wet Detention Ponds

b) Retention Pond

c) Natural Infiltration Area

d) Filter Basin

e) Any other technology that the Technical Review Committee (TRC) finds which may be shown to equal or exceed watershed protection standards. The Advisory Board for Environmental Quality (ABEQ) will review proposed new technology and give a recommendation to the TRC within sixty (60) days of submission.

2) When runoff control is required for development using the high density option [see definition in Section 2-2.1 (Drainage and Watershed Protection) and Table 2-1-1] the runoff control shall be by use of a wet detention pond meeting the guidelines in the Guilford County Water Quality Protection Manual.

7-2.2 GWA - Watershed Classification WS-IV

Development shall not exceed seventy 70% percent built-upon area.

7-2.3 GWA - Watershed Classification WS-III

(A) Built-Upon Area Limit: Development shall not exceed fifty (50%) percent built-upon area.

(B) Ten / Seventy (10/70) Option for Non-Residential:

1) Ten (10%) percent of the local jurisdication'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.

2) 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.

3) Developments using this option shall provide an engineer's certification of runoff control for control of the runoff from a one inch (1") rain.

(C) Prohibited Uses: No new discharging landfills.

7-3 WATERSHED CRITICAL AREAS (WCA)

7-3.1 General Provision

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.

7-3.2 District Description

(A) WCA Boundary: The Guilford County Designated Water Supply Watershed Map(s) 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 of 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 (High Point Lake, Oak Hollow Lake, 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 with the following exception. Tier 2 areas surrounding the proposed reservoir at Randleman Lake and the existing Lake Mackintosh are not intended for public purpose unless and until more than twenty–five (25%) percent of the WCA for the reservoir becomes urban in character, by meeting any of the tests defined in NCGS Section 160A–48(c).

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.

7–3.3 Runoff Minimization

The density and built–upon area coverage limits defined in Table 7–3–1 shall apply within the WCA; however is the limits provided in Table 2–1–1 are more restrictive, then these standards would apply.

TABLE 7–3–1

Density and Built–Upon Area Coverage Limits

Residential Density Limits
(expressed as dwelling units / gross acre)

	Tier 1	Tier 2	Tier 3	Tier 4
No Public Sewer	NA	1 du / 5 ac.	1 du / 3 ac.	1 du / 1ac.
Public Sewer	NA	1 du / 5 ac.	2 du / 1 ac.	2 du / 1 ac. or less than or equal to 24% built–upon area.

Built–Upon Area Coverage Limits
(expressed as % maximum)
(for use with high density residential, institutional, commercial, and industrial uses)

	Tier 1	Tier 2	Tier 3	Tier 4
No Public Sewer	NA	2.5%	4.0%	12.0%
Public Sewer	NA	2.5%	24.0%[a]	30.0%[a]

NOTES:
[a] Built–upon area coverages may be increased by ten percent (10%) in Tier 3 and 4 of a WS–IV watershed, when the development is served by public sewer for high density residential, institutional, commercial and industrial areas, if the owner provides for on–site control of the runoff from a one (1) inch rainfall in accordance with this Ordinance.

7–3.4 Land Disturbance Minimization

(A) Erosion Control Plan: See Section 7–4.1 (General Requirements) to determine when an erosion control plan is required.

(B) Street Standards: Refer to Article V (Subdivision: Procedures and Standards) for the minimum street standards. To the extent practicable, the construction of new roads in the WCA should be avoided.

(C) Protection of Fragile Areas:

1) Slopes Greater than Fifteen Percent and Wetlands.

a) 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.

b) Dedication of these areas to the local jurisdiction and the public as drainageway and open space may be required wherever authorized by Article V (Subdivision: Procedures and Standards) or any other provision in local ordinances.

c) Where such dedication is not required, a water quality conservation easement shall be recorded over such wetlands and slopes.

d) Where a water quality conservation easement serves to bring two (2) or more properties into compliance with WCA requirements, the Technical Review Committee may require that the wetlands and slopes covered by such easements be held as common area by an owners' association.

2) Drainage

a) Drainage shall be provided by means of open channels.

b) All such areas shall have protected channels or remain in a natural and undisturbed state, except for road crossings, utilities, erosion control devices and runoff control devices.

c) The undisturbed area width shall be the easement width as specified in Article V (Subdivision: Procedures and Standards).

3) Development on the best soils and terrain of any site is encouraged.

4) Clustering of residential development may be required by the Technical Review Committee in accordance with Section 4–4.1(B) (Cluster Development).

7–3.5 Spill Risk Reduction

(A) Prohibited Uses: The following uses shall be prohibited in a WCA district:

DESCRIPTION	SIC INDUSTRY GROUP MAJOR GROUP NUMBERS
1) Agricultural Uses	
Animal Feeder/Breeder	0210
2) Agricultural Services	
Chemical Treatment and Fertilizer Application for Crops, Weed Control for Crop Operations, including Aerial Crop Dusting	0710, 0721
3) Mining Uses	
Mining and Quarrying	1000
4) Business, Professional and Personal Services	
Automobile Rental or leasing	7510

Automobile Repair Services, Major	0000
Automobile Repair Services, Minor	0000
Automobile Towing and Storage Services	7549
Boat Repairs	3730
Car Wash	7542
Commercial Chemical and Biological Research	8731
Furniture Stripping or Refinishing (including secondary or accessory operations)	7641
Equipment Repair, Heavy	7690
Agricultural Equipment Repair	
Boiler Cleaning and Repair	
Cesspool Cleaning	
Engine Repair, except automotive	
Farm Machinery Repair	
Industrial Truck Repair	
Machinery Cleaning	
Motorcycle Repair Service	
Rebabbitting	
Repair of Service Station Equipment	
Sewer Cleaning and Rodding	
Tank and Boiler Cleaning Service	
Tank Truck Cleaning Service	
Tractor repair	
Welding Repair Shops	
Heavy Construction Equipment Rental and Leasing	7350
Lawn Care, Lawn Fertilizing Services, Lawn Spraying Services, Ornamental Shrub & Tree Services with Spraying	0780
Laundry or Drycleaning Plant	7211, 7216, 7217, 7218
Laundromats, Coin-operated	7215
Pest or Termite Control Services	7342
Septic Tank Services	7699
Truck Driving Schools	8249
Truck & Utility Trailer Rental & Leasing, Light	0000
Truck Tractor & Semi Rental & Leasing, Heavy	0000
Truck Washing	7542
5) Retail Trade	
Fuel Oil Sales	5980
Convenience Stores with fuel pumps	5411
Motor Vehicle Sales (new and used)	5511
Motorcycle Sales	5571
Recreational Vehicle Sales	5561
Service Stations, gasoline	5541
Truck Stops	5541
6) Wholesale Trade	
Agricultural Chemicals, Pesticides, Fertilizers	5191
Chemical and Allied Products	5169
Motor Vehicles	5012
Nursery Stock, Plants Potted	5193
Paints & Varnishes	5198
Petroleum & Petroleum Products	5170
Scrap and Waste Materials	5093
7) Transportation, Warehousing, and Utilities	
Air Transportation Facilities	4789
Bus Terminal and Service Facilities	4100, 4170
Hazardous & Radioactive Waste (transportation, Storage, Disposal.)	4953
Inert Debris Landfills, Major	0000
Petroleum Contaminated Soil Remediation Disposal Sites	0000
Pipelines, except Natural Gas	4600
Railroad Terminal or Yard	4010
Recycling Processing Centers	0000

Refuse & Raw Material Hauling	4212
Sanitary Sewer & Water Treatment Plant Sludge Application Sites	0000
Sewage Treatment Plants	4952
Solid Waste Disposal (nonhazardous)	4953
Trucking or Freight Terminals	4230, 4213
8) Manufacturing and Industrial Uses	
Animal Slaughter or Rendering	0000 (2010)
Arms and Weapons	3480
Asbestos, Abrasive, and Related Products	3290
Asphalt Plant	2951
Batteries	3690
Chemicals, Paints & Allied Products	2800
Concrete, Cut Stone & Clay Products	3240,3270
Cement, Hydraulic	3241
Contractors, Heavy construction	1600
Contractors, Special Trade	1700
Dairy Products	2020
Fats and Oils, Animal	2077
Fats and Oils, Plant	2070
Fish, Canned, Cured or Frozen	2091
Leather and Leather Products (tanning)	3110
Magnetic & Optical Recording Media	3695
Meat & Poultry, Packing & Processing (no rendering)	2010
Metal Coating and Engraving	3470
Paper Products (no coating or laminating)	2670
Paper Products (coating or laminating)	2670
Petroleum and Related Products	2900
Primary Metal Products & Foundries	3300
Pulp and Paper Mills	2610
Rubber & Plastics, Misc.	3000
Rubber & Plastics, Raw	3000
Salvage Yards, Auto Parts	5015
Salvage Yard, Scrap Processing	5903
Solvent Recovery	7389
Surface Active Agents	2843
Textile Products, (no Dying & Finishing)	2200
Textile Products(with Dying & Finishing)	2260

(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 Enforcement Officer 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 Planning Board.

(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.

2) Industrial pre-treatment facilities which prepare wastewater for discharge into a public sewer system shall be permitted in WCA districts.

7-3.6 Storm Water Management

(A) Control of Run-off: Run-off from built-upon areas, shall be controlled as follows:

1) If the built-upon area is twelve (12%) percent or less, the runoff control may be accomplished through use of a permanent infiltration area if the guidelines in the Guilford County Water Quality Protection Manual are met or runoff control from a one-half inch (1/2") rainfall over the total drainage area.

2) If the built-upon area is greater than twelve (12%) the runoff control storage volume shall not be less than the runoff from a one-inch (1") rainfall over the total drainage area flowing into the runoff control structure.

(B) Design Approval: All designs for runoff control structures, shall meet the requirements of Section 7-1.6 (Improvements) and shall be subject to the approval of the Enforcement Officer.

7-4 SOIL EROSION AND SEDIMENTATION CONTROL

7-4.1 General Requirements

(A) Plan Required: No person shall initiate any land-disturbing activity without an erosion control plan approved by the Jurisdiction, 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.

7-4.2 Basic Control Objectives

A soil erosion and sedimentation control plan may be disapproved pursuant to Section 7-4.12(M) Grounds for Plan Disapproval) of this Ordinance 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.

7-4.3 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) Buffer Zone: No land-disturbing activity shall be permitted in proximity to a lake or natural watercourse unless a buffer zone is provided along the margin of the watercourse of sufficient width to confine visible siltation within the twenty-five (25%) percent of the buffer zone nearer the land-disturbing activity, provided, that this subsection (A) shall not apply to a land-disturbing activity in connection with the construction of facilities to be located on, over, or under a lake or natural watercourse. Unless otherwise provided, the width of a buffer zone is measured from the edge of the water to the nearest edge of the disturbed area, with the twenty-five (25%) percent of the strip nearer the land disturbing activity containing natural or artificial means of confining visible siltation;

(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 7-4.4(B)5) of this Ordinance, 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 Jurisdiction.

7-4.4 Design and Performance Standards

(A) Design for Ten-year Storm: Except as provided in Section 7-4.4(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 (DEHNR).

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 (25) - 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.

7–4.5 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: Persons shall conduct land–disturbing activity 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 7–4–1; or

TABLE 7–4–1
Maximum Permissible Velocity for Stormwater Discharges

Material	Maximum Permissible Velocities	
	F.P.S.	M.P.S.
Fine sand (noncolloidal)	2.5	0.8
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.

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 Jurisdiction 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 dissipators 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.

7-4.6 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.

7-4.7 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.

7-4.8 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 planned and conducted in such a manner 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 planned and 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.

7-4.9 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 land owner 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.

7-4.10 Additional Measures

Whenever the Jurisdiction 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.

7–4.11 Existing Uncovered Areas

(A) Applicability: All uncovered areas existing on the effective date of this Ordinance which are the result of land–disturbing activity, 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 Jurisdiction 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 authority serving notice 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 Jurisdiction 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.

7–4.12 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 Jurisdiction, 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 Jurisdiction, 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 Jurisdiction, 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 Jurisdiction will require a revised plan. Pending the preparation of the revised plan, work shall cease or shall continue under conditions outlined by the appropriate authority.

(D) 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.

(E) 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 Jurisdiction. 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.

(F) Local Jurisdiction Review: The Jurisdiction 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 jurisdiction 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 Jurisdiction determines that the plan is inadequate to meet the requirements of this Ordinance, the Jurisdiction may require such revisions as are necessary to comply with this Ordinance.

(G) 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) of this Ordinance.

(H) 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 Jurisdiction, the land-disturbing activity shall not proceed except in accordance with the erosion control plan as originally approved.

(I) 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.

(J) 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 Jurisdiction, unless and until an erosion control plan, as required by this Ordinance, has been submitted to the Jurisdiction, a grading permit has been issued, and a Certificate of Erosion Control Performance has been issued by jurisdiction, indicating that initial erosion control devices have been installed and are functioning properly.

(K) 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.

(L) Surety: The applicant for a grading permit to grade one (1) acre or more may be required to file with the Jurisdiction an improvement security or bond in the form of an escrow account or other instruments satisfactory to the Jurisdiction attorney in the amount deemed sufficient by the Jurisdiction 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 Jurisdiction 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 Jurisdiction. 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 Jurisdiction has certified that the requirements of this Ordinance has 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 Jurisdiction 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. Guilford County shall promptly notify the person submitting the plan that the thirty (30) day time limit for review of the plan pursuant to Section 7–4.12(F) of this Ordinance shall not begin until a complete environmental document is available for review.

7–5 FLOOD DAMAGE PREVENTION

7–5.1 Statutory Authorization

The Legislature of the State of North Carolina has in NCGS 143–21(6), NCGS 153–A–18(3 & 4), NCGS 153–A–6, NCGS 160–A–19(3, 5, & 8), and NCGS 160–A–8, empowered local governmental units to regulate flood hazard areas.

7–5.2 Findings of Fact

(A) Reason for Regulation of Flood Hazard Areas: The flood hazard areas of the Jurisdiction are subject to periodic inundation which could result in loss of life and 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) Causes of Flood Losses: These flood losses are caused by the cumulative effect of:

1) obstructions in flood plains causing increases in flood heights and velocities; and

2) occupancy in flood hazard areas of uses vulnerable to floods or hazardous to other lands and uses which are inadequately elevated, inadequately floodproofed, or otherwise unprotected from flood damages.

7–5.3 General Provisions

(A) Lands to Which this Ordinance Applies: This Ordinance shall apply to all areas of special flood hazard within the Jurisdiction. Bonafide 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 Areas of Special Flood Hazard: The areas of special flood hazard identified by the Federal Emergency Management Agency in its Flood Insurance Study dated , December, 1979, with accompanying maps and other supporting data, and any revision thereto are adopted by reference and declared to be a part of this Ordinance.

(C) Floodway Zone – See Figure 7–A : The floodway zone is an extremely hazardous area due to the velocity of floodwaters which carry debris and potential projectiles and has erosion potential. No encroachments, including fill, new construction, substantial improvements, or other developments shall be permitted 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 occurrence on the base flood discharge. Supporting technical data shall include, but not be limited to a hydrologic and hydraulic analysis performed in accordance with standard engineering practice.

1) Permitted Uses: Development within the floodway zone requires a permit from the Corps of Engineers. 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:

a) General farming, pasture, outdoor plant nurseries, horticulture, forestry, wildlife sanctuary, game farm, and other similar agricultural, quarrying, wildlife and related uses;

b) Ground level loading areas, ground level automobile parking areas, rotary aircraft ports and other similar industrial and commercial uses;

c) Tractor–trailer parking, provided that no trailers shall be detached from tractors;

d) Lawns, gardens, play areas, and other similar uses;

e) 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;

f) 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 or previously approved encroachment in the floodway will not increase the base flood elevation by more than one (1) foot. The increase in base flood elevation due to allowable encroachment of the floodway fringe is listed in the Floodway Data Table in the Flood Insurance Study prepared by the Federal Emergency Management Agency (FEMA). Fill material for utilities shall be permitted only if approved by the Enforcement Officer;

g) Temporary facilities such as displays, circuses, carnivals, or similar transient amusement enterprises;

h) Boat docks, ramps, piers, or similar structures;

i) Dams;

j) Grading but not fill; and

k) 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 one (1) foot above base flood elevation.

2) Prohibited uses: The following uses are prohibited in the floodway zone:
   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.
   b) Manufactured dwellings.

(D) Floodway Fringe Zone – See Figure 7–A

1) Permitted uses

The following uses shall be permitted within the floodway fringe zone to the extent that they are otherwise permitted by this Ordinance:

a) Uses permitted below flood protection elevation:

i) Any use as permitted and regulated in the floodway zone.

ii) 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.

iii) Structure foundations and supports, provided such are firmly anchored to prevent flotation.

b) Uses permitted above flood protection elevation:

i) Any residential or nonresidential use permitted by this Ordinance provided that the finished floor elevation of any structure is located one (1) foot or more above base flood elevation. Heating and electrical equipment installed below flood protection elevation shall be floodproofed.

ii) Any nonresidential use permitted by this Ordinance provided that all portions of the structure are floodproofed, as provided in this Article, to an elevation at least one (1) foot above base flood elevation.

iii) Heating and electrical equipment installed below flood protection elevation shall be floodproofed. Non-residential structures may floodproof this equipment if placed below the base flood elevation, but the floodproofing must be certified by a professional engineer registered in North Carolina.

2) Prohibited Uses: Uses that are prohibited below the flood protection elevation are the 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.

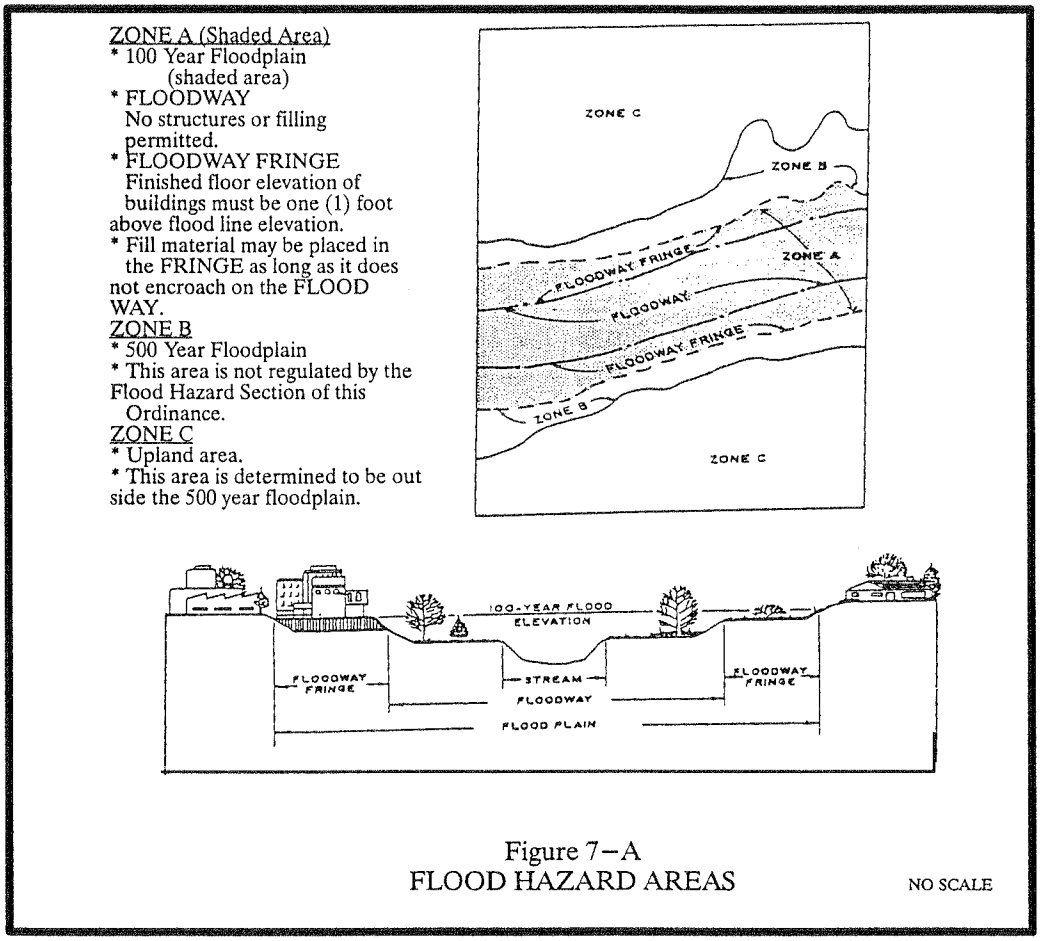


Figure 7-A
FLOOD HAZARD AREAS NO SCALE

7-5.4 Warning and Disclaimer of Liability

The degree of flood protection required by this Article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Article does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This Article shall not create liability on the part of the Jurisdiction or any officer or employee thereof for any flood damages that result from reliance on this Article or any administrative decision lawfully made hereunder.

7-5.5 Flood Plain Development Application, Permit and Certification Requirement

(A) Application for Permit: On a property containing an area of special flood hazard, application for a Flood Plain Development Permit shall be made in accordance with Section 3-3.5 (Flood Plain Development Permit).

(B) Certificate of Floor Elevation/Floodproofing: When a property is located in a flood hazard area or when a structure is floodproofed, a certificate shall be provided in accordance with Section 3-8.4 (Certificate of Floor Elevation/Floodproofing).

7–5.6 Provisions for Flood Hazard Reduction

(A) General Standards: In all areas of special flood hazard the following provisions are required:

1) All new construction or substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;

2) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over–the–top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;

3) All new construction or substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;

4) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damages;

5) 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;

6) All new or replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

7) 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;

8) On–site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding; and

9) 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 Section.

10) 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.

(B) Specific Standards: In all areas of special flood hazard where base flood elevation data has been provided, as set forth in Section 7–5.3(B), the following provisions are required:

1) Residential Construction: New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated no lower that one (1) foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movement of flood waters shall be provided.

2) Non–Residential Construction: New construction or substantial improvement of any commercial, industrial, or non–residential structure shall have the lowest floor, including basement, elevated no lower than one (1) foot above the base flood elevation. Structures located in A–zones may be floodproofed in lieu of elevation provided that all areas of the structure below the required elevation are water tight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Enforcement Officer as set forth in this Article.

3) Manufactured Housing

a) Manufactured dwellings that are placed, substantially improved, or repaired after incurring substantial damage as the result of a flood shall be elevated on a permanent foundation such

that the lowest floor of the manufactured dwelling is elevated no lower than one (1) foot above the base flood elevation and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. For the purpose of this requirement, manufactured dwellings shall be anchored to resist flotation, collapse, or lateral movement in accordance with the Regulations for Mobile Homes and Modular Housing adopted by the Commissioner of Insurance pursuant to NCGS 143.15.

b) When the required elevation will be met by elevating the chassis at least thirty–six (36) inches above grade, the chassis shall be supported by reinforced piers or other foundation elements of at least equivalent strength. When the elevation of the chassis is above thirty–six (36) inches in height, engineering certification is required.

c) 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 hazard areas. This plan shall be filed with and approved by the Enforcement Officer and the local Emergency Management Coordinator.

4) Elevated Buildings: New construction or substantial improvements of elevated buildings that include fully enclosed areas that are usable solely for the parking of vehicles, building access, or storage in an area other than a basement and which are subject to flooding shall be designed to preclude living space and to automatically equalize hydrostatic flood forces on exterior walls allowing for the entry and exit of floodwaters.

a) Designs for complying with this requirement must be certified by a registered professional engineer or architect or meet the following minimum criteria:

i) Provide a minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;

ii) The bottom of all openings shall be no higher than one (1) foot above grade; and

iii) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

b) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).

c) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms, except to enclose storage areas.

7–5.7 Standards for Streams Without Established Floodways or Base Flood Elevations

(A) Flood Elevations:

1) Within the areas of special flood hazard established in this Article are small streams where no base flood data has been provided or where no floodways have been identified. The provisions in Table 7–5–1 apply within such areas.

TABLE 7–5–1
Stream Non–Encroachment Widths

Cubic Feet per Second (CFS) in 100–year Storm	Required Distance from Stream Centerline
5 – 17 cfs	15 ft.
17 – 70 cfs	30 ft.
70 or more cfs	50 ft. plus 1/2 channel width

2) Except for streets, bridges, and utilities as permitted in Section 7-5.3(C)1)f) (Floodway Zone), no encroachments shall be permitted in drainage easements as required by Article V (Subdivisions: Procedures and Standards). No encroachments, such as fill, new construction, substantial improvements or new development shall be permitted within the distance from the stream centerline designated in Table 7-5-1 or twenty (20) feet each side from the top of the stream bank, 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.

3) If base flood elevation data is available from other sources, all new construction and substantial improvements within such areas shall comply with all applicable flood hazard area provisions of this Article and shall be elevated or floodproofed in accordance with elevations established in this Article.

4) When base flood elevation data is not available from a federal, state, or other source, and the flow is five hundred (500) cubic feet per second (cfs) or greater for a one hundred (100) year storm, the lowest floor including the basement shall be elevated at least one foot above the one hundred (100) year flood elevation certified by a professional registered engineer.

5) When base flood elevation data is not available from a federal, state, or other source, and the flow is less than five hundred (500) cfs for a one hundred (100)-year storm, the lowest floor including the basement shall be elevated at least two (2) feet above the highest adjacent grade.

(B) Standards for Areas of Shallow Flooding (AO Zones): Located within the areas of special flood hazard established in this Article are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. The following provisions shall apply within such areas:

1) All new construction and substantial improvements of residential structures shall have the lowest floor including the basement elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor including the basement shall be elevated at least two (2) feet above the highest adjacent grade.

2) All new construction and substantial improvements of non-residential structures shall:

a) have the lowest floor including the basement elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor including the basement shall be elevated at least two (2) feet above the highest adjacent grade; or

b) be completely floodproofed, together with attendant utility and sanitary facilities, to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

ARTICLE VIII

ENFORCEMENT

8–1 VIOLATIONS

Any of the following shall be a violation of this Ordinance and shall be subject to the enforcement remedies and penalties provided by this Article and by state law.

8–1.1 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.

8–1.2 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.

8–1.3 Violation by Act or Omission

To violate, by act or omission, any term, variance or waiver, condition, or qualification placed by the governing body 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.

8–1.4 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.

8–1.5 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. 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.

8–1.6 Continue a Violation

Each day's violation of any provision of this Ordinance is a separate and distinct offense.

8–2 ENFORCEMENT INTENT

8–2.1 Questions

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 Enforcement Officer and that such questions shall be presented to the Board of Adjustment only on appeal from the Enforcement Officer'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 as provided by law.

8–2.2 Governing Body

It is further the intention of this Ordinance that the duties of the Governing Body in connection with this Ordinance shall not include the hearing and passing upon disputed questions that may arise in connection with the enforcement thereof.

8–3 ENFORCEMENT PROCEDURE

When the Enforcement Officer or his agent finds a violation of this Ordinance, it shall be his 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.

8–3.1 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 Enforcement Officer shall give the owner or occupant written notice, by certified or registered mail to his last known address, or by personal service or by posting notice of the violation conspicuously on the property:

(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; and

(C) the measures necessary to remedy the violation.

8–3.2 Appeal

Any owner or occupant who has received a Notice of Violation may appeal in writing the decision of the Enforcement Officer to the Board of Adjustment (unless this Ordinance has specified that another board shall hear the appeal of the violation) within fifteen (15) days following the date of the Notice of Violation. The Board of Adjustment, or other designated board, shall hear an appeal within a reasonable time, and it may affirm, modify, or revoke the Notice of Violation. In the absence of an appeal, the remedies and penalties sought by the Enforcement Officer in the Notice of Violation shall be final.

8–3.3 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.

8–3.4 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 8–4 (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.

8–4 REMEDIES

Anyone or all of the following procedures may be used to enforce the provisions of this Ordinance.

8–4.1 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.

8–4.2 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 8–5 (Civil Penalties – Assessments and Procedures).

8–4.3 Denial of Permit or Certificate

The Enforcement Officer may withhold or deny any permit, certificate, occupancy or other form of authorization on any land, building, sign, structure or use in which there is an uncorrected violation of a provision of this Ordinance or of a condition or qualification of a permit, certificate or other authorization previously granted.

8–4.4 Conditional Permit or Temporary Certificate

The Enforcement Officer 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.

8–4.5 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 Enforcement Officer may order the work to be immediately stopped. The stop order shall be in writing and directed to the owner, occupant, or person doing the work. The stop 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 NCGS 160A–421 or 153A–361, as applicable, or the NC Building Code.

8–4.6 Revocation of Permits

The Enforcement Officer 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.

8–4.7 Criminal Penalties

Any violation of this Ordinance shall be a misdemeanor or infraction as provided by NCGS 14–4, subject to a maximum fine of $500.00.

8–5 CIVIL PENALTIES – ASSESSMENT AND PROCEDURES

8–5.1 Penalties

Any person who violates any provisions of this Ordinance shall be subject to assessment of a civil penalty in the amount of $25.00 for the first violation; $50.00 for the second violation; $100.00 for the third violation; and $200.00 for the fourth and succeeding violations thereafter. Except that any penalties assessed under subsection 3–14 (C) shall be stayed until all appeals are resolved.

8–5.2 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 8–3.1 (Notice of Violation). If after receiving a notice of violation under Section 8–3.1, the owner or other violator fails to take corrective action, a civil penalty may be imposed under this Section in the form of a citation. The citation shall be served in the manner of a Notice of Violation. The citation shall state the nature of the violation, the civil penalty to be imposed upon the violator and shall direct the violator to pay the civil penalty within fifteen (15) days of the date of the notice.

8–5.3 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.

8–5.4 Continuing Violation

For each day the violation is not corrected, the violator will be guilty of an additional and separate offense and subject to additional civil penalty.

8–5.5 Demand for Payment

The Enforcement Officer 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.

8–5.6 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 Enforcement Officer 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 NCGS 14–4.

8–6 CIVIL PENALTIES – SOIL EROSION AND SEDIMENTATION CONTROL

8–6.1 General

Any person who violates any provisions of Section 7–4 (Soil Erosion and Sedimentation Control), or the Act, or rules or orders adopted or issued pursuant to this Ordinance, or who initiates or continues a land–disturbing activity for which an erosion and sedimentation control plan is required, or not in accordance with the terms, conditions, and provisions of an approved erosion and sedimentation control plan, shall be subject to a civil penalty. No civil penalty shall accrue in excess of $500 per day, in addition to the penalty for failure to submit an erosion and sedimentation control plan as provided in Section 8–6.5 (Erosion and Sedimentation Control Plan).

8–6.2 Notice of Violation

No penalty shall be assessed until the person alleged to be in violation has been notified of the violation by registered or certified mail, return receipt requested, or other means reasonably calculated to give actual notice. The notice shall describe the violation with reasonable particularity, set forth the measures necessary to achieve compliance with the plan, specify a reasonable time period within which the violation must be corrected, and warn that failure to correct the violation within the time period will result in the assessment of a civil penalty or other enforcement action. If, after the allotted time period has expired, the violator has not completed corrective action, a civil penalty may be assessed from the date of receipt of the the notice of violation. However, no time period for compliance need be given for failure to submit a soil erosion and sedimentation control plan for approval or for obstructing, hampering or interfering with an authorized representative while in the process of carrying out his official duties. Each day of continuing violation shall constitute a separate violation.

8–6.3 Notice of Assessment

The Enforcement Officer shall determine the amount of the civil penalty to be assessed under this subsection, shall make written demand for payment upon the person in violation, and shall set forth in detail a description of the violation for which the penalty has been imposed. In determining the amount of the penalty the Enforcement Officer shall consider the degree and extent of harm caused by the violation and the cost of rectifying the damage. Notice of the assessment shall be by registered or certified mail or other means reasonably calculated to give actual notice. 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 the Guilford County attorney for institution of a civil action in the appropriate division of the General Counts of Justice for recovery of the penalty. Such civil actions must be filed within three (3) years of the date the final decision was served on the violator.

8–6.4 Specific Civil Penalties

Civil penalties for specific violations of Section 7–4 (Soil Erosion and Sedimentation Control) shall be assessed as follows:

(A) Grading Without Permit: $500.00 per day for failure to secure a valid grading permit prior to conducting a land–disturbing activity for which a soil erosion and sedimentation control plan is required.

(B) Failure to Protect: $500.00 per day for failure to take all reasonable measures to protect public property, or private property, including lakes and/or natural watercourses, from damage caused by land–disturbing activities.

(C) Failure to Follow Plan: $300.00 per day for failure to conduct a land–disturbing activity in accordance with the provisions of an approved erosion and sedimentation control plan.

(D) Failure to Install Devices: $500.00 per day for failure, when more than one (1) acre is disturbed ($250 per day when one (1) acre or less is disturbed), to install erosion and sedimentation control devices sufficient to

retain the sediment generated by the land–disturbing activity within the boundaries of the tract(s) and prevent off–site sedimentation. .

(E) Failure to Maintain Measures: $300.00 per day for failure to maintain satisfactory erosion and sedimentation control measures, structures and/or devices on the site that are designed to provide protection from the calculated maximum peak rate of runoff from the ten (10)–year storm or the twenty–five (25)–year storm in a High Quality Storm (HQW) zone.

(F) Failure to Maintain Temporary Measures: $250.00 per day for failure to maintain temporary erosion and sedimentation control measures and facilities during the development of the site.

(G) Failure to Maintain Slopes: $250.00 per day for failure on graded slopes and fills to maintain an angle sufficient to retain vegetative cover or other adequate erosion and sedimentation control devices or structures.

(H) Failure to Cover Slopes: $250.00 per day for failure within thirty (30) days of completion of any phase of grading to plant or otherwise provide exposed, graded slopes or fills with ground cover, devices,or structures sufficient to restrain erosion.

(I) Failure to Plant Cover: $250.00 per day for failure on a tract when more than one (1) acre is disturbed, to plant or otherwise provide ground cover sufficient to restrain erosion within thirty (30) working days or one–hundred and twenty (120) calendar days, fifteen (15) working days or sixty (60) calendar days in High Quality Water Zones, whichever is the shorter, following completion of construction or development.

(J) Failure to Revise Plan: $250.00 per day for failure to file an acceptable, revised erosion and sedimentation control plan after being notified of the need to do so.

(K) Failure to Maintain Buffer: $250.00 per day for failure to retain a buffer zone of sufficient width along a lake or natural watercourse to confine visible siltation within the twenty–five (25%) percent of the buffer zone nearest the land–disturbing activity.

(L) Interference with Official Duties: $500.00 per day for obstructing, hampering, or interfering with any authorized agent of the Jurisdiction or the Sedimentation Control Commission while in the process of carrying out his official duties.

(M) Failure to Provide Control: $250.00 per day for failure to install or maintain erosion control devices, or prevent off–site sedimentation on sites of land–disturbing activity not requiring a grading permit and with disturbed area of less than one (1) acre.

8–6.5 Erosion and Sedimentation Control Plan

Any person who fails to submit an erosion and sedimentation control plan as required by this Ordinance shall be subject to a single, noncontinuing civil penalty of not more than $1,000.00. Any person may be subject to additional civil penalties for violation of any other provision of this Ordinance or rules or orders adopted or issued pursuant to this Ordinance.

8–6.6 Civil Penalty Use

Civil penalties collected for erosion and sedimentation control violations shall be used or disbursed as directed by NCGS 113A–64(a).

8–7 CRIMINAL PENALTY – SOIL EROSION AND SEDIMENTATION CONTROL

Any person who knowingly or willfully violates any soil erosion and sedimentation control provisions of this Ordinance, or rule or order adopted or issued pursuant to the soil erosion and sedimentation control provisions, or who knowingly or willfully initiates or continues a land–disturbing activity for which an erosion and sedimentation control plan is required, except in accordance with the terms, conditions, and provisions of an approved plan, shall be guilty of a misdemeanor punishable by imprisonment not to exceed ninety (90) days, or by a fine not to exceed $5,000, or both

8–8 INJUNCTIVE RELIEF – SOIL EROSION AND SEDIMENTATION CONTROL

Whenever the Enforcement Officer has reasonable cause to believe that any person is violating or threatening to violate this Ordinance or any rule or order adopted or issued pursuant to this Ordinance, or any term, condition, or provision of

an approved soil erosion and sedimentation control plan the Enforcement Officer may, either before or after the institution of any other action or proceeding authorized by this Ordinance, institute a civil action in the name of the Jurisdiction, for injunctive relief to restrain the violation or threatened violation. The action shall be brought in the Superior Court of Guilford County. Upon determination by a court that an alleged violation is occurring or is threatened, it shall enter such orders or judgements as are necessary to abate the violation or to prevent the threatened violation. The institution of an action for injunctive relief under this Section shall not relieve any party to such proceedings from any civil or criminal penalty prescribed for violations of this Ordinance.

8–9 OTHER POWERS AND ACTIONS

8–9.1 State and Common Law Remedies

In addition to other enforcement provisions contained in this Article, the Governing Body may exercise any and all enforcement powers granted to it by state law or common law.

8–9.2 Previous Enforcement

Nothing in this Ordinance shall prohibit the continuation of previous enforcement actions.

8–10 REMEDIES CUMULATIVE AND CONTINUOUS

8–10.1 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.

8–10.2 Repeat Violations

If an owner or occupant repeats the same violation within a five (5) 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.

8–11 ACTION BY OTHERS

8–11.1 Adjacent or Neighboring Property

In addition to the remedies of the local government 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.

8–11.2 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.

ARTICLE IX

ADMINISTRATION

9–1 ADMINISTRATIVE PROCEDURES

9–1.1 General

The Governing Body shall provide for the manner in which the provisions of this Ordinance shall be determined, established and enforced, and amended, supplemented or changed. A Board within the context of this Ordinance shall mean any board, commission, or agency empowered therein.

9–1.2 Notice

(A) Rezoning, Variance, Approved Waiver, Certificate of Appropriateness for a Major Work, or Watershed Modification: Whenever there is a request for a zoning map amendment, Special Use Permit, variance, Certificate of Appropriateness for a Major Work, watershed map amendment, watershed modification,or an approved waiver involving a parcel of land, the owner of that parcel of land as shown on the county tax listing, and the owners of all parcels of land adjoining and contiguous to that parcel of land as shown on the county tax listing, shall be mailed a notice of the proposed request or approved waiver.

1) Notice shall be by first class mail to the last addresses listed for such owners on the county tax abstracts.

2) The person or persons mailing such notices shall certify to the governing body that proper notice has been given and such certification shall be deemed conclusive in the absence of fraud.

3) In the case of comprehensive rezoning of all property within the Jurisdiction, notice shall be mailed as required by NCGS 153A–343.

4) Notice of such proposed action shall also be published in a newspaper of general circulation in accordance with North Carolina General Statutes.

5) Each site shall be posted in a conspicuous location(s) with the time, date, and notice of public hearing. Posting shall not be required in the case of comprehensive rezoning.

6) In the case of a waiver approved by the Technical Review Committee pursuant to Section 5–12, notice of the approved waiver and appeal rights shall be made by first class mail to the owner(s) of the parcel of land affected by the approved waiver and the owners of all parcels of land adjoining and contiguous to that parcel of land as shown on the county tax listing.

(B) Text Amendment and Appeal: Whenever there is a request for an action involving a text amendment to this Ordinance or an appeal of an interpretation of this Ordinance, a notice of such proposed action shall be published in a newspaper of general circulation in accordance with North Carolina General Statutes.

(C) Board Approval of Subdivision or Site Plan: Whenever there is a request for an action involving a subdivision or site plan requiring a board approval under this Ordinance; the meeting of the designated board shall have an agenda duly posted in accordance with North Carolina Open Meetings Statutes.

9–1.3 Organization

The Governing Body shall require that each of the Boards provided for by this Ordinance adopt rules and maintain records.

(A) Rules of Conduct: Each Board shall adopt rules necessary to conduct its affairs and to establish Board organization, committees, procedures, meeting notice and meeting conduct.

(B) Conformance of Rules: Such rules adopted by the Board shall be in accordance with state law and the provisions of this Ordinance.

(C) Election and Terms of Officers: Unless otherwise provided by this Ordinance, a Chairman and Vice Chairman of the Board shall be elected by members of the Board to serve a one (1) year term. The Secretary does not have to be a member of the Board.

(D) Record of Meetings: The 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. The Board shall also keep records of its examinations and other official actions. All such records and minutes shall be public record.

9–1.4 Alternate Members

(A) Inclusion of Alternates: The Governing Body may appoint alternate members to serve in the absence of regular members.

(B) Powers and Duties: Each alternate member, attending a meeting of the Board and serving in the absence of a regular member, has and may exercise all the powers and duties of a regular member.

9–1.5 Terms

(A) Length of Terms: Members and alternate members, of the Board shall serve a term of three (3) years, provided that upon initial appointment the terms of office may be staggered. The terms of all Board members shall not expire at the same time.

(B) Maximum Consecutive Terms: Regular members shall not serve more than two (2) consecutive full terms.

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

1) A new member or an alternate member may be appointed to fill the unexpired term of the member so vacating.

2) Members filling vacancies shall serve for the remainder of the unexpired term.

9–1.6 Compensation

Compensation, if any, for Board members may be provided for by the Governing Body.

9–2 THE PLANNING BOARD

9–2.1 Authority

There is hereby created a planning agency, pursuant to NCGS 160A–361 or 153A–321 to be known as the Planning Board.

9–2.2 Membership

The Planning Board shall consist of at least seven (7) members and may have alternates, appointed by the Governing Body.

9–2.3 Powers and Duties

The Planning Board shall have the following powers and duties:

(A) To hear and decide matters in accordance with the terms of this Ordinance; to wit: zoning map amendments, Special Use Permits and Zoning Vested Rights;

(B) To hear and decide matters on appeal from the Technical Review Committee and the Enforcement Officer for soil erosion; to wit: subdivisions, site plans, and soil erosion plans;

(C) To hear and decide on matters pertaining to road name changes, road closings, right–of–way vacations, easement removals, right–of–way encroachments, and watershed matters as assigned;

(D) To provide recommendations to the Governing Body with regard to any of the above matters which may be appealed; as well as those matters which remain with the Governing Body as original jurisdiction such as text amendments and minor watershed modifications in the WCA;

(E) To develop a comprehensive plan for the territory under its Jurisdiction, subject to specific direction from the Governing Body;

(F) To make such other studies and plans and review such other related matters as directed by the Governing Body; and

(G) To exercise other powers and authority provided to it by the Governing Body, this Ordinance, or state law.

9–3 TECHNICAL REVIEW COMMITTEE

9–3.1 Authority

There is hereby created a planning agency, pursuant to NCGS 160A–361 or 153A–321 known as the Technical Review Committee (TRC).

9–3.2 Number of Members

The TRC shall be composed of at least five (5) department or division heads, or their designated representatives appointed by resolution of the Governing Body. Each representative shall have an alternate

9–3.3 Officers

Planning Director or his designated representative shall serve as Chair of the Technical Review Committee. The Committee shall appoint a Secretary.

9–3.4 Powers and Duties

The Technical Review Committee shall have the following powers and duties:

(A) To provide for a continuing, coordinated, and comprehensive review of the technical aspects of this Ordinance, and for the approval of certain technical aspects of development proposals;

(B) To review all technical aspects of all development occurring within the jurisdictional area of the local government;

(C) To review and approve new or altered plans including: subdivisions, clustered or attached residential development, planned unit developments, office, commercial, and industrial developments, street and utility improvements, and any other proposals for development specified by this Ordinance and waivers authorized in Article V (Subdivision: Procedures and Standards);

(D) To recommend to the Planning Board the closing of streets, alleys, easements, and other rights–of–way;

(E) To make recommendations to the Planning Board and the Governing Body on all minor and major watershed modification requests;

(F) To perform any other related duties that the Governing Body may direct; and

(G) To exercise any other power and authority provided to it by the Governing Body, this Ordinance and State law.

9–4 HISTORIC PRESERVATION COMMISSION

9–4.1 Authority

There is hereby created, pursuant to NCGS 160A–400 a Historic Preservation Commission. Pursuant to Section 4 NCGS 160A–400.14, nothing in this Ordinance shall affect the status of any historic district or historic property established or designated under the authority of Part 3 of Article 19 of Chapter 160A of the General Statues; such establishment or designation being prior to the effective date of this Ordinance. Nothing in this Ordinance shall affect the validity of the Guilford County Joint Historic Properties Commission created by ordinance dated June 16, 1980.

9–4.2 Membership

(A) Number of Members: The Historic Preservation Commission shall be composed of at least seven (7) members.

(B) District Representation: Each existing historic district shall be represented by not more than one (1) person on the Historic Preservation Commission, and the remaining membership shall be composed of

persons who have demonstrated an interest in the preservation of historic structures, architectural history or archaeology.

(C) Designation: The Guilford County Joint Historic Properties Commission is designated to perform the duties of a Historic Preservation Commission.

9–4.3 Powers and Duties

The Historic Preservation Commission shall have the following powers and duties:

(A) To review, analyze, and recommend to the Planning Board, items which pertain to existing and potential historic districts and individual structures, buildings, sites or objects to be designated by ordinance as "landmarks";

(B) To undertake an inventory of properties of historical, prehistorical, architectural, and/or cultural significance;

(C) To recommend designation or removal of the designation of "Historic District" for any area within the jurisdiction of the Governing Body. Such designation or removal shall follow an investigation and a report describing the significance of the structures, site features, or surroundings in the district;

(D) To grant or deny the issuance of a Certificate of Appropriateness in accordance with this Ordinance. The Commission may hold public hearings on the issuance or revocation of such Certificates;

(E) To recommend appropriate changes to this Ordinance which relate to a historic district or which relate to the preservation of historic structures, landmarks, or areas within the jurisdiction of the Governing Body;

(F) To acquire by lawful means the fee or any lesser included interest, including options to purchase, to properties within established districts or to any such properties designated as landmarks; to hold, manage, preserve, restore and improve the same; and to exchange or dispose of the property by public or private sale, lease or otherwise, subject to covenants or other legally binding restrictions which will secure appropriate rights of public access and promote the preservation of the property,

(G) To restore, preserve, and operate historic properties;

(H) To recommend to the Governing Body that designation of any area as a historic district or part thereof, or designation of any building, structure, site, area, or object as a landmark, be revoked or removed for cause;

(I) To conduct an educational program with respect to historic properties and districts within its jurisdiction;

(J) To prepare and recommend for adoption a preservation element as a part of the Jurisdiction's comprehensive plan;

(K) To negotiate at any time with the owner of a building, structure, site, area, or object for its acquisition or its preservation, when such action is reasonably necessary or appropriate;

(L) To enter, solely in performance of its official duties and only at reasonable times, upon private lands for examination or survey thereof. However, no member, employee, or agent or the Historic Preservation Commission may enter any private building or structure without the express consent of the owner or occupant thereof;

(M) To review and act upon proposals for alterations, demolitions, or new construction within historic districts, or for the alterations or demolition of designated landmarks, pursuant to this Section; and

(N) To exercise such other powers as may be given it by law or assigned to it by the Governing Body.

9–5 BOARD OF ADJUSTMENT

9–5.1 Authority

A Board of Adjustment is hereby established pursuant to NCGS 160A–338 or 153 A–345.

9–5.2 Membership

(A) Number of Members: The Board of Adjustment shall consist of at least five (5) members and may have alternates as appointed by the Governing Body.

(B) Governing Body Serving as Board of Adjustment: If the Governing Body chooses not to appoint members to the Board of Adjustment, it shall sit as the Board of Adjustment subject to the provisions of this Ordinance.

(C) Powers and Duties

The Board of Adjustment shall have the following powers and duties:

1) To hear and decide appeals from and review any order, requirement, decision, determination, or interpretation made by an administrative official charged with enforcing this Ordinance;

2) To review appeals from the proceedings of the Historic Preservation Commission concerning the issuance of a Certificate of Appropriateness, limited to certiorari;

3) To hear and decide any exceptions which are specifically delegated to it by this Ordinance;

4) To determine and vary application of zoning regulations in harmony with their general purpose and intent and in accordance with general and specific rules contained therein;

5) To hear and decide appeals for variances from the zoning provisions of this Ordinance in cases where special conditions would make strict and literal interpretation and enforcement of the zoning provisions of this Ordinance result in a loss of privileges shared by other properties within the same zoning district;

6) To interpret zoning maps and pass upon disputed questions of district boundary lines and similar questions that may occur in the administration of the Ordinance;

7) To hear and decide all matters referred to it or upon which it is required to pass under this Ordinance; and

8) To determine upon application of an owner or upon referral from the Enforcement Officer whether a proposed nonconforming use is equal or less intensive than an existing, legal nonconforming use, in accordance with Section 3–14.2 (Nonconforming Use of Land).

9–5.3 Voting

(A) Required Vote for Approval: A four–fifths vote of its members shall be required for a Board of five (5) members to:

1) Affirm or reverse any order, wholly or partly; modify a requirement, decision, determination or interpretation; of an administrative officer charged with enforcing this Ordinance;

2) Decide in favor of the applicant on a matter upon which the Board is required to pass under this Ordinance;

3) Grant a variance from the provisions of the Ordinance; or

4) Grant special exceptions for Historic Districts and other purposes as assigned.

(B) Vote of the Chairman: The Board chairman shall vote as any other Board member.

(C) Delay of Decision: The Board may, in its discretion, direct that its decision be delayed to a date or time subsequent to the Board's vote on an appeal.

9–5.4 Court Review

(A) Appeal to Superior Court: Each decision of the Board shall be subject to Superior Court review by proceedings in the nature of certiorari.

(B) Timing of Appeal:

1) Any petition for review by the Superior Court shall be filed with the Clerk of Superior Court within thirty (30) days after the decision of the Board is filed in the Planning or Building Inspections Department; or

2) After a written copy thereof is delivered to every aggrieved party who has filed a written request for such copy with the Secretary or Chairman of the Board at the time of its hearing of the case, whichever is later.

9–5.5 Notice of Decision

The decision of the Board may be delivered to the aggrieved party either by personal service or by registered mail return receipt requested.

9–5.6 Oaths

The Chairman of the Board or any member temporarily acting as Chairman, shall administer oaths to witnesses in any matter coming before the Board.

9–5.7 Appeals To The Board

(A) Appeal Eligibility: Any person aggrieved or any officer, department, board, or bureau of the Jurisdiction may make an appeal.

1) Appeals shall be made within the time prescribed by the Board by general rule, by filing with the officer from whom the appeal is taken and with the Board a notice of appeal, specifying the grounds thereof.

2) The officer from whom the appeal is taken shall forthwith transmit to the Board all papers constituting the record from which such action was taken.

(B) Effect of Appeal: An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board, after notice of appeal has been filed with him, that because of facts stated in the certificate a stay would, in the officer's opinion, cause imminent peril to life or property or that because the violation charged is transitory in nature a stay would seriously interfere with enforcement of this Ordinance.

(C) Effect of Certification: If certification occurs in accordance with Section 9–5.7(B) (Effect of Appeal), proceedings may not be stayed except by a restraining order, which may be granted by a court of competent jurisdiction. Notice of the restraining order shall be given in writing to the officer from whom the appeal is taken.

(D) Notice of Hearing: The Board shall fix a reasonable time for hearing the appeal, give due notice of the appeal to the parties, and decide the appeal within a reasonable time.

(E) Action of Board: The Board may reverse or affirm, in whole or in part, or may modify the order, requirement, decision, or determination or interpretation appealed from, and shall make any order, requirement, decision, determination or interpretation that in the Board's opinion ought to be made under in the circumstances.

(F) Conditions of Rehearing: The Board shall not be required to hear an appeal or application previously denied if it finds that there has been no substantial change in conditions or circumstances bearing on the appeal or application.

9–5.8 Variances

(A) Application: An application for a variance shall be submitted in writing to the Board by filling a copy of the application with the Enforcement Officer.

(B) Procedure: The Board shall:

1) Fix a reasonable time for holding a public hearing on the variance request;

2) Give notice of the variance request as prescribed in Section 9–1.2 (Notice); and

3) Decide the variance request within a reasonable time.

(C) Grounds for Variance:

1) The Board shall make findings of fact that the requirements of Section 9–5.8 (D) (Granting of Variance) have been met by the applicant.

2) The variance requested is the minimum variance that will make possible the reasonable use of the land, building or structure. The fact that property may be utilized for greater profit, however, will not be considered adequate to justify the granting of a variance.

3) The Board shall not, under any circumstances, grant a variance to permit a use or density not otherwise permitted by this Ordinance in the zoning district involved.

4) Neither the nonconforming use of lands, buildings or structures in the same zoning district, nor the permitted use of lands, buildings or structures in other zoning districts shall be considered as grounds for the issuance of a variance. Furthermore, mere financial hardship does not constitute grounds for the granting of a variance.

5) A variance may be granted where a building permit has been issued and, due to unintentional error of the Enforcement Officer in determining the location of the structure on the property, there is a minimal violation of the dimensional requirements, provided that such relief may be granted without substantially impairing the purpose and intent of this Ordinance.

(D) Granting of Variance: A variance may be granted by the Board if evidence presented by the applicant persuades it to reach the following conclusions:

1) There are practical difficulties or unnecessary hardships that would result from in the way of carrying out the strict letter of this Ordinance. The Board may reach this conclusion if it finds that:

a) The applicant complies with the provisions of this Ordinance, he can make no reasonable use of his property;

b) The hardship of which the applicant complains results from unique circumstances related to the applicant's property;

c) The hardship relates to the applicant's property, rather than personal circumstances; and

d) The hardship is not the result of the applicant's own actions.

2) The variance is in harmony with the general purpose and intent of this Ordinance and preserves its spirit.

3) The granting of the variance assures the public safety and welfare and does substantial justice.

(E) Conditions: In granting a variance, the Board may prescribe such reasonable and appropriate conditions and safeguards as will assure that the use of the property to which the variance applies will be compatible with surrounding properties and will not alter the essential character of the neighborhood.

1) Violations of such conditions and safeguards, when a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance.

2) A variance granted subject to a condition shall be permitted only so long as there is compliance with the condition.

3) If a violation of a condition of a variance occurs, the Enforcement Officer may revoke the Certificate of Occupancy.

4) In the event that any such condition is held invalid, for any reason, such holding shall have the effect of invalidating the variance granted and shall render the variance null and void.

(F) Duration: The variance may be issued for an indefinite duration or for a specified duration only. Unless otherwise specified, construction or operation shall be commenced within twelve (12) months of the date of issuance of a variance, or the variance shall become void.

9–5.9 Flood Hazard Appeals

(A) Authority: The Board of Adjustment shall hear and decide appeals and requests for variances from the requirements of the flood control provisions of this Ordinance.

(B) Appeal and Variance Considerations: In passing upon such applications, the Board of Adjustment shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and;

1) The danger that materials may be swept onto other lands to the injury of others;

2) The danger to life and property due to flooding or erosion damage;

3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

4) The importance of the services provided by the proposed facility to the community;

5) The necessity to the facility of a waterfront location, where applicable;

6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

7) The comparability of the proposed use with existing and anticipated development;

8) The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;

9) The safety of access to the property in times of flood for ordinary and emergency vehicles;

10) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;

11) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges; and

12) The effect that granting the appeal or variance would have on the jurisdiction's eligibility for Federal Flood Insurance.

(C) Granting of Variances:

1) Variances may be granted for the repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure,

2) Variances shall not be granted within any designated floodway if any increase in flood levels during the base flood discharge would result.

3) Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

4) Variances shall only be issued upon:

a) A showing of good and sufficient cause;

b) A determination that failure to grant the variance would result in exceptional hardship; and

c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, creation of a nuisance, fraud on or victimization of the public, or conflict with existing local laws ordinances.

5) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and a written statement that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. Such notification shall be maintained with a record of all variance actions.

9–6 ENFORCEMENT OFFICER

9–6.1 Establishment and Authority

The Governing Body shall appoint Enforcement Officer(s) to administer and enforce the provisions of this Ordinance. The Enforcement Officer may be provided with such agents to assist in the administration and enforcement as the Governing Body directs.

9–6.2 General Duties

The Enforcement Officer 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 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 Governing Body.

9–6.3 Flood Hazard Administrator Duties

The Enforcement Officer shall:

(A) Advise that additional federal or state permits may be required, and if specific federal or state permits are known, require that copies of such permits be provided and maintained on file with the development permit;

(B) Notify adjacent communities and the N. C. 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 within a designated Flood Hazard Boundary, and submit evidence of such notification to the Federal Emergency Management Agency;

(C) Approve development plan where such duty is assigned by this Ordinance;

(D) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood–carrying capacity is not diminished;

(E) Prevent encroachments within floodways unless the certification and flood hazard reduction provisions are met;

(F) Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures;

(G) Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been flood–proofed;

(H) When flood–proofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect;

(I) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Article; and

(J) When base flood elevation data or floodway data have not been provided, the Enforcement Officer shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a federal, state or other source, including data developed pursuant to this Ordinance, in order to administer the provisions of this Ordinance.

9–6.4 Airport Zoning Duties

The Enforcement Officer shall also administer and enforce the "Airport Zoning Regulations of the Greensboro–High Point Airport" adopted by the Greensboro–High Point Airport Authority on April 15, 1958, as the same may from time to time be amended, in connection with the enforcement of this Ordinance; provided, however, that this Ordinance shall not limit the effectiveness or scope of such airport zoning regulations. The Enforcement Officer shall not issue a building permit or certificate of occupancy for any building not in conformity with the provisions of the "Airport Zoning Regulations of the Greensboro–High Point Airport," except upon written order of the Board of Airport Zoning Appeals.

9–6.5 Deviation to Dimensional Requirement

If the Enforcement Officer finds that any dimensional requirement in this Ordinance has not been specifically adhered to, but that such deviation was a result of a good faith error and that said error would not adversely impact an adjoining property, he may permit a dimension deviation up to and including one (1) foot. Only one dimension deviation per building may be allowed.

9–6.6 Historic District Requirements

Subject to a Certificate of Appropriateness, the Enforcement Officer may issue permits for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places under the conditions set forth in Section 4–11.1 (Historic Districts).

9–7 MULTI–JURISDICTIONAL DEVELOPMENT ORDINANCE COMMITTEE (MDOC)

9–7.1 Authority

There is hereby established a text amendment review committee, pursuant to Section 3–12.4 of this Ordinance, to be known as the Multi–jurisdictional Development Ordinance Committee (MDOC).

9–7.2 Membership

The MDOC shall consist of at least two (2) members appointed by each participating jurisdiction who shall be residents of the jurisdiction they represent.

9–7.3 Powers and Duties

The MDOC shall have the following powers and duties:

(A) To make recommendations to the Planning Board and Governing Body concerning text amendments to this Ordinance;

(B) To review any other related matters as directed by the Governing Body; and

(C) To adopt Rules and Procedures for their organizations and operation, subject to an affirmative vote of two–thirds of the members of the Committee.

9–8 APPEALS

9–8.1 General

Unless as otherwise provided, appeals to decisions, actions, orders, or interpretations of this Ordinance shall be:

(A) In writing;

(B) Filed within fifteen (15) days of the decision; and

(C) Filed with the Secretary of the Board or Commission to which the appeal is taken.

9–8.2 Planning Board

(A) Unless otherwise provided, appeal from a decision of action of the Technical Review Committee is to the Planning Board. Such appeals shall include subdivisions and site plans, including waivers authorized therein.

(B) Unless otherwise provided, an appeal from a decision of an Enforcement Officer with regard to an erosion control plan, a watershed development plan, a minor subdivision, or a small scale site plan is to the Planning Board.

9–8.3 Board of Adjustment

(A) Unless otherwise provided, the decision of an Enforcement Officer with regard to an interpretation of a zoning provision of this Ordinance, a floodplain boundary, or a zoning boundary, may be appealed to the Board of Adjustment.

(B) Unless otherwise provided, an appeal from an address assignment shall be to the Board of Adjustment.

(C) Appeal from a decision of the Historic Preservation Commission with regard to a Certificate of Appropriateness shall be to the Board of Adjustment in the nature of certiorari.

9–8.4 Governing Board

(A) Appeals from a decision of the Planning Board with regard to a zoning map amendment, conditional use district, special use permit, or watershed development plans shall be to the Governing Body.

(B) Appeals from a decision of the Planning Board with regard to street name changes, road closings, right-of-way vacations, easement removals, subdivision, site plan, or soil erosion and sedimentation control plan shall be to the Governing Body.

9-8.5 Judicial Appeal

Except as otherwise provided, an appeal from a decision of the Governing Body or the Board of Adjustment is to a court of competent jurisdiction.

9-8.6 Soil Erosion and Sedimentation Appeals

(A) Procedure:

1) Written Appeal: The disapproval or modification of any proposed soil erosion and sedimentation control plan by the Enforcement Officer, shall entitle the person submitting the plan to a public hearing if such person submits written demand for a hearing within fifteen (15) days after receipt of written notice of disapproval or modifications.

2) Timing: A hearing held pursuant to this Section shall be conducted by the Planning Board, within thirty (30) days or at the next scheduled meeting, after the date of the appeal or request for a hearing.

3) Recommendation: The Planning Board shall conduct a hearing and shall make a recommendation to the Governing Body, within thirty (30) days after the date of the hearing on any soil erosion and sedimentation control plan.

4) Public Hearing: The Governing Body will render its final decision on any soil erosion and sedimentation control plan upon which a hearing is requested within fifteen (15) days after receipt of the recommendations from the Planning Board.

5) Appeal of Governing Body Denial: If the Governing Body upholds the disapproval or modification of a proposed soil erosion and sedimentation control plan following the hearing, the person submitting the plan shall then be entitled to appeal the Governing Body's decision to the North Carolina Sedimentation Control Commission as provided in NCGS 113A-61(c) and Title 15 NCAC 4B.0018(b).

(B) Direct Appeal to Sedimentation Control Commission: In the event that a soil erosion and sedimentation control plan is disapproved pursuant to Section 7-4.12(M) (Grounds for Plan Disapproval) of this Ordinance, the Jurisdiction shall notify the Director of the Division of Land Resources of such disapproval within ten (10) days. The Jurisdiction shall advise the applicant and the Director in writing as to the specific reasons that the plan was disapproved. The applicant may appeal the Jurisdiction's disapproval of the plan directly to the North Carolina Sedimentation Control Commission.

APPENDIX 1: STREET NAME AND ADDRESS ASSIGNMENT STANDARDS

A–1 PURPOSE AND AUTHORITY

The purpose of the Guilford County Street Address Assignment Standards is to provide for the orderly assignment of street addresses to protect the safety of the general public by facilitating the finding of individual dwellings and businesses for the delivery of public and private goods and services. The Planning Department is the only agency with the authority to assign or modify street addresses within its Jurisdiction.

A–2 STREET ADDRESS SYSTEM

A–2–1 Establishment of Grid System

(A) From Greensboro: Elm Street and Market Street are the base lines used in numbering a street in a north/south or east/west direction. Streets running north and south from Market Street shall be numbered starting with the 100 block. Streets running east and west from Elm Street shall be numbered starting with the 100 block.

(B) From High Point: Main Street and the Southern Railroad tracks are the base lines used in numbering a street in a north/south or east/west direction. Streets running north and south from the Southern Railroad tracks shall be numbered starting with the 100 block. Streets running east and west from Main Street shall be numbered starting with the 100 block.

A–2–2 Odd–Even Numbers

(A) From Greensboro: Going north and south from Elm Street and east and west from Market Street, EVEN addresses will be on the right hand side of the street while ODD addresses will be on the left hand side of the street.

(B) From High Point: Going north and south from Main Street and east and west from the Southern Railroad tracks, EVEN addresses will be on the right hand side of the street while ODD addresses will be on the left hand side of the street.

A–2–3 Vacant Properties

Because there is no way of determining how many structures will eventually be built on vacant land within a block, any system which attempts to number structures consecutively does not provide the flexibility to accommodate change. A street number is assigned for each one hundred (100) feet of lot frontage.

A–2–4 Corner Lot

Corner lots are assigned two (2) numbers since the unit could face either street. The owner or developer shall be assigned the street address that accommodates the front entrance of the structure, at the time of permit application.

A–2–5 Street Address Assignment

(A) Primary Address: Each unit of property will be assigned a primary address. Primary addresses will consist of up to four (4) numerals, and will be determined by the block in which the property is located. The determination of block length will be by each municipality. Single family structures (attached or detached) and townhouses are assigned individual street numbers for each unit.

(B) Secondary Address

1) Multi–family Dwellings: Apartment, twin homes, duplexes, and condominiums are assigned secondary addresses. The secondary address will include the primary address followed by a dash and a number and/or letter. An example would be "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 addresses "1621–1A Smith Street; the second flood "1621–2A Smith Street"; etc.

2) Nonresidential Buildings: Office, commercial and industrial buildings with more than one tenant are also assigned secondary addresses. The designation of the address will be according to the individual jurisdiction only when sufficient numbers are not available or common exterior drives are used. The secondary address will include the primary address followed by a suite number. The first unit on the first floor would be addressed "1621 Smith Street, Suite 101", the second floor "1621 Smith Street, Suite 201," etc.

(C) Timing: Addresses are assigned following preliminary plat or site plan approval for single family attached or cluster developments, townhouses and condominiums and nonresidential group development. Approval of a final plat is required for conventional single family developments before numbers are assigned and building permits issued. The Enforcement Officer is furnished with an approved plat or site plan on which to assign addresses. The plat or site plan will be kept on file in the Planning Department.

A–3 POSTING OF ADDRESSES

Posting of addresses by the property owner shall be as per Street Address Ordinance adopted April 16, 1984. Only digits to be used in the number as opposed to script.

A–4 CHANGE OF EXISTING ADDRESS

In assigning new addresses, as few existing addresses as possible will be changed.

A–4–1 Reason for Change

Existing addresses may be changed for just cause. Examples of just cause are:

(A) Area where no addresses were left for vacant lot(s).

(B) Street name change approved by Planning Board.

(C) Person unknowingly using the wrong address.

(D) Change from rural route and box number to urban street address number.

(E) Street address number series presently in use is incorrect and misleading

A–4–2 Notification

The Planning Department will notify all necessary local government departments, utility service companies and the U.S. Postal Service of any new assignment or change in street address.

A–5 ALPHABET NOT USED

The letters "I" and "O" will not be used in street addresses.

A–6 STREET NAMES

The developer shall submit names for new streets contained within proposed developments. The Planning Department shall approve all street names with right of appeal to the Planning Board. Proposed streets obviously in alignment with existing streets shall be given the same name. In no other case shall the name of proposed streets duplicate existing street names.. The proposed name shall not be phonetically similar to existing names irrespective of suffix.

A–7 STREET NAME PREFIX AND SUFFIX

A–7–1 Prefixes

(A) The prefix "North" shall be used for the northern portion of roadways having the same name. (According to each users grid system.)

(B) The prefix "South" shall be used for the southern portion of roadways having the same name. (According to each users grid system.)

(C) The prefix "East" shall be used for the eastern portion of roadways having the same name. (According to each users grid system.)

(D) The prefix "West" shall be used for the western portion of roadways having the same name. (According to each users grid system.)

(E) The prefix "N.C. Highway" shall be used for all State numbered routes or roadways.

(F) The prefix "U.S. Highway" shall be used for all Federal numbered routes or roadways (excluding those on Interstate System).

(G) The prefix "Interstate Highway" shall be used for all Federal numbered routes or roadways on the Interstate System.

A–7–2 Suffixes

(A) The suffix "Street" shall be used for roadways running generally in a north–south direction or parallel to the base line for the grid system

(B) The suffix "Avenue" shall be used for roadways running generally in a east–west direction or parallel to the base line for the grid system depending on the individual user policy.

(C) The suffix "Drive," "Trail," and "Trace" shall be used for roadways which follow a wandering alignment in different directions and/or intersect both street" and "avenue" and generally have scenic attractiveness.

(D) The suffix "Road" shall be used for roadways running generally in a diagonal direction and/or connecting urban areas.

(E) The suffix "Boulevard" and "Parkway" shall be used for divided roadways, the sides of which are separated by a park or open median strip for their main extent.

(F) The suffix "Terrace", "Point", "Cove", "Dale", or "Way" shall be used for short roadways with an exit from one end only (dead end) with no potential for extension.

(G) The suffix "Court" shall be used for cul–de–sacs.

(H) The suffix "Circle" shall be used for short roadways that are circular or semi–circular in form and intersect the roadways from which they emanate at two different places.

(I) The suffix "Place" or "Lane" shall be used for short roadways generally not over a block in length (exit from both ends) with no regard to predominant direction. (Guilford County uses "Lane" only for Private Lanes as defined by this Ordinance.)

(J) The suffix "Alley" shall be used for short roadways of substandard width as between buildings or at the rear of property, generally used for service.

(K) No suffix shall be used for roadways which bears a name which in actuality is a suffix designation (i.e. Parkway or Boulevard).

A–8 STREET NAME SIGNS

For new public streets, private streets, and private lanes, street name signs and traffic control signs shall be installed to standards found in Section 5–13.3(P) and (Q).

(G) To exercise other powers and authority provided to it by the Governing Body, this Ordinance, or state law.

9–3 TECHNICAL REVIEW COMMITTEE

9–3.1 Authority

There is hereby created a planning agency, pursuant to NCGS 160A–361 or 153A–321 known as the Technical Review Committee (TRC).

9–3.2 Number of Members

The TRC shall be composed of at least five (5) department or division heads, or their designated representatives appointed by resolution of the Governing Body. Each representative shall have an alternate

9–3.3 Officers

Planning Director or his designated representative shall serve as Chair of the Technical Review Committee. The Committee shall appoint a Secretary.

9–3.4 Powers and Duties

The Technical Review Committee shall have the following powers and duties:

(A) To provide for a continuing, coordinated, and comprehensive review of the technical aspects of this Ordinance, and for the approval of certain technical aspects of development proposals;

(B) To review all technical aspects of all development occurring within the jurisdictional area of the local government;

(C) To review and approve new or altered plans including: subdivisions, clustered or attached residential development, planned unit developments, office, commercial, and industrial developments, street an utility improvements, and any other proposals for development specified by this Ordinance and waive authorized in Article V (Subdivision: Procedures and Standards);

(D) To recommend to the Planning Board the closing of streets, alleys, easements, and other rights–of–way;

(E) To make recommendations to the Planning Board and the Governing Body on all minor and major watershed modification requests;

(F) To perform any other related duties that the Governing Body may direct; and

(G) To exercise any other power and authority provided to it by the Governing Body, this Ordinance and State law.

9–4 HISTORIC PRESERVATION COMMISSION

9–4.1 Authority

There is hereby created, pursuant to NCGS 160A–400 a Historic Preservation Commission. Pursuant to Section 4 NCGS 160A–400.14, nothing in this Ordinance shall affect the status of any historic district or historic property established or designated under the authority of Part 3 of Article 19 of Chapter 160A of the General Statues; such establishment or designation being prior to the effective date of this Ordinance. Nothing in this Ordinance shall affect the validity of the Guilford County Joint Historic Properties Commission created by ordinance dated June 16, 1980.

9–4.2 Membership

(A) Number of Members: The Historic Preservation Commission shall be composed of at least seven (7) members.

(B) District Representation: Each existing historic district shall be represented by not more than one (1 person on the Historic Preservation Commission, and the remaining membership shall be composed o

Type of Plan / Information	Minor and Major Subdivisions			Exclusion Map	Plot Plan	Site Plan/ Group Development
	Sketch Plan	Preliminary Plan	Final Plat			
Plan Endorsement Block		X				A
Watershed Development Plans shall include...						
Watershed name and classification	X	X				W
Watershed boundaries, WCA boundaries, and WCA Tier lines.	X	X	X		X	W
Total built-upon area shown with total # of acres and percentage of total area noted.	X	X			X	W
The shortest distance to the nearest applicable floodway identified on the applicable Federal Emergency Management Agency (FEMA) map.		X				W
Average % of slope, prior to development.		X				W
Undisturbed area (See watershed protection definition of undisturbed area.) shown with number of acres and percent noted.		X				W
Permanent runoff control structures shown and properly labeled.	X	X	X			W
Note type of sewage disposal used.		X			X	W
Existing and proposed utilities that may conflict with runoff control structures.		X				W
Maintenance responsibility note for permanent runoff control structures, when used.	X	X	X			W
Engineer's certification of runoff control, when required by Ordinance.	X	X				W
Title Block containing:						
Name of Development	X	X	X	X	X	A
Name of map or Plan (sketch plan, preliminary plan, etc.)	X	X	X	X	X	A
Owner's name with address and daytime phone #	X	X	X	X	X	A
Location (including address, city, township, county and state)	X	X	X	X	X	A
Date(s) map(s) prepared or revised	X	X	X	X	X	A
Scale of drawing in feet per inch. Drawing shall be at a scale of not less than 1" equal to 100'. If all lots are greater than 3 acres a smaller scale may be used	X	X	X	X		A
Scale of drawing in feet per inch. Drawing shall be at a scale of not less than 1" equal to 40', if all lots are greater than 3 acres, only the building site needs to be shown.					X	

Type of Plan / Information	Minor and Major Subdivisions					
	Sketch Plan	Preliminary Plan	Final Plat	Exclusion Map	Plot Plan	Site Plan/ Group Develop-ment
Scale of drawing in feet per inch. Drawing shall be at a scale of not less than 1" equal to 60', if required for an Improvement Permit.					X	
Bar Graph		X	X	X	X	A
Name, address, and telephone # of preparer of map (licensed surveyor, engineer, or architect)	X	X	X	X	X	A
Developer's name, address, and daytime phone number (if different from owner's)	X	X	X	X	X	A
Zoning district(s) within the property and adjacent properties	X	X	X	X	X	S,L
Existing land use within the property and on adjacent properties	X	X				S,L
Plat book or deed book reference, if any.		X	X	X	X	S
Names of adjoining property owners (or subdivisions or developments of record with plat book reference)		X	X	X		S
Tax map, block, and parcel(s) number	X	X	X	X		S, E, W
Vicinity map showing location of site relative to surrounding area (typically drawn in upper right hand corner), at a scale fo 1" = 2000'	X	X	X	X		A
Corporate limits, county lines, and other jurisdiction lines, if any, on the tract	X	X	X	X		A
Registration and seal of land surveyor			X			S
North arrow and orientation (north arrow shall not be oriented towards bottom of map)	X	X	X	X	X	A
Source of property boundaries signed or sealed by registered land surveyor, architect, landscape architect, or engineer		X			X	S, W
Boundaries of the tract to be subdivided or developed:						
distinctly and accurately represented and showing all distances		X	X	X	X	A
tied to nearest street intersection (within 300') or U.S.G.S.(within 2000')		X	X	X		S
showing locations of intersecting boundary lines or adjoining properties		X	X	X		S
Location and descriptions of all monuments, markers, and control corners			X		X	S
Existing property lines on tract to be subdivided. If existing property lines are to be changed, label as "old property lines" and show as dashed lines.	X	X	X	X		S

Type of Plan / Information	Minor and Major Subdivisions					
	Sketch Plan	Preliminary Plan	Final Plat	Exclusion Map	Plot Plan	Site Plan/ Group Development
Dimensions, location and use of all existing and proposed buildings; distances between buildings measured at the closest point; distance from buildings to closest property lines	X	X		X	X	S
The name and location of any property or building on the National Register of Historic Places or locally designated historic property		X	X	X		S
Railroad lines and right–of–ways	X	X	X	X	X	A
Water courses, pond, lakes or streams	X	X	X	X	X	A
Marshes, swamp and other wetlands		X			X	A
Areas to be dedicated or reserved for the public or a local jurisdiction		X	X	X	X	A
Areas designated as common area or open space under control of an Owners Association	X	X	X		X	S, L, W
Proposed building locations for twin home or zero lot–line developments	X	X			X	
Location of manufactured dwelling spaces and whether they are designated for single or double wide dwellings					X	S
Typical diagram of manufactured dwelling space						S
Location of designated recreation areas and facilities						
Location of floodway and floodway fringe from Flood Hazard Boundary Maps and cross–section elevations	X	X	X	X	X	A
Existing and proposed topography of tract and 100' beyond property showing existing contour intervals of no greater than 5' (2' where available) and labeling at least two contours per map and all others at 10' intervals from sea level	X	X				A
Proposed lot lines and dimensions	X	X	X	X	X	A
Square footage of all proposed lots under an acre in size and acreage for all lots over an acre in size		X	X	X	X	S
Lots sequenced or numbered consecutively		X	X	X	X	S
Environment Health Division Information for subdivisions without public sewer available ... 1) Denied lots or lots not evaluated shall be crosshatched and labeled "NO IMPROVEMENT PERMIT HAS BEEN ISSUED FOR THIS LOT."		X	X		X	S
2) The specific location of the proposed facility and appurtenances, the site for the proposed wastewater system, and the location of water supplies and surface waters.					X	
Site calculations including;						

Type of Plan / Information	Minor and Major Subdivisions					
	Sketch Plan	Preliminary Plan	Final Plat	Exclusion Map	Plot Plan	Site Plan/ Group Development
acreage in total tract	X	X	X	X		S, E, W
acreage in public greenways and other open space		X	X			S,L
total number of lots proposed	X	X	X			S
linear feet in streets		X	X			S
area in newly dedicated right–of–way		X	X			S
Show dimensions and location of all parking areas, total provided and minimum required number of parking spaces, driveways, service areas, off–street loading facilities and pedestrian walkways					X	S,L
Within parking areas clearly indicate each parking space, angle of parking and typical size					X	S
Street data illustrating:						
Existing and proposed rights–of–way lines within and adjacent to property	X	X	X	X	X	S
Existing and proposed rights–of–way within and adjacent to property showing...						
total right–of–way width dimension	X	X	X	X		S
right–of–way width dimension from centerline of existing public streets		X	X	X	X	S
Existing and proposed streets showing...						
pavement or curb lines	X	X		X		S, W
pavement width dimension (face–to–face)	X	X		X		S, W
cul–de–sac pavement radius	X	X		X		S, W
existing and proposed street names (refer to Appendix 1)	X	X	X	X		A
Location, dimension and type of all easements	X	X	X	X	X	A
Utility Layout Plan showing connections to existing systems, line sizes, material of lines, location of fire hydrants, blowoffs, valves, manholes, catch basins, force mains, etc. for the following types of utility lines...						
sanitary sewer		X			X	U
water distribution		X			X	U
storm sewer		X			X	U, G, W
natural gas, electric, cable T.V. etc.		X			X	U
Erosion Control Plans shall included...						
scale of the drawing shall be no smaller than One (1) inch equals one hundred (100) feet						E

Type of Plan / Information	Minor and Major Subdivisions			Exclusion Map	Plot Plan	Site Plan/ Group Development
	Sketch Plan	Preliminary Plan	Final Plat			
construction sequence		X				E
area to be disturbed with number of graded acres and percentage noted		X				E
temporary sediment control measures, including the design, locations, dimensions and calculations		X				E
permanent erosion controls, including design, locations, dimensions, and calculations. Proposed ponds should have the drainage area and impervious surface area draining to the pond noted.		X	X			S, E
permanent watershed protection controls including ponds, maintenance and access easements and natural filtration and infiltration areas		X	X			S, E, W
stormwater network, including swales, culverts, inlet and outlet structures with grades, elevations, dimensions and hydraulic calculations.		X				U,E
seeding specifications, including seedbed preparation, soil type and amendments, seeding rates and schedule		X				E
soil types as defined in Table 7 of the Guilford County Soil Survey		X				E, W
Landscaping Plan shall include... Location of required Street Planing Yard, Planting Yard and/or Parking Lot Plantings.		X				S,L
Location and type of exterior lighting.						L
Location and screening of dumpsters/compacters (show pad dimensions)						S,L
Location. species, size (caliper or DBH), number, spacing, height of trees and shrubs in required planting areas. (If existing vegetation is to be preserved, indicate approximate height and species mix.)						L
Size of planting yard, walls, berms and fences.		X				S,L
Provisions for watering, soil stabilization, plant protection and maintenance access.						L
Location and description of barriers to protect any vegetation from damage both during and after construction.						L
Location and dimensions of central mail structure(s).						S

Type of Plan / Information	Minor and Major Subdivisions			Exclusion Map	Plot Plan	Site Plan/ Group Development
	Sketch Plan	Preliminary Plan	Final Plat			
Existing and proposed signs (location, height and area).		X				S
Location, dimensions and details of proposed clubhouses, pools, tennis courts, tot lots or other common area recreation facilities.		X				S,L
Front, side and rear elevations of proposed building(s)						If required by TRC
Certificates and Endorsement: (See A–2–3 Map Certificates for wording. Certificates and endorsements should be placed along left border of map.)						
Certificate of Survey Accuracy signed by surveyor and attested by Notary Public.			X	X		
Certificate of Acknowledgement of Notary Public by County Register of Deeds.			X	X		
Certificate of Ownership and Dedication signed by owner(s)			X	X		
Certificate of Approval by Division of Highways of the North Carolina Department of Transportation			X	X		
Certificate stating that no approval is required by Division of Highways of the N.C. Department of Transportation.			X	X		
Certificate of Local Jurisdiction Approval for Recordation			X	X		
Certificate of Health Department Approval			X			
Certificate of Purpose for Plat as required by NCGS 47–30			X			

A–3 MAP CERTIFICATES

(A) Certificate of Survey Accuracy:
I, xxxxxxxxxxxxxx, certify that this plat was drawn under my supervision from (an actual survey made under my supervision) (deed description recorded in Book xxxx, Page xxxx, etc.) (Other); that the boundaries not surveyed are clearly indicated as drawn from information found in Book xxxx, Page xxxx; that the ratio of precision as calculated is 1:xxxxxx; this plat was prepared in accordance with G.S. 47–30 as amended. Witness my original signature, registration number and seal this xxxx day of xxxx, A.D. 19xx.

SEAL OR STAMP

xxxxxxxxxxxxxxxxxxxx
Surveyor

xxxxxxxxxxxxxxxxxxxx
Registration Number

(B) Certificate of Acknowledgement of Notary Public:
North Carolina, xxxxxxxxx County.
I, a Notary Public of the county and State aforesaid, certify that xxxxxxxxxxxxxx, a registered land surveyor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness may hand and official stamp or seal, this xxxx day of xxxx, 19xx.

xxxxxxxxxxxxxxxxxxxx
Notary Public
SEAL or STAMP My commission expires:

xxxxxxxxxxxxxxxxxxxx

(C) Certificate of Acknowledgement of Notary Public by County Register of Deeds:
North Carolina – Guilford
The foregoing certificate(s) of a Notary of said county is (are) certified to be correct.

This the xxxx day of xxxx 19xx.

(Registrars Name), Register of Deeds

xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx
Deputy, Register of Deeds

(D) Certificate of Ownership and Dedication:
The undersigned hereby acknowledge(s) that the land shown on this plat is within the subdivision regulation jurisdiction of the Board of Commissioners of Guilford County and this plat and allotment to be xxxx free act and deed and hereby dedicate(s) to public use as streets and easements, forever all areas so shown or indicated on said plat.

Signed xxxxxxxxxxxxxxxxxxxx
Attest xxxxxxxxxxxxxxxxxxxx

(E) Certificate of Approval by Division of Highways of the North Carolina Department Transportation:

Department of Transportation
Division of Highways
Proposed Subdivision Road
Construction Standards Certificate

Approved xxxxxxxxxxxxxxxxxx
District Engineer
Date xxxxxxxxxx

(F) Certificate stating no approval is required by Division of Highways of the North Carolina Department of Transportation:
This plat does not require certificate of approval by the Division of Highways as provided in N.C.G.S. 136–102.6, subsection (g).

Signed xxxxxxxxxxxxxxxxxxx Date xxxxxxxxxx
Planning Director

(G) Certificate of Local Jurisdiction Approval for Recordation:
Approved by the Planning Department of Guilford County, North Carolina on the xxxx day of xxxx, 19xx pursuant to Article V of the Guilford County Development Ordinance.

xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx
Planning Director

(H) Certificate of Health Department Approval (Final Plat):
These lots were evaluated in accordance with Article 11 of Chapter 130A and Rules .1901–.1968 of Title 15A subchapter 18A of the North Carolina Administrative Code (T15A, 18A.1901–.1968) by the Guilford County Health Department. Specific lot information can be obtained by contacting the Guilford County Health Department

Date: xxxxxxxxxxx

Signed: xxxxxxxxxxxxxxxxx

(I) Certificate of Purpose of Plat:
The Final Plat shall contain one of the following statement, signed and sealed by the plat preparer....

a. This survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land;
b. This survey is located in such portion of a county or municipality that is unregulated as to an ordinance that regulates parcels of land;
c. This survey is of an existing parcel or parcels of land;
d. This survey is of another category, such as the recombination of existing parcels, a court–ordered survey, or other exception to the definition of subdivision; or
e. The information available to the surveyor is such that the surveyor is unable to make a determination to the best of his or her professional ability to determine the purpose of this plat.

Signed: xxxxxxxxxxxxxxxxx SEAL
Surveyor

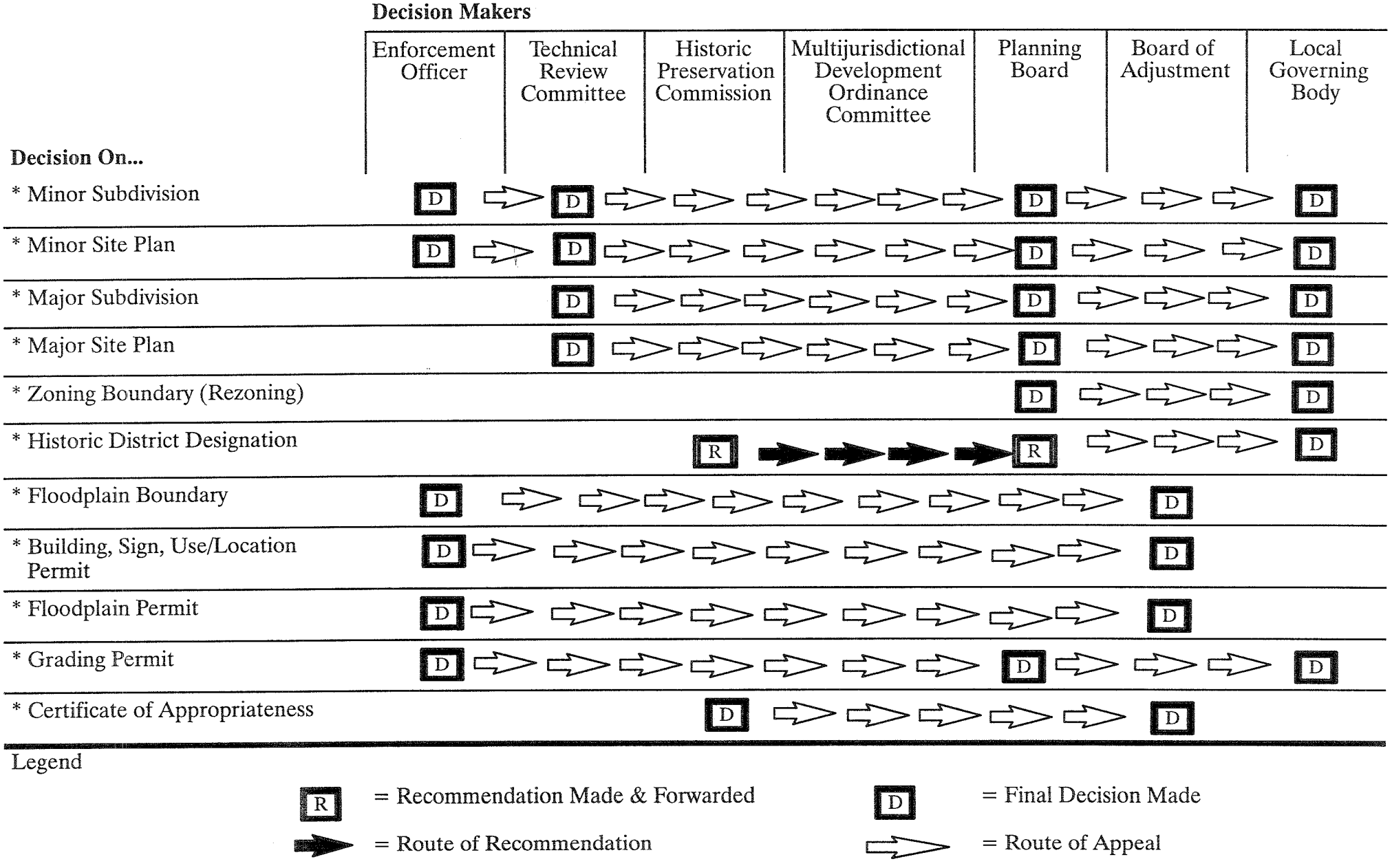
Date: xxxxxxxxxxx

APPENDIX 3: REQUIRED INFORMATION FOR OBTAINING A BUILDING, SIGN, USE/LOCATION, EVENT, FLOODPLAIN AND GRADING PERMIT

Information	Building	Sign	Use/Location	Event	Floodplain	Grading
Plot Plan, for requirement see ...	App. 2	App. 2	App. 2		Sct. 7–5	
Address of job	X	X	X	X	X	X
Name, Address and Telephone of ...						
Property Owner	X	X	X	X	X	X
Building Contractor	X	X	X			
Grading Contractor						X
Name of Subdivision or Development	X		X		X	X
Plat Book and Page Number	X		X		X	X
Tax Map Number	X		X		X	X
Township		X		X		X
Type of Sewage Disposal (i.e. Public Sewer, Septic Tank etc.)	X		X	X		
Type of Water Supply (i.e. Public Water, Private Well etc.)	X		X	X		
Proposed Use (i.e. single family, church, garage etc.)	X		X	X		
Application Type (new, addition, alteration or installation)	X	X	X			
Construction Plans, as required by ...	NC Building Code	Sct. 6–1	NC Building Code			
Erosion Control Plan, if disturbing greater than one acre	X		X		X	X
Watershed Development Plan, if job is located in designated watershed	X		X		X	X
Heated Square Feet	X					
Unheated Square Feet	X					
Number of Stories	X					
Number of Rooms, do not count baths, foyer, etc.)	X					
Number of Baths	X					
Type of Heat and Air Conditioning	X					

Information	Building	Sign	Use/Location	Event	Floodplain	Grading
Subcontractor(s) Name and License Number:						
Electrical	X	X	X			
Plumbing	X		X			
Mechanical	X					
Electrical Power Company	X	X	X			
Gas Power Company	X					
Type of Sign		X				
Dimensions of Sign		X				
Sign Illumination (electrical contractor)		X				
Master Sign or Common Sign Plan, if required		X				
Name, Address and Telephone Number of Sponsor or Organizer				X		
Dates of Event				X		
Financial Responsibility/Ownership Form						X
Manufactured Dwelling only ...						
Year and Model Name			X			
Name, Address and Telephone Number of Setup Contractor			X			
If to be located in Manufactured Dwelling Park						
Name of Park			X			
Space Number			X			

APPENDIX 4: DECISION AND APPEALS CHART



Decision Makers

Decision On...	Enforcement Officer	Technical Review Committee	Historic Preservation Commission	Multijurisdictional Development Ordinance Committee	Planning Board	Board of Adjustment	Local Governing Body
* Special Use Permit (not otherwise specified)					D		D
* Development Ordinance Text Amendment				R	R		D
* Historic District Text Amendment			R	R	R		D
* Street Addresses	D					D	
* Street Name	D				D		D
* Decision of Enforcement Officer	D					D	
* Interpretation of Enforcement Officer	D					D	
* Soil Erosion and Sedimentation Control Plans	D				D		D
* Watershed Development Plans	D	R			D		D
* Land Use Plans					R		D
* Other Plans					R		D

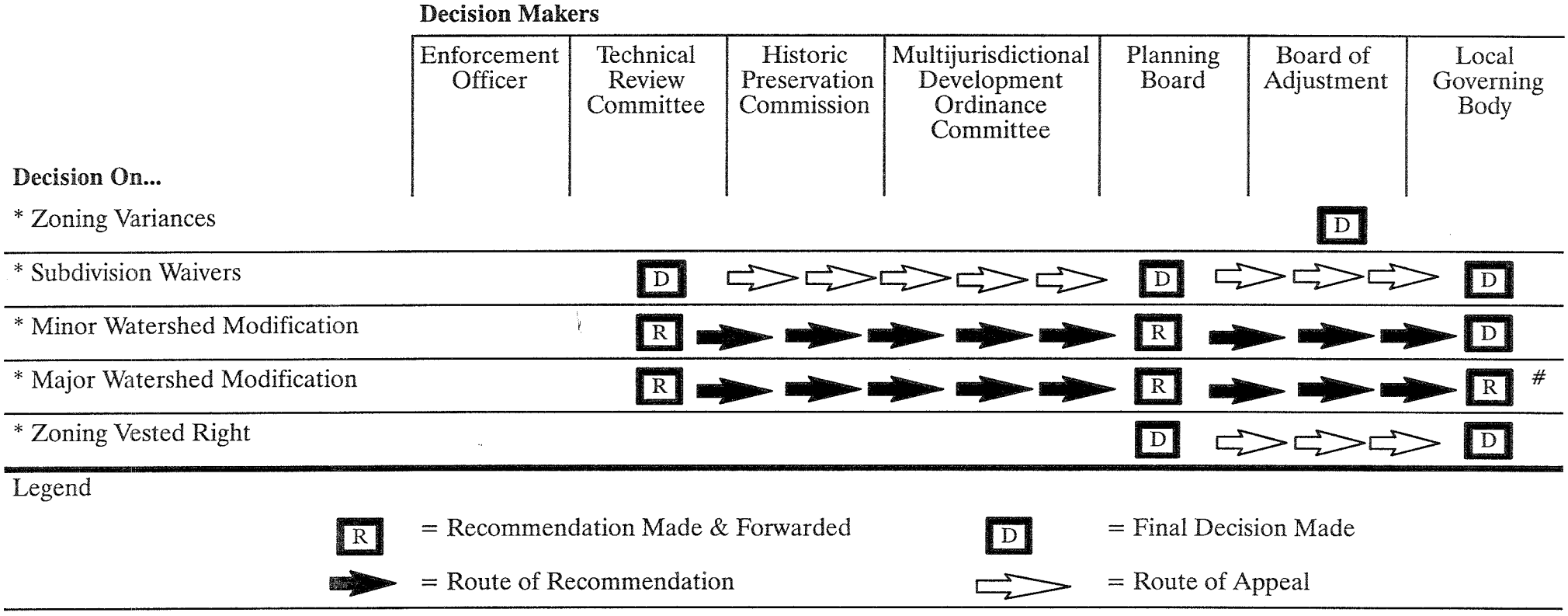
Legend

R = Recommendation Made & Forwarded

D = Final Decision Made

= Route of Recommendation

= Route of Appeal



Authority to grant major modifications rests with the N.C. Environmental Management Commission (EMC). The recommendations of the local Boards and Committees shall be forwarded to the EMC for review.

FEB 1997
Received
Solid Waste
Section